

State Playbook for Gender Justice



**NATIONAL
WOMEN'S
LAW CENTER**

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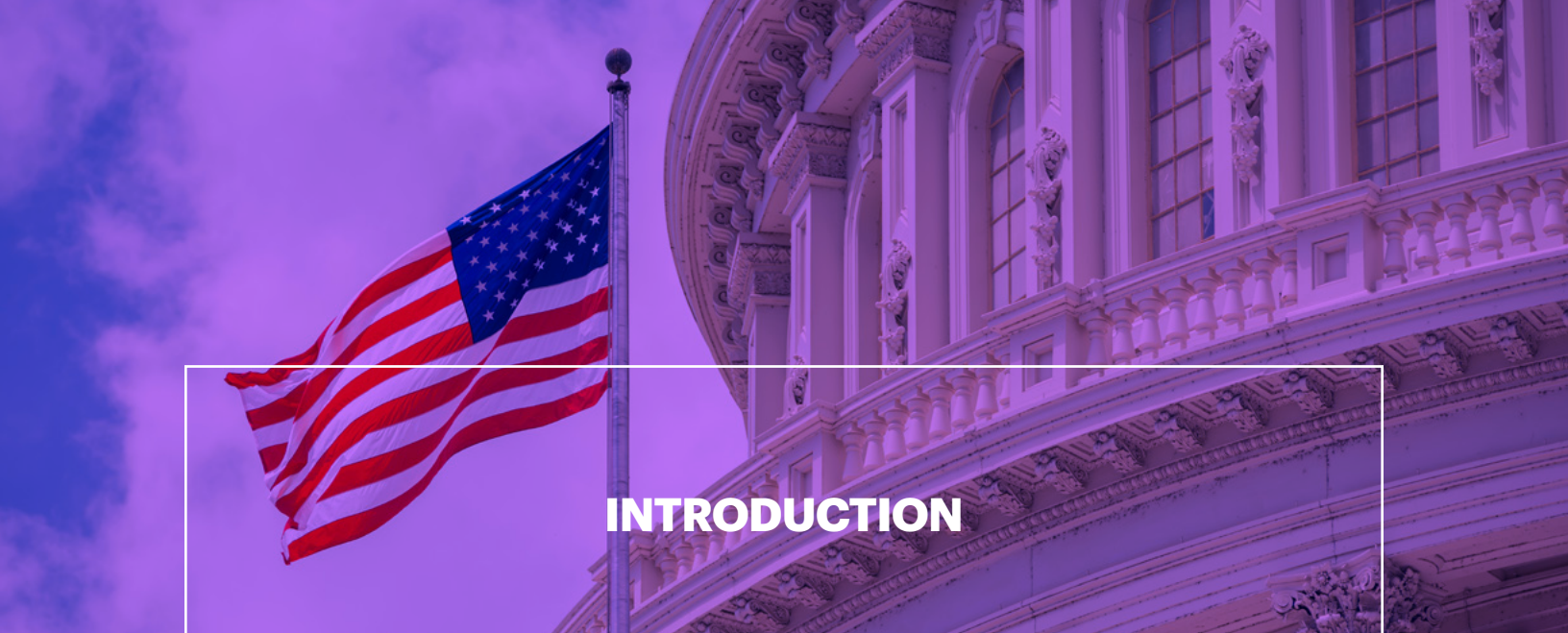
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An American flag flies on a tall pole in the foreground, with the ornate, classical architecture of the US Capitol building visible in the background under a clear blue sky. The image is partially covered by a white rectangular box containing the title.

INTRODUCTION

States are on the frontlines of the federal assault on democracy, federalism, and women, children, LGBTQIA+ people, and immigrant communities. State leaders who speak out against these attacks are being targeted for political retribution; federal funding to states politicized, threatened, and frozen; state budgets decimated; and the independence of state policymakers and agencies undermined. Attacks on gender justice, under the guise of rooting out “fraud,” “illegal DEI,” and “gender ideology,” have been a key element of and engine for this relentless assault.

But state leaders will not be bullied. Nor are they giving up on gender justice. This Playbook breaks down many of the major threats to gender justice and outlines the policy and regulatory solutions that state policymakers can—and are—enacting to protect their communities, mitigate

harm, fill gaps left by the rollback of federal protections, and show us the way forward to a world where every person of every gender can thrive.

States offer our best and most immediate opportunities to improve the lives of women, girls, and LGBTQIA+ people.

Because we do not live single issue lives, in addition to issue-specific Policy Briefs, this Playbook includes seven different Policy Agendas that weave together a set of interconnected policies that are often siloed.

Let this Playbook be a source of information and inspiration for anyone interested in helping to advance gender justice in the states.

A woman with dark curly hair tied back, wearing a light blue collared shirt, is looking down at a box of produce in a grocery store. The background is filled with various fruits and vegetables in bins. A teal box with the text 'POLICY AGENDA' is overlaid on the image.

POLICY AGENDA

MAKE LIFE AFFORDABLE FOR ALL OF US

No matter what we look like, or where we come from, we work hard for our families and want to build strong communities where all of us can be healthy and thrive. But decades of underinvestment and policy choices that failed to center the needs of women—particularly Black, Latina, Indigenous, Asian American and Pacific Islander, and other women of color, low-income women, and LGBTQIA+ people—have left deep gaps in our socioeconomic infrastructure.

Today, instead of working to close those gaps, our federal government is making them worse. The tax and budget law that Trump and congressional Republicans enacted in 2025 (H.R. 1 or “OBBBA”) [made massive cuts to Medicaid, the Supplemental Nutrition Assistance Program \(SNAP\), and other programs](#) that women and families rely on to meet their basic needs—all to give huge tax cuts to billionaires and corporations and supercharge immigration enforcement across the country. [Now wages are stagnating](#), unemployment is climbing—[especially for Black women](#)—and costs keep rising, leaving [millions of people struggling](#) to put food on the table, pay the rent, and keep up with their bills. In a [January 2026 poll](#), 62% of adults said the country is on the wrong track when it comes to inflation and the cost of living, including 66% of women.

PEOPLE WANT POLICIES THAT MAKE THE ECONOMY WORK FOR ALL OF US, NOT JUST THE WEALTHY FEW

Polling consistently shows that economic issues remain the top concern for Americans, regardless of party affiliation. An April 2026 poll shows that across the country, [people are worried that their paychecks won't be enough](#) to afford housing, groceries, utilities, health care, and child care—and [want their elected representatives to do more](#) to bring down the cost of living, expand access to basic needs programs, boost incomes, and advance gender equity. In the face of OBBBA's cuts to programs people depend on, state policymakers' top priority must be helping families and communities by raising revenue to

protect health care and economic supports for residents and making public investments to lower costs.

Policies that will work together to make life more affordable for women, LGBTQIA+ people, and families include:

- [Raising revenue to support investments in women and families](#)
- [Increasing families' access to affordable, high-quality child care and early education](#)
- [Expanding access to comprehensive health coverage](#)
- [Raising the minimum wage](#)
- [Boosting families' incomes with refundable tax credits](#)
- Helping people afford groceries (see, e.g., [here](#) and [here](#))
- Increasing access to affordable housing (see, e.g., [here](#) and [here](#))
- Expanding and strengthening state unemployment insurance programs (see, e.g., [here](#) and [here](#))
- [Ensuring families in poverty can get help through temporary assistance for needy families \(TANF\)](#)



POLICY AGENDA

ENSURE ALL PEOPLE CAN ACCESS THE HEALTH CARE THEY NEED

The nation is confronting a comprehensive attack on the health, safety, and overall well-being of women, LGBTQIA+ people, and families. This effort is unfolding against the backdrop of new and ongoing barriers to reproductive health care following the Supreme Court's devastating decision to overturn *Roe v. Wade*, as well as continued impacts from the COVID-19 pandemic. Congress and the Trump-Vance administration have [taken health care and coverage away from people and rendered what remains less affordable, less comprehensive, and less equitable](#). Key federal offices responsible for public health and health equity [have been gutted](#), [Medicaid faces the largest cuts](#) in the program's history, [women's health has been threatened](#), and the [erosion of diversity, equity, and inclusion](#) have [impeded efforts to address costly health disparities](#), particularly for Black, Latinx, and Indigenous communities.

PEOPLE WANT POLICIES THAT PROTECT AND STRENGTHEN ACCESS TO LOW-COST, COMPREHENSIVE HEALTH CARE

Polling from 2025 and 2026 shows that [health equity](#) and [health care costs are leading issues](#) for an overwhelming majority of adults in the United States. Importantly, most feel it is the [responsibility of the federal government](#) to ensure all Americans have health care coverage and that lawmakers should [focus on lowering health care costs, not taking away coverage](#). Most recognize that “[women have unique health needs](#) and deserve a health care system that does a better job addressing their needs,” including access to [birth control](#), and [support policies guaranteeing rights and access to abortion](#). Yet many voters [feel elected officials are not prioritizing women's health](#); and [LGBTQ+ youth say their mental health has been negatively impacted by recent politics](#).

In order to build a health care system that works for everyone, states must enact a range of policies to ensure that each person can access the full spectrum of health care they need—including abortion, contraception, fertility care, and gender-affirming care—when and where they want or need it, without financial difficulty, discrimination, barriers, or stigma.

Policies that will work together to ensure that all people can access the health care they need include:

- [Guaranteeing and expand abortion access](#)
- [Combating anti-abortion centers](#)
- [Bolstering privacy protections for pregnant people and abortion care providers](#)
- Protecting abortion providers from employment discrimination (see, e.g., [here](#) and [here](#))
- [Protecting workers from discrimination based on their reproductive health decisions](#)
- Protecting against discrimination in health care, including by passing nondiscrimination protections similar to [Section 1557](#) of the Affordable Care Act
- [Protecting patients from refusals of care](#)
- [Enshrining protections for contraception in state law](#)
- [Ensuring survivors have access to emergency contraception in the emergency room](#)
- [Protecting access to Medicaid](#)
- Ensuring comprehensive access to health care for transgender people (see, e.g., [here](#) and [here](#))
- Replacing laws allowing [forced sterilization](#) with laws that protect disabled people's autonomy
- [Protecting and expanding fertility care access](#)
- [Addressing maternal mortality and other maternal health disparities](#)
- Safeguarding health care facilities, schools, and child care centers against intimidation and surveillance by immigration and law enforcement (see, e.g., [here](#) and [here](#))
- Drafting legislation with intentional consideration of the legislation's intersectionality and including a [racial impact and health impact statement](#) on every piece of legislation



POLICY AGENDA

PROTECT THE CIVIL RIGHTS VALUES OF DIVERSE, EQUITABLE, AND INCLUSIVE WORKPLACES

One of the lessons of our nation's hard-won civil rights victories is that the ability to bring a lawsuit after discrimination occurs is not enough on its own to ensure that everyone has a fair shot. True equality and equal opportunity require that institutions take proactive steps to address the policies, practices, and structures that enable discrimination in the first place. Employers have applied this concept, referred to as [diversity, equity, inclusion, and accessibility \(DEIA or DEI\)](#), by providing mentorship and networking opportunities and affinity groups; conducting anti-bias and anti-harassment trainings; making sure that recruitment and hiring includes people of all identities; evaluating pay structures for inequalities and biases; and more. DEI initiatives benefit everyone, including employers: studies have consistently shown that diverse workplaces and leadership improve companies' bottom lines, including [financial performance](#), [innovation](#), and [problem-solving](#).

The Trump administration has relentlessly [attacked DEI](#), by [threatening institutions that support DEI with legal action and loss of funding](#); making it harder to bring legal challenges to employer practices that have a [disparate impact](#) on women, people of color, and other marginalized groups; [attempting to undermine state civil rights enforcement](#); and [abandoning](#) the Equal Employment Opportunity Commission's (EEOC) [duty](#) to protect transgender workers from discrimination. The [administration claims that DEI "undermines our national unity" and the values of hard work and merit](#), but what these attacks really reflect is their belief that women, people of color, and other marginalized people are, by default, lacking in merit; that their presence in the workplace is inherently suspect; and that our progress on civil rights should be undone.

THE PUBLIC SUPPORTS DIVERSITY, EQUITY, AND INCLUSION

These attacks cannot change the basic reality that [diversity, equity, inclusion](#), and [freedom from discrimination in schools and workplaces](#) are popular and, per an early 2026 poll, supported by the public. State policymakers must meet the moment by resisting these

attacks and championing a vision of a more just and equal country. This fight will require bolstering civil rights enforcement, leveraging the power of the purse, codifying and strengthening legal protections, and promoting transparency and accountability.

Policies that will work together to protect and advance civil rights values include:

- Increasing funding and authority for labor and [civil rights enforcement agencies](#)
- Including [pro-diversity requirements](#) in state contracts and grants
- Increasing [funding and support](#) for [women- and minority-owned businesses](#)
- Increasing funding for community-based organizations to conduct programming that directly serves underrepresented populations and/or combats systemic inequalities, such as preparing women to enter nontraditional occupations or providing culturally specific services for survivors of domestic violence and sexual assault
- Codifying and strengthening legal protections, including [disparate impact theory](#), [protections for LGBTQIA+ workers](#), and [workplace harassment standards](#)
- Requiring employers to [disclose pay and demographic data](#)
- Supporting working caregivers by enacting policies such as [flexible work schedules](#), [paid sick days](#), [paid family and medical leave](#), and others.

ADVANCE LGBTQIA+ EQUALITY AND INCLUSION

Ensuring full equality for the [more than 30 million](#) estimated LGBTQIA+ people living in the United States is an essential step in the broader fight for gender justice. No person should face unequal treatment based on who they are or who they love. Many states have worked to [expressly bar discrimination](#) based on sexual orientation and gender identity, whereas other legal rights extend to LGBTQIA+ people through general prohibitions on sex-based discrimination. Still, too many LGBTQIA+ people face barriers to equal opportunity for defying narrow gender expectations and living as their authentic selves.

These barriers have been exacerbated by a coordinated effort at the state and federal level to erode the rights and full inclusion of LGBTQIA+ people, especially those who are transgender, intersex, and nonbinary. Drawing from hostile laws passed at the state level over the past five years, the Trump administration has now prioritized an aggressive campaign to [exclude transgender people across all sectors of society](#). The administration has [leveraged agency authorities and the federal bully pulpit](#) to pressure states and institutions to ignore their nondiscrimination obligations, often by making the false argument that transgender inclusion and the interests of cisgender women are in tension. But this false premise has [only left everyone subject to greater sex-based scrutiny](#), as cisgender women and girls, and particularly cisgender women and girls of color, are increasingly being caught up in the policing of gender in public spaces mandated by anti-trans policies.

Both federal and state attacks on LGBTQIA+ people, and especially the transgender community, have been wide-ranging and unnecessarily cruel. Some of the most explicit attacks on LGBTQIA+ rights have targeted trans kids and have centered on [eliminating supportive school policies](#) and [restricting access to gender-affirming care](#). These attacks contribute to the hostile environment and mental health disparities faced by LGBTQIA+ youth, with [2023 CDC data showing](#) that 29% of LGBTQ+ youth reported being bullied and 41% seriously considered suicide during the past school year, which was much more

prevalent than their cisgender and straight peers at 16% and 13%, respectively. And the attacks on LGBTQIA+ rights have not been limited to youth. [Protections for federal trans workers](#) and [trans adults seeking gender-affirming care](#) have likewise been eroded, and, in February 2026, Kansas [revoked the driver's licenses of more than 1,700 transgender people](#) in an effort to roll back legal recognition of transgender adults.

OUR COMMUNITIES WANT TO SEE LGBTQIA+ PEOPLE SUPPORTED—NOT ATTACKED.

[Polling](#) in 2025 shows that 72% of Americans supported measures to protect LGBTQIA+ people from discrimination. [Eighty-one percent](#) of adults surveyed in April 2026 supported guaranteeing the right to be free from sex-based discrimination, including harassment, in the workplace and in school, with [more than half](#) (51%) wanting their elected representatives to do more to guarantee this right. In January 2026, an [overwhelming majority](#) of Americans thought that schools should be safe and welcoming for transgender students (75%), and that schools should protect transgender students from discrimination (68%).

Policies that will work together to advance LGBTQIA+ equality and inclusion in school, work, and all parts of public life include:

- [Keeping LGBTQIA+ youth safe from harassment and exclusion in schools](#)
- [Affirming transgender identity at work and in public life](#)
- Ensuring comprehensive access to health care for transgender people (see, e.g., [here](#) and [here](#))
- Ensuring LGBTQIA+ youth are safe, affirmed, and empowered in health settings, including by [Prohibiting nonconsensual surgeries on intersex youth](#) and [prohibiting dangerous “conversion therapy”](#)
- [Strengthening state-based civil rights enforcement](#)

SUPPORT AND PROTECT CAREGIVERS

For many of us and our loved ones, receiving care from empathetic caregivers is essential to thrive. Giving and receiving care holds our society together. But in most states today, working people have [no guaranteed paid family and medical leave](#) or even [paid sick days](#); high-quality [child care](#) and [long-term health care](#) is hard to find and [even harder to afford](#); schools frequently fail to accommodate [pregnant and parenting students](#); and LGBTQIA+ people [face particular challenges in caring for their chosen family members](#). While the Trump administration has [repeatedly claimed to be “pro-family,”](#) it in fact is actively [dismantling the programs and policies](#) that support caregiving by making [huge cuts](#) to health care, [undermining protections](#) for care workers, and [attacking child care and early education programs](#).

Without the supports they need, caregivers are too often pushed out of [school](#) or out of the [workforce](#), undermining their economic security. Meanwhile, the care workforce—early educators, home health care workers, certified nursing assistants, and other professional care workers—who are [predominantly women, and disproportionately Black women, Latinas, and other women of color](#), often are paid poverty wages for doing the work that makes all other work possible.

POLICIES THAT SUPPORT CAREGIVING SUPPORT OUR ECONOMY—AND ARE POPULAR

Investing in care advances the economic security of our families and communities and serves as critical infrastructure for our economy. And it is popular: In a January 2026 poll, for example, more than three-quarters of adults [supported guaranteeing access to affordable, high-quality child care and long-term care](#) for aging and disabled people—and most wanted their elected representatives to do more to ensure access to these supports. Nearly three-quarters (74%) said [providing all workers with access to paid family and medical leave](#) would help them and their families, including 81% of parents with children under 18. Additional polling indicates that making the richest among us pay their fair share in taxes is the way to raise the revenue we need to support caregivers: [Across the country](#), the majority of likely voters in late January and early February 2026 supported taxing wealthy corporations and raising taxes on the wealthiest households.

Policies that will work together to help caregivers and the people they care for thrive include:

- [Increasing families' access to affordable, high-quality child care and early education](#)
- [Boosting families' incomes with refundable tax credits](#)
- [Expanding access to home- and community based services \(HCBS\) and improving jobs for home care workers](#)
- [Guaranteeing paid family and medical leave and paid sick days](#)
- [Promoting fair work schedules](#)
- [Protecting caregivers from discrimination](#)
- [Supporting pregnant and parenting students](#)
- [Raising revenue to support investments in women and families](#)



PROTECT STUDENT SAFETY AND ACCESS TO EDUCATION

All students deserve schools that are safe, supportive, and affirming of their identity. But [recent attacks](#) on [students' rights](#), [health and well-being](#), and [public education itself](#) build on decades of unfair and discriminatory policies that prevent equal access to education for young people. For example, sex harassment, including sexual violence, pushes many survivors out of K-12 schools and higher education, and [girls](#) and [women of color](#), [LGBTQ+ students](#), [pregnant and parenting students](#), and [disabled students](#) are often more likely to be harassed than their peers and/or more likely to be disbelieved or punished by their schools. [LGBTQIA+ students face escalating attacks](#), including forced outing by schools to those students' families and the exclusion of transgender and nonbinary students from gender-separated sports and facilities. Discrimination against [pregnant and parenting students](#), including denial of basic accommodations, also prevents many students from remaining and succeeding in school. Many young people also face barriers to accessing sexual and reproductive health care and [information](#)—especially after the Supreme Court eliminated the federal constitutional right to abortion—[forcing many students to leave school](#) and plunging them into years of economic hardship. Furthermore, harsh, [discriminatory discipline policies](#), including dress code policies, have pushed Black, Indigenous, Pacific Islander, and Latine students of all genders out of school, starting as early as preschool, with long-lasting effects on their futures. Finally, [censorship of books and learning materials that address topics like gender and race promotes more discrimination in schools](#), and conservative extremist groups have sought to expand a [2025 Supreme Court](#) decision beyond its scope to broaden censorship and anti-transgender policies.

PEOPLE WANT SCHOOLS THAT ARE SAFE, INCLUSIVE, AND AFFIRMING OF ALL STUDENTS

June 2025 [polling shows](#) that 98% of U.S. adults consider initiatives that make students feel like they belong as part of the school community to be somewhat or very important, with over 60% saying diversity, equity, and inclusion is somewhat or very important. In April 2026, an [overwhelming majority](#) of Americans thought that schools should be safe and

welcoming for transgender students (75%) and that schools should protect transgender students from discrimination (68%). More than ever, state and local policymakers must help eliminate barriers in education by centering young people who need support the most and putting forward a policy agenda that creates safe and inclusive schools so that all students have a chance to thrive.

Policies that will work together to support opportunities for all students include:

- [Stopping sex harassment in PK-12 schools & higher education](#)
- [Keeping LGBTQIA+ youth safe from harassment and exclusion in schools](#)
- [Supporting pregnant and parenting students](#)
- [Ensuring access to sexual and reproductive health care and information](#)
- [Ending discriminatory discipline policies and dress codes](#)
- [Teaching affirming and accurate curricula](#)

STOP SEX HARASSMENT AND SUPPORT SURVIVORS

Sex harassment, which includes sexual assault, should never get in the way of anyone's ability to go to school, go to work, or receive healthcare. But unfortunately, almost a decade after #MeToo went viral, that's still not the case for millions of people across the country. In [K-12 schools](#) and [universities](#), harassment, including sexual assault, hurts students' ability to [succeed](#) in school and subjects survivors who come forward to costly forms of relation. In the workplace, [sex harassment is rampant](#) in every industry and level of employment and forces many women to avoid or leave their [field of study, profession, or industry altogether](#), thereby perpetuating the gender wage gap. [In healthcare settings](#), sex harassment creates long-lasting trauma and mental health harms and can prevent patients from seeking care in the future. Across all settings, [women](#) and [girls of color](#), [LGBTQIA+ people](#), [migrants](#), [disabled people](#), and [low-paid workers](#) are more likely to be targeted by sex harassment due to their marginalized status yet less likely to receive support due to discriminatory stereotypes that suggest they are less credible and less deserving of care.

Existing state and federal laws do not adequately require or incentivize schools, [employers](#), and healthcare providers to prevent and address sex harassment, leaving those most vulnerable to harassment without meaningful protections. These gaps in the law have been exacerbated by the Trump administration's rollbacks of protections against sex harassment and weaponization of federal civil rights laws to [attack diversity, equity, and inclusion programs](#) and [federal funding](#) for organizations that provide critical, lifesaving support to survivors of domestic and sexual violence. The Trump administration has steered the full weight of the federal government toward unjustifiably attacking immigrants and [banning transgender people from public spaces under the guise of preventing sexual violence](#). As a result, harassers and institutions are not held accountable. Meanwhile, survivors are afraid to come forward, and those who do are often ignored or face retaliation, including being disciplined by their school, harassed by their abuser and abusers' friends, or [sued for defamation by their abuser](#).

PEOPLE ARE DEMANDING POLICIES THAT ALLOW WOMEN, GIRLS, AND LGBTQIA+ PEOPLE TO LIVE, LEARN, AND WORK SAFELY AND WITH DIGNITY

Students, workers, and patients are organizing and demanding better of schools, employers, and health care providers so everyone can learn, work, and live in a safe, healthy, and respectful environment. These demands are popular: polling from April 2026 shows that a [majority of adults](#) want stronger protections to combat sex discrimination, including harassment. Our state policymakers must heed their call.

Policies that will work together to combat sex harassment and increase equality and opportunity for women, girls, and LGBTQIA+ people include:

- Stopping sex harassment in PK-12 schools & higher education
 - [Preventing sex harassment with comprehensive, intersectional, and non-punitive policies](#)
 - [Strengthening responses to sex harassment by closing gaps in federal education law](#)
- [Closing longstanding gaps in workplace anti-harassment laws](#)
 - [Increasing worker power and strengthening protections against retaliation for workers who report workplace harassment](#)
 - [Strengthening legal standards and increasing meaningful access to the legal system for harassment survivors](#)
 - [Improving accountability](#) by eliminating damage caps and banning contract mechanisms that constrain workers' speech or actions
- Ensuring patients are protected from sex discrimination, including sex harassment and assault
- [Protecting survivors from abusive lawsuits, including defamation lawsuits](#)
- [Strengthening state-based civil rights enforcement](#)
- Ensuring organizations that provide services and support to domestic violence and sexual assault survivors are sufficiently resourced to meet the needs of their communities

GUARANTEE THE RIGHT TO ABORTION AND ENSURE ACCESS

THE PROBLEM

Abortion is an essential part of full-spectrum reproductive health care. Meaningful access to abortion is also fundamental to pregnant people's liberty, equality, and economic security. [One in four women*](#) will need an abortion in her lifetime. Everyone, no matter where they live or their financial means, should have access to abortion when they want or need it, in their communities, without stigma, shame, or barriers.

But people's ability to access abortion was thrown into chaos when the Supreme Court's erroneous decision in *Dobbs v. Jackson Women's Health Organization* (2022) took away our constitutional right to abortion—a right that was fundamental to our health, lives, futures, and society for nearly 50 years. In the immediate aftermath, anti-abortion state policymakers focused on banning abortion; nearly half of states made abortion inaccessible, leading to clinic closures and severely reduced availability of abortion care in a clinic setting.

Now anti-abortion state policymakers have largely shifted their focus from abortion bans to attacking [medication abortion](#) and youth access to reproductive health care. They have also worked to remove regulation of and expand support for [anti-abortion centers](#), all while public funding is being stripped from legitimate reproductive health care clinics. There has also been a [significant uptick](#) in [efforts to criminalize people](#) that seek abortions—continuing a long history of criminalization of pregnant people and abortion providers—and a significant uptick in efforts to give [legal rights to fetuses](#) and embryos. In addition to the attacks at the state level, the Trump administration is exacerbating the abysmal landscape of abortion access—including by working to make the anti-abortion goals of [Project 2025](#) a reality—making state level protections more critical than ever.

Restricting abortion access [disproportionately harms communities of color](#) and those who have low incomes—people who already face challenges in accessing health care, and who often [lack job security](#) and [paid leave](#), which further compounds the harms they already experience, including [poverty and systemic racism](#). Some people are not able to overcome the hurdles of accessing care, which ultimately means that they are forced to carry their pregnancies to term, which can create [economic insecurity](#) and [health consequences](#) that last for years, especially when combined with [all too common barriers to accessing other pregnancy-related care and other resources, like healthy food and broadband internet](#).

Despite these harms, anti-abortion policymakers continue to be relentless in their attacks, threatening anyone and everyone who plays any role in abortion access. This creates legal uncertainty and fear for pregnant people, loved ones, abortion providers and other health care professionals, employers, schools, businesses, and city governments, among others.

THE SOLUTION

It is critical that state policymakers act boldly and swiftly to ensure the right to abortion and people's ability to access abortion care. Even in states with protected access to abortion, state policymakers can take action to expand access to care by eliminating existing barriers or thinking creatively about how to meet existing needs. Not only can policymakers work to ensure that abortion is broadly legal, accessible, and affordable, they can work to tackle new or exacerbated issues, like improving security for pregnant people and providers, protecting them from discrimination and civil, criminal, and professional ramifications, mitigating the harm of anti-abortion centers (AACs), and addressing refusals of abortion care.

We know that abortion access is best realized when policy change is informed by local reproductive rights, health, and justice advocates, abortion providers, people from impacted communities, and researchers. While this document provides suggestions, it is essential for policymakers to connect with the relevant local stakeholders to develop recommendations for legislation that best responds to the specific needs in a particular state.

- **Ensure the right to abortion is enshrined in state law**, particularly under a broad right to reproductive freedom and equality, whether by statute or constitutional amendment. At the same time, policymakers can look at protections that already exist in their state and make sure that they are plainly spelled out. For example, **attorneys general** can issue opinions that make clear that a state constitution protects the right to abortion or that clarify existing state law. Make sure that these efforts also include:
 - » [Decriminalizing](#) the provision of abortion care, actions that assist people in accessing abortion care, and having or seeking a medically assisted or self-managed abortion; and
 - » [Opposing efforts](#) to assign legal rights and benefits to fetuses, embryos, and fertilized eggs.
- **Repeal any existing state abortion restrictions or bans, including:**
 - » Any gestational limit;
 - » Laws that ban or criminalize abortion, including self-managed abortion;
 - » Medically unnecessary and burdensome restrictions on abortion providers and on clinics, including those that restrict access to medication abortion;
 - » Laws that require parental involvement and restrict young people's access to care;

- » Measures meant to shame and judge people who have decided to have an abortion, such as mandatory delays and biased counseling requirements; and
- » Refusal of care laws that allow health care providers' personal beliefs to override a patient's access to abortion care.
- **Address denials of care, including [refusals to provide abortion and other health care](#)**, by, for example:
 - » Repealing laws that allow institutions or other entities, such as hospital insurance plans, to refuse care; and require institutions that have the capacity to provide health care to do so;
 - » Ensuring that hospital mergers do not result in communities losing access to reproductive health care services;
 - » Reforming laws that allow individual health care providers to deny care because of personal beliefs to ensure they do not result in harm to the patient, including robust requirements for referrals, options counseling, and facilitating access to willing providers; and
 - » Ensuring that patients receive [emergency pregnancy care](#), including abortion.
- **Advocate for abortion access as an integral part of achieving sex equality**, including by:
 - » Supporting a broad right to equality that includes access to abortion, whether by statute or [constitutional amendment](#); and
 - » Educating the public on the connection between [abortion access and equality](#), including in legislative findings, freestanding resolutions, or in legislative testimony.
 - » If you're in a state with an existing [Equal Rights Amendment](#), consider working with your state's Office of the **Attorney General** to challenge restrictions on abortion care in the law (examples from [Pennsylvania](#) and [Nevada](#)).
- **Expand medication abortion access**, such as by requiring public universities to provide medication abortion, and by [protecting and expanding access to telemedicine](#).
- **Remove funding barriers and ensure abortion is affordable**, including:
 - » Allocating funds to help in-state and out-of-state abortion patients pay for care or practical support or directly subsidize abortion clinics and funds;
 - » Creating an abortion care grant program and fund it with unused, separately accounted insurance premium dollars;

- » Incorporating abortion access needs into the state budget;
- » Improving insurance coverage of abortion care in both private and public plans, including by:
 - * Providing [Medicaid funding](#) for abortion care, improving Medicaid reimbursement rates, and streamlining the process for becoming a state-Medicaid eligible provider and for billing and reimbursement of claims;
 - * Requiring insurance coverage of abortion for in-person and telehealth abortions and for in- and out-of-network abortion care, without limit on the number of abortions; and
 - * Eliminating cost-sharing for abortion and abortion-related services, including for telehealth abortions.
- **Prohibit employment discrimination against employees for their [reproductive decisions](#),** including for having abortions, using assisted reproductive technology, or using birth control.
- **Protect abortion providers, people who have abortions,** and people who help others access abortion, including by improving [physical security](#) and [data privacy](#), by:
 - » Expanding data shield laws that generally bar the disclosure of sexual or reproductive health information, including in response to out-of-state subpoenas, so that they include abortion providers, patients, and helpers;
 - » Directly granting funds to clinics so they may invest in their own security enhancements;
 - » Bolstering data privacy protections of abortion seekers, abortion providers, and individuals and organizations that assist those seeking abortions, including by increasing privacy guardrails around how tech companies can store and use consumer data;
 - » [Implementing guardrails around digital IDs](#);
 - » Prohibiting out-of-state subpoenas or extradition to a hostile state;
 - » Refusing to participate in other states' investigations of pregnancy outcomes and abortions that are legal in your state; **Governors** can clearly affirm this policy.
 - » Prohibiting tech companies from handing over sensitive or identifiable information to law enforcement;
 - » Prohibiting the sale of sensitive data and identifiable information, including by data brokers;
 - » Prohibiting medical malpractice insurance companies or medical boards from taking any adverse action against a reproductive health care clinician who provides reproductive health care that is legal in their state;

- » Allowing for medication abortion prescription labels to include the name of the clinic or institution, rather than the name of the individual provider;
- » **Attorneys general** can make clear that prosecutions for pregnancy outcomes are prohibited due to lack of authority and that they will not prosecute pregnant people under abortion bans.
- **Protect clinicians** from [employment discrimination](#), including by:
 - » Protecting clinicians who “moonlight” as abortion providers, clinicians who provide abortion care or information about and referrals for abortion care, and clinicians and clinical students who speak publicly about their support for abortion care from being fired or otherwise facing repercussions from their primary or current employer;
 - » Preventing hospitals from denying admitting privileges to a doctor just because they are an abortion provider or are willing to provide abortion care; and
 - » Preventing clinicians and clinical students from employment consequences—such as rescinding a job offer or being denied residency—because of previous abortion provision, training, or their support for abortion care.
- **Advocate for comprehensive sex education policies** that require [medically accurate, age-appropriate, inclusive, and non-stigmatizing instruction](#) regarding all reproductive health care options, [including abortion](#).
- **Mitigate the harm of anti-abortion centers**, also known as crisis pregnancy centers (CPCs), including by:
 - » Ending state funding of AACs;
 - » Ending any tax benefit that has been given specifically for donations to an AAC;
 - » Investing in community-based models that provide pregnancy- and baby-care-related resources, such as free pregnancy tests and diapers, to those who need them;
 - » Increasing public education efforts on the danger of AACs, ensuring materials and resources are accessible, understandable, and available in (at least) the area’s top five most common languages;
 - » Protecting the private information of people who visit AACs; and
 - » Increasing consumer protection warnings on the dangers of AACs, and auditing AAC funding streams.
- **Encourage workplaces to support access to reproductive health care and justice programs**, including by incentivizing employers to:
 - » Offer paid sick leave and paid medical and family leave for pregnancy-related care needs, including pregnancy loss and obtaining an abortion;

- » Provide comprehensive health insurance that includes abortion coverage;
- » Ensure that workers who need to travel for abortion care are supported with travel costs and other relevant benefits, like child care costs; and
- » Create an emergency fund for employees for costs associated with accessing abortion.
- **Expand who can provide abortion care**, including by:
 - » Repealing any laws that require that abortions are provided only by physicians;
 - » Making explicit that [advanced practice clinicians](#) can provide abortion;
 - » Expediting the licensure of abortion providers; and
 - » Expanding access to abortion training, including creating state grants to train abortion providers.

TALKING POINTS ON THE SOLUTION

- **Connecting abortion to autonomy, freedom, health, and equality:**
 - » Everyone should have the opportunity to live a safe and healthy life—and that means ensuring people have access to reproductive health care, including abortion care.
 - » Abortion care allows us to build the future we want for ourselves and our families, letting us participate equally in society.
 - » One of the most important life decisions we will ever make is whether or when to become a parent. Every person should be able to make decisions about pregnancy, including abortion, without barriers, shame, or political interference. Let's trust people to make decisions that are best for their lives and their bodies.
 - » We aren't truly free until everyone can make decisions about their bodies, lives, and futures. Denying abortion care and forcing someone to continue a pregnancy against their will takes away their freedom. Our laws should protect our rights, not try to control and dehumanize us.
 - » We cannot be truly equal if we don't have control over our own bodies and lives. Banning abortion is about controlling us and returning to a time when we could not make decisions about our bodies and futures.
- **Communities Impacted:**
 - » We know who is most impacted by lack of abortion access and the criminalization of abortion seekers: the communities that already bear the brunt of systemic inequities, disinvestment, disparities, and discrimination—Black, Indigenous, and other people of color (BIPOC), those with lower incomes, LGBTQIA+ people, young people, people living in rural areas, people with disabilities, immigrants, and people in abusive relationships or those that have suffered domestic or sexual violence.

- » [Over 5.5 million Black women](#)—54% of all Black women ages 15 to 49—live in the 22 states where abortion is banned or under threat.
- » [Over half a million women of color of reproductive age](#) live in counties with abortion care deserts and pregnancy care deserts.
- » In the three years following the *Dobbs* decision, anti-abortion policymakers in [13 states](#) introduced bills that would criminalize abortion seekers by bringing homicide charges against people who have an abortion. Of the 21 million women of reproductive age that live in those states, 9.4 million are women of color and 6.7 million are economically insecure.
- » Being denied abortion access and forced to carry a pregnancy to term creates higher health harms for marginalized and targeted communities, especially Black women.
 - * Black women are nearly [3.5 times](#)¹ more likely to die from a pregnancy-related cause than white women.
 - * [Indigenous women](#) also [have an increased rate of pregnancy-related mortality](#).
 - * [Black and Latina women are overrepresented in abortion care deserts](#), increasing their risk of adverse health outcomes and widening racial disparities in maternal health.

• **Economic Impact:**

- » People have more control over their [economic security](#) when they can make their own decisions about their bodies and what's best for their families. These decisions [affect](#) their financial well-being, job security, and their ability to work and go to school.
- » Being denied an abortion really hurts people's financial well-being, and [people of color are disproportionately living in poverty or facing economic insecurity](#). People who are denied an abortion have [nearly four times the odds of living below the poverty line](#) at six months after giving birth compared to those who were not denied. A 2020 study also shows that being denied an abortion increases the amount of debt people have compared to pre-pregnancy, as well as negative impacts on their credit, such as from bankruptcies and evictions.
 - * Roughly [six in 10 Black women](#) who are economically insecure live in states that have banned or are likely to ban abortion and states that have above-average maternal mortality rates.
 - * [Restricting abortion negatively impacts state economies and women's labor force participation](#).
- » Restricting abortion access [hurts workers](#) because being forced to continue a pregnancy may lead to increases in poverty and unemployment and make it harder to take care of themselves or their families.

- » Studies show clear links between access to abortion and [higher participation](#) in the workforce and [economic benefits](#) for women. Access to abortion care increases people's ability to plan for their future careers and lives.

Additional Messaging Resources

- Click [here](#) for resources to help you [speak your values](#) when fighting for abortion policy change and be sure your [messaging](#) is free from abortion stigma.
- Click [here](#) for resources to talk about how anti-abortion and anti-trans movements are using coordinated strategies and tactics to attack fundamental rights.
- Click [here](#) for resources to talk about the relationship between abortion and broader social justice movements, and click [here](#) for a deeper dive on the connections between abortion, economic justice, and worker justice.
- Click [here](#) for resources to talk about the legal strategy to give rights and benefits to fetuses and embryos.

Public Popularity

- As of January 2026, [the majority \(58%\)](#) of adults support guaranteeing rights and access to abortion.
- [Sixty-four percent](#) of adults said abortion should be legal in all or most cases as of a July 2025 poll. [Fifty-five percent](#) of people believed medication abortion should remain legal as of January 2026.
- More than [three-quarters of voters](#) said it is extremely or very important to protect the rights of people who are pregnant or could become pregnant as of a December 2024 poll.
- In nearly every state where abortion appeared on the ballot in 2022 and 2023, immediately following the *Dobbs* decision—California, Kansas, Kentucky, Michigan, Vermont, and Ohio—people [voted](#) in favor of protecting abortion rights and access. In 2024, Arizona, Colorado, Maryland, Missouri, Montana, Nevada (not yet in effect), and New York [passed ballot measures](#) to expand and protect reproductive freedom. A clear majority of Floridians voted in favor of restoring abortion access, but the ballot measure ultimately failed because of the [high threshold required for passage](#), as implemented by anti-abortion policymakers. New York's ballot initiative amended the state constitution's equal rights amendment to include anti-discriminatory protections for pregnancy, pregnancy outcomes, and reproductive health care and autonomy. In 2026, [at least three states](#) (including Nevada) are working to advance ballot initiatives for the November 2026 election that would protect abortion access.

State-Specific Data

- Click [here](#) for state-by-state public opinion polling on abortion as of March 2024.
- Click [here](#) for U.S. abortion laws by state.

Examples of State and Local Policies

Following the *Dobbs* decision in 2022, states passed at least 217 provisions that protect or expand access to abortion ([49 in 2025](#); [39 in 2024](#); [129 in 2023](#)). Examples include:

- In response to [attacks on the federal law guaranteeing emergency care \(EMTALA\)](#), several states introduced legislation that would protect emergency access to abortion at the state level. [Illinois enacted such a bill in 2024, and Colorado, New York, and Washington enacted similar protections](#) in 2025. [Maryland](#) enacted similar legislation in 2026.
- In 2025, Maryland legislators passed first-of-its-kind [legislation](#) that establishes the Public Health Abortion Grant Program and Fund, which will direct unused, separately accounted insurance premium dollars toward funding abortion care for those in need. Illinois legislators introduced a similar [bill](#) in 2026.
- At least [22 states and the District of Columbia](#) have “shield” laws² that protect abortion providers, such as laws that protect clinicians from civil or criminal liability or professional repercussions when providing legal abortion. In 2025, legislators in 16 states introduced 39 bills to improve shield law protections for abortion providers and patients, and eight were enacted (in California, Colorado, the District of Columbia, Delaware, Massachusetts, North Carolina, Vermont and Washington).

** While we refer to women here to reflect the relevant data, we recognize that individuals who do not identify as women, including transgender men and nonbinary persons, also may become pregnant and need abortion access.*

FOOTNOTES:

1. NWLC calculations based on Figure 2. Black, non-Hispanic women’s maternal mortality rate in 2023 was 50.3 deaths per 100,000 live births. This rate divided by white, non-Hispanic women’s rate of 14.5 deaths per 100,000 live births yields a result of 3.47.
2. Data found under Guttmacher’s map’s ‘Choose Policy’, ‘Protections,’ and ‘Shield law protections’ options.



ENSURE EVERYONE CAN ACCESS BIRTH CONTROL WHEN THEY WANT OR NEED IT

THE PROBLEM

True reproductive freedom means having access to the full spectrum of reproductive health care, including birth control, and the freedom to make your own decisions about when you use these health services. But too many people do not have access to the contraceptive methods they want or need and [face increased attacks](#) on their access to birth control in the years following the Supreme Court overturning *Roe v. Wade* and the proliferation of rampant misinformation and anti-science rhetoric about birth control.

At the federal level, proposals such as those outlined in [Project 2025](#), seek to gut the Affordable Care Act's (ACA) [no-cost birth control coverage requirement](#) by excluding certain contraceptive methods, allowing employers to opt out of coverage requirements for any reason, and replacing science-based guidance with ideologically motivated decision-making. [Congress and the Trump administration](#) are defunding family planning programs, taking away health coverage that provides people with family planning services, and imposing unjustified restrictions on family planning providers, including Planned Parenthood. And at the state level, [2025 legislative sessions](#) saw bills with [fetal personhood](#) definitions that threatened access to emergency contraception and IUDs, bills that allowed health providers and pharmacists to refuse to dispense birth control based on personal beliefs, and stalled efforts to pass Right to Contraception Acts.

Meanwhile, even where the right to contraception is not under attack, access remains out of reach for too many. Some people struggle to access and afford birth control, due to arbitrary limitations put in place by their insurance plans or insurance plans' lack of compliance with coverage requirements. This includes being forced to use methods they do not want or to forgo contraception altogether. People are also being subjected to [ideologically motivated](#) misinformation and restrictions on birth control. For many people who use birth control—especially those who are already more likely to experience barriers to access, including [Black women](#), [Indigenous women](#), [immigrant women](#) and other [women of color](#) and [LGBTQIA+ people](#)—these kinds of barriers can keep them from accessing the care they need.

The right to birth control is not only the right to access contraception, but also the right to be free from pressure, coercion, or force in contraception decision-making. This is especially true of sterilization, which is not reversible after it is performed on people who could have become pregnant. But forced sterilization is legal across most of the country. Currently, [31 states and Washington, D.C.](#), explicitly allow the forced sterilization of many disabled people. Under these laws, a judge can order someone's sterilization without their consent, purportedly for their own good.

When people are not able to get the birth control they want and need, they face threats to their health, the health of their families, and their economic security.

THE SOLUTION

States can enact and strengthen state-level birth control protections and access to ensure people are free to make their own decisions about what methods work best for them. Importantly, policies should be drafted to include the full range of [FDA-approved birth control methods](#). This ensures that no specific type of birth control is treated preferentially over other types and no type of birth control is excluded due to political pressure.

- **Enshrine a broad right to reproductive freedom**, including the right to birth control and [abortion](#), in state law.
- **Enact Right to Contraception legislation**. Modeled after a [federal bill](#) which recognizes that although there is a federal constitutional right to contraception, attacks on the right to contraception are increasing, a state Right to Contraception Act can separately enshrine a right to contraception in state law. (Reach out to stategenderpolicy@nwlc.org for additional resources on such legislation)
- **Codify the ACA contraceptive coverage requirement in state law**, requiring insurance plans regulated by the state to cover all FDA-approved birth control without out-of-pocket costs.
- **Increase access points for birth control**, like [permitting pharmacists to prescribe and dispense birth control](#) and requiring coverage and dispensing of [no less than one full year of birth control](#) by both private and public insurance, removing an unnecessary barrier to birth control.
- **Require coverage of over-the-counter (OTC) methods of birth control** without requiring a prescription by both private and public insurance. The introduction of the first daily OTC oral contraception has great potential for improving reproductive health and autonomy—but only if it is [affordable](#).
- **Fund a public awareness campaign about the right to birth control**, state and federal laws requiring insurance coverage of birth control, and how to access birth control, [and counter mis- and disinformation about birth control](#).

- **Require hospitals to provide medically accurate and culturally competent information** about emergency contraception (EC) to all sexual assault survivors, as well as EC to survivors who want it. [These laws](#) should not contain exceptions and should include all emergency health care facilities.
- **Repeal laws allowing the forced sterilization of disabled people.** Replace them with laws that empower disabled people to make their own decisions about whether to be sterilized and ensure they have the support and accommodations they may need to do so.
- **Prioritize enforcement of state contraceptive coverage laws.** Where states have their own contraceptive coverage requirements that mirror or expand upon federal law, **state executive agencies** can actively enforce those protections. States have significant authority to regulate fully insured plans and to address compliance issues plaguing their residents. States can identify violations by insurers, require restitution to consumers, and impose meaningful penalties on noncompliant insurers.
- **Collaborate on statewide contraceptive access initiatives (SCAI) between government agencies, community-based organizations, health care organizations, and academic institutions.** These cross-sector initiatives, like the one created in [Maryland](#), aim to increase health center capacity to provide contraceptive services, remove structural barriers to contraceptive access, such as cost, and advance equitable access to care.
- **Address federal funding gaps that reduce contraceptive access.** When action reduces access to health care coverage, family planning coverage, or family planning providers, [states can allocate general funds or establish new funding mechanisms](#) to preserve access.

TALKING POINTS ON THE SOLUTION

- [Contraception is basic health care and helps people plan their lives and futures.](#) Everyone should have the freedom to use birth control and access to the birth control method that works best for them.
- Every person should have access to all the resources they need to make meaningful decisions about birth control use. No one should be pressured, coerced, or forced to use birth control or to use any particular type of birth control.
- Birth control is such core preventive care that [99% of sexually active women have used birth control at some point.](#)
- Access to contraception receives support [across the political spectrum.](#)
- [Removing barriers to birth control](#) so that people can plan, space, and prevent pregnancies is critically important for their economic security. Access to birth control [is linked to](#) women's greater educational and professional opportunities and increased lifetime earnings.

- [Over four in 10 \(42%\) Black women](#) of reproductive age reported in 2017 that they cannot afford to pay more than \$10 for contraception—an affordability crisis that is likely to be exacerbated by federal actions that create barriers to coverage that disproportionately impact low-income communities and communities of color.
- Without no-cost coverage, individuals are left to pay out of pocket for the birth control they need. [A 2022 study](#) demonstrates that women are often not using their preferred birth control method due to cost.
- Putting the ACA birth control benefit in state law will protect our residents and could [increase preferred contraception use among disadvantaged communities](#), reducing unintended pregnancies.
- Legislation that increases access points for birth control, like [extended supply](#) and pharmacist dispensing, can also help people avoid gaps in using birth control and support consistent use. It can be difficult for people to pick up their birth control or see their health care provider when they need it. They may not be able to get time off from work, have a ride to a pharmacy or clinic, or be able to get to a pharmacy or clinic when it is open, let alone be safe going to any of these places.
- Improving contraceptive rights and access is critical, but it will not solve the ongoing crisis in abortion access. Measures that restrict either birth control or abortion access threaten people’s bodily integrity, liberty, dignity, equality, and economic security. We need robust abortion access and strong, enforceable contraceptive protections to help shape the future that we want.

Public Popularity

- [Seventy-three percent](#) of adults supported guaranteeing rights and access to birth control and contraception as of April 2026.
- [Fifty-seven percent](#) of adults said protecting access to birth control would help them and their families, including 62% of women as of January 2026.
- Contraception receives strong support from voters across the political spectrum. [Eighty-six percent](#) of registered voters and 78% of Republican primary voters agreed that it is important that adults have easy access to birth control as of September 2025.
 - » Of the Republican primary voters who identify as “very conservative,” 73% agree that easy access is important. Similarly, 74% of “strongly pro-life” voters agree with this statement.
 - » Lack of health insurance (51%), cost (40%), and lack of provider access (39%) were noted as the top three barriers adults face to contraceptive access.

- [Additional polling](#) underscores the deep, bipartisan support for contraception, including emergency contraception and over-the-counter pills.

Examples of State and Local Policies

[States across the country](#) are pursuing commonsense solutions to the barriers their residents face when trying to access contraception. For example:

- In 2026, Virginia enacted the [Right to Contraception Act](#), which establishes a statutory right to access contraceptives, including emergency contraception and sterilization procedures. The law also protects the right of health care providers, acting within the scope of their practice, to provide contraceptives and [contraception-related information](#).
- [Eighteen states](#), including Maine, Illinois, and New York, and the District of Columbia have passed laws requiring coverage of all FDA-approved birth control methods without out-of-pocket costs.
- [Twenty-four states and D.C.](#) require insurers to cover an extended supply of 12 months of contraceptives at one time. For example, legislators in [Georgia](#) and [Tennessee](#) passed bills that would allow pharmacists to prescribe contraception and require insurers to cover up to a 12-month supply of birth control.
- [Four states](#)—Idaho, Louisiana, New Mexico, and Oklahoma—require insurers to cover an extended supply of six months at one time.
- At least [nine states](#), including Maryland, Massachusetts, Nevada, and Washington, have passed laws requiring coverage of some or all over-the-counter methods of birth control without requiring a prescription.
- [Thirty-six states](#), including Virginia, Maryland, and South Carolina, and the District of Columbia have passed laws that allow pharmacists to prescribe oral birth control.
- At least [22 states](#), including Louisiana and Massachusetts, and the District of Columbia have passed laws and regulations that require hospital emergency rooms to provide information about or access to emergency contraception to sexual assault survivors.
- In response to federal cuts, states are finding ways to fill gaps in funding. For example, as part of the FY 2027 proposed budget, the [Michigan](#) governor included a mix of revised tax rates to generate revenue to fund Medicaid and recommended state officials find ways to cut expenses elsewhere. In [Colorado](#), the governor called a special session where the legislature passed a law to use a state-only funding source to continue providing reimbursements to Planned Parenthood.

MAKE SCHEDULES WORK FOR WORKING PEOPLE

THE PROBLEM

Many [low-paid, hourly jobs that are primarily held by women](#)—such as restaurant servers, maids and housekeepers, and cashiers—are marked by work schedules that are often unpredictable, unstable, and inflexible. “Just-in-time” scheduling practices mean employees frequently have little notice of their work schedules, experience last-minute shift cancellations that deprive them of vital income, and are assigned to “on-call” shifts that leave them in limbo, not knowing whether they will be required to report to work. Scheduling challenges are often compounded for [part-time workers](#), who frequently face even more erratic work hours—as well as lower wages and fewer benefits—than their full-time counterparts.

Volatile job schedules undermine workers’ efforts to make ends meet and care for their families. Not knowing when or whether you will have to work can make it [difficult to find and secure a spot in a child care center](#), meaning families may have to cobble together last-minute child care arrangements. In addition, just-in-time scheduling can prevent people from being able to make doctors’ appointments for themselves or for their families, as these appointments often need to be [scheduled weeks or months in advance](#). The conflict between work schedules and caregiving falls especially hard on women, who still shoulder the bulk of caregiving responsibilities. [Black mothers are more likely to be breadwinners for their families](#), and women of color are [more likely to experience scheduling instability](#) than their white counterparts, compounding this conflict. Volatile work hours also produce [volatile incomes, making it difficult for working families](#) to budget for expenses and [increasing their exposure to economic hardship](#), including hunger and housing insecurity.

THE SOLUTION

States can pass laws that provide employees with stability and predictability in their schedules and input into the hours they work. These policies generally are targeted to combat just-in-time scheduling practices where they are most prevalent, including large employers in [food service, retail](#), hospitality, and other service-sector industries.

- Provide all employees with the right to request changes to their work schedules, including modified shift start and end times, without fear of discrimination or retaliation by their employers.
- Require employers in certain industries to:
 - » Provide employees with at least two weeks' advance notice of their work schedule and a good faith estimate of their typical work schedule before they begin employment;
 - » Compensate employees for last-minute changes to their schedule, including additions or reductions in hours, cancellations of regular shifts, and on-call shifts;
 - » Provide a minimum amount of rest time between shifts to discourage "clopening"—when an employee works a closing shift followed by an opening shift—and pay employees a higher rate when they agree, in writing, to work a shift without the minimum rest time; and
 - » Offer additional available work hours to existing qualified employees before hiring new employees to work those shifts. Giving existing employees access to additional hours promotes more adequate pay for part-time employees and full-time work for those who want it.
- For jobs that require substantially similar skills, responsibilities, and duties, require employers to treat part-time and full-time employees equally, including with regard to wages, ability to accrue benefits, and eligibility for promotions.
- Click [here](#) for more details on what such provisions can look like.
- Click [here](#) to learn more about best practices for enacting and implementing fair work week laws.

TALKING POINTS ON THE SOLUTION

- Unfortunately, volatile work schedules are all too common: nearly [two-thirds of service sector workers](#) reported receiving their work schedules with less than two weeks' notice, and [more than one-third](#) said they received their schedule with less than one week's notice.
- Unpredictable work schedules make it [more difficult for people to get the health care they need](#), which can be especially problematic for workers who are managing disabilities and for women, who often coordinate health care for loved ones as well as themselves. Abortion care can be particularly hard to access, since workers living in states with bans may need to plan travel—and even in states where abortion is legal, waiting periods and other restrictive laws can still force people to schedule multiple clinic visits.
- Research shows that working conditions that [increase parents' stress](#)—including unstable and unpredictable work hours—can [undermine children's well-being](#). At the same time,

these scheduling practices make it [hard for families to arrange and afford high-quality child care](#).

- [Unpredictable schedules also can exacerbate the gender pay gap](#), in part due to conflicts with women's [caregiving responsibilities outside of work](#).
- Unstable work schedules can make it nearly impossible to pursue further education or job training while holding down a job. One of the most commonly cited challenges to completing a college degree is the [inability to balance work and school](#), and a 2002 study with [focus groups](#) of community college students reported that conflicts with work schedules was a major barrier to pursuing their education.
- Predictable work schedules can boost the bottom line for businesses by making it easier for employees to plan transportation, child care, doctor's appointments, and other obligations so that they can consistently be at and stay at work—which in turn creates a more stable, reliable workforce for businesses and generates cost savings from [reduced turnover](#).
- When [Gap Inc. piloted strategies to make work schedules more stable](#) and predictable for employees, the stores that implemented them saw higher productivity as well as a notable increase in sales.

Public Popularity

- [An overwhelming majority of voters](#) (86%) in November 2024 reported that it is very or somewhat important to put in place a policy that would create jobs that enable working women and all working people to thrive—with fair wages, good benefits, and predictable work schedules.
- Fair workweek policies are popular across the political spectrum. In February 2022, [80% of people in the United States](#)—including 83% of all women and [77% of Republican women](#)—supported a policy that would grant workers the right to request a work schedule change without fear of retaliation and require employers to provide at least two weeks' notice of work schedules for workers in jobs with variable hours.

State-Specific Data

- Click [here](#) for data from the Shift Project on scheduling practices in select locations (e.g., California, Michigan, Colorado, New England, New Jersey).

Examples of State and Local Policies

- [Fair workweek laws have already been enacted](#) in cities like Seattle, New York City, Philadelphia, Chicago, Los Angeles, and San Francisco, as well as the state of Oregon.
- States and cities like [New Hampshire, Vermont, and San Jose, California](#), have passed laws that take a first step by addressing some aspects of unfair scheduling practices, including retaliation for requesting a flexible work schedule or schedule change.
- Research shows that fair workweek policies are effective.
 - » [A study in Emeryville, California](#), found that after the city's fair workweek policy went into effect, retail and food service workers reported a significant decrease in schedule instability, along with improvements in parent well-being.
 - » In Seattle, researchers similarly found that workers covered by the Secure Scheduling Ordinance experienced [more predictable schedules and improved well-being and financial security](#).
 - » [Research](#) examining the impact of fair workweek laws across three jurisdictions—Seattle, New York City, and Chicago—affirms that workers in jobs covered by these laws report better outcomes than their peers in uncovered positions across many measures, including more predictable schedules and compensation for employer-driven schedule changes.

GUARANTEE PAID FAMILY AND MEDICAL LEAVE FOR ALL WORKERS

THE PROBLEM

Care is an issue that impacts everyone—at some point, we will all need to provide care for a loved one or receive care ourselves. Yet the United States remains [one of the only wealthy countries](#) in the world with no national paid leave policy, and only [14 states](#) and the District of Columbia have laws guaranteeing paid leave. As a result, people across the country—especially women—are struggling to care for themselves and their loved ones while paying their bills and supporting their families.

Nearly [three-quarters of workers](#) in the United States lack access to paid family leave through their employers (i.e., paid time away from work to, for example, care for a family member with a serious health condition or a new baby); and [nearly six in 10 \(57%\) don't receive](#) paid medical leave to address their own serious health conditions through an employer-provided short-term disability program. For people working in low-paid and [part-time jobs—most of whom are women](#)—access is even more limited; among workers in the lowest quartile of wage earners, for example, [only 14% have access](#) to paid family leave. The lack of paid leave falls particularly hard on Black women, [38% of whom](#) reported not taking leave, even when it was needed. Many workers don't take leave because of the [economic hardship](#) that could come from unpaid or partially paid time away from work. Workers who do take unpaid leave, or drop out of the workforce altogether, face [compounding economic harms](#) due to lower wages, stagnated career advancement, or an [inability to save for retirement](#).

THE SOLUTION

- Guarantee at least 12 weeks of paid leave for all workers. Currently, no state paid leave policy provides [less than 12 weeks](#). A robust body of research shows that less than 12 weeks of parental leave is insufficient for maternal or child health and well-being, and there are meaningful [improvements to health outcomes](#) with a longer duration of leave.
- Reimburse all or most of employee's wages using a progressive scale, so the lowest paid workers receive the largest percentage of their wages.

- Protect all workers, including part-time workers and independent contractors, regardless of industry or employer size. A paid leave law that does not provide benefits for part-time workers would disproportionately harm women, who are [overrepresented in part-time jobs](#) while also acting as caregivers for their families.
- Guarantee that all workers are protected from retaliation for taking leave, can maintain health insurance coverage during leave, and have the right to return to their jobs following leave.
- Ensure workers can take leave to care for themselves and a broad range of family members, including spouses, domestic partners, parents, children of any age, siblings, grandparents, grandchildren, and other individuals who comprise someone's "chosen family." LGBTQI+ individuals are [more likely](#) than non-LGBTQI+ people to rely on chosen family members to provide support for health-related concerns. And people of color and immigrants are [more likely to live in multigenerational households](#)—generally two or more adult generations or a "skipped generation" and grandchildren younger than 25. This arrangement has become [increasingly common](#) among older adults where they may need to provide care to a wider range of family members.
- Allow workers to use the benefit for a full range of caregiving needs, including time for their own serious health conditions, parental leave, leave to care for a loved one's serious health condition, deployment-related leave, and [safe leave](#) for survivors of domestic violence.
- Click [here](#) for a model state paid family and medical leave policy, and [here](#) for guidance on paid safe leave policies.
- Click [here](#) for details on existing paid and unpaid leave policies in the United States.
- Click [here](#) for additional information on how to implement new statewide paid leave programs.

TALKING POINTS ON THE SOLUTION

- Providing workers with paid leave helps families make ends meet and afford what they need to thrive. In the short term, workers have financial support, and a job to go back to, while they manage care needs. Paid leave also helps ensure long-term economic security, especially for women. Retirement programs like Social Security and employer-sponsored pensions disadvantage people who take time out of the workforce, including for caregiving responsibilities. In 2024, women received over \$400 less a month, or a little over [\\$4,880 less a year in Social Security benefits than men](#), driven in part by women spending fewer years in the workforce.
- Paid leave promotes gender equity. Women working full time, year-round are typically paid only 81 cents for every dollar paid to men; that translates to nearly [\\$542,000 lost over a 40-year career](#). That lifetime loss doesn't account for the women who are pushed

out of the labor force each year when their caregiving responsibilities come into conflict with their jobs. Providing national paid family and medical leave can help narrow these disparities by increasing women's ability to stay [attached to the workforce](#).

- Guaranteeing paid parental leave [normalizes](#) men as caregivers and increases fathers' involvement in [child care among lower income families](#). When fathers take paid leave after the birth of a new child, [they report](#) improved interactions with their children, lower stress levels for both parents, and improved health outcomes for parents and children.
- Paid leave helps combat racial inequality. Nearly seven in 10 Black mothers are primary [breadwinners](#) in their families, but [Black and Latinx* workers have less access to paid family and medical leave compared to white workers](#). And when faced with an unforeseen illness or caregiving need, the [racial and gender wealth gaps](#) in this country mean that women of color are less likely to have the economic resources to allow them to take time away from work. Providing all workers with paid time to care would help close these gaps, while also improving persistent racial [health disparities](#) during pregnancy.
- Paid family and medical leave contributes to a robust economy. Research shows that paid leave [strengthens businesses](#) of all sizes by [reducing turnover costs and increasing employee retention](#). (Click [here](#) for additional resources and information for businesses advocating for paid leave policies).
- When new mothers have access to paid leave, they experience improvements in their own physical and mental health, including a decrease in [postpartum depression](#).
- Paid safe leave helps [survivors of violence keep their jobs and economic security](#) while navigating complicated needs, including preparing for or participating in legal proceedings, seeking supportive services, enrolling children in a new school or child care, moving, or addressing their own physical or mental health.

Additional Messaging Resources

- Click [here](#) for a set of talking points for every state, with state-specific data, on how paid family and medical leave would help working people and their families.
- Click [here](#) for an example of talking points on paid family and medical leave from the perspective of a small business owner.

Public Popularity

- Paid family and medical leave is incredibly popular. In a November 2024 survey, [nearly three in four voters](#) (74%) reported supporting establishing a national paid family and medical leave program that guarantees 12 weeks of job protected paid leave.
 - » May 2025 polling of Pennsylvania voters showed [strong bipartisan support](#) for paid family leave. And another [July 2025 survey of Pennsylvania voters](#) found that when people hear about proposed paid family and medical leave legislation, they are more likely to agree that the state government is looking out for working people.
- A [May 2026 survey](#) found that Americans are deeply concerned about the cost of living, and 73% of adults say providing all workers with access to paid family and medical leave would help them and their families, including 86% of mothers with children under 18.

Examples of State and Local Policies

- Currently, [14 states](#)—including Colorado, Maryland, Virginia, and Minnesota—and the District of Columbia have laws guaranteeing paid leave for workers.
- In states that have passed paid leave laws, [research shows](#) that public health has improved, including increased on-time vaccination rates for children, reductions in infant hospitalizations, and improvements in maternal physical and mental health after childbirth.
- Employers also report seeing benefits from paid leave. In a [study of the New Jersey](#) paid leave law, for example, most employers reported no negative impact on profitability while also seeing a meaningful increase in employee morale and a decrease in stress.

**The data uses the term Hispanic, but this Playbook uses the terms Latina/Latinas/Latinx.*



GUARANTEE PAID SICK DAYS AND HEALTHY FAMILIES

THE PROBLEM

Across the country, women are struggling to care for themselves and their loved ones while paying the bills and supporting their families. Despite the lessons learned during the COVID-19 pandemic about the importance of giving people time away from work to recover when they are sick, too many workers are still without this basic protection.

In 2025, nearly [one in five civilian workers](#) in the United States lacked any paid sick days, including a majority of people working in the [lowest paying jobs](#) who often cannot afford to take time off when they are sick or need care. This phenomenon not only harms individuals and their families, but also presents a risk to [public health](#). Women in the food and retail sector—a sector that comprises nearly 20% of the country’s workforce—are less likely to have [access to paid sick days](#) compared to men in the same sector and similarly employed. In 2022, [Latinas across all occupations had the smallest share](#) of any racial and gender group with access to paid sick days. This disparity compounds gender inequality and economic insecurity, which is worsened for mothers of color who often serve dual roles as [both primary caregivers](#) and [breadwinners for their families](#), increasing their responsibilities. For workers without paid sick days, taking even a few days off to recover from an illness could mean losing wages equivalent to monthly costs for [groceries, gas, or household utilities](#) like electricity. These realities leave working people with the impossible choice between taking care of their health or caring for a sick loved one and maintaining their financial security.

THE SOLUTION

- Guarantee that all workers, regardless of the size of their employer, can accrue at least seven paid sick days each year. Sick time should be paid at an employee’s regular rate of pay.
- Provide sick days that can be used in cases of personal illness, to access preventative care, to provide care to a sick family member, and to attend school meetings related to a child’s health.

- [Allow workers to use paid sick days for “safe leave”](#) to recover from or receive support related to an incidence of domestic violence, sexual assault, or stalking.
- Protect workers from retaliation or discrimination when using their earned sick time, including prohibitions on having hours reduced or shifts changed.
- Ensure workers can take sick time to care for a broad range of family members, including spouses, domestic partners, parents, children of any age, siblings, grandparents, grandchildren, and other individuals who comprise someone’s “chosen family.” Survey data shows that LGBTQI+ workers are [more likely to rely on chosen family](#) when they are sick, making it vital for paid sick time laws to recognize the full range of caregiving relationships. And people of color and immigrants are [more likely to live in multigenerational households](#)—generally two or more adult generations or a “skipped generation” and grandchildren younger than 25. This arrangement has become [increasingly common among older adults](#) where they may need to provide care to a wider range of family members.
- Minimize or eliminate documentation requirements for short absences. Medical documentation can be difficult to obtain [given barriers to obtaining appointments with health care providers](#), the costs of travel, and fees for doctor’s visits or medical notes that may not be covered by insurance. By limiting the circumstances in which documentation is required, more workers will be able to use their earned sick time. And for workers recovering from common illnesses like the flu, medical intervention may not even be necessary, and requiring a doctor’s note adds an unnecessary burden and cost to utilizing leave.

TALKING POINTS ON THE SOLUTION

- Paid sick days [improve public health](#). Providing workers with time off when they or their loved ones are sick can help [reduce the spread of illness](#), and workers are more likely to [seek medical care](#) when they are sick.
- Paid sick time laws are effective. After Congress enacted temporary, limited paid sick time under the Families First Coronavirus Response Act (FFCRA), research shows that [infection rates began to slow](#), helping “flatten the curve.” In states without an existing paid sick days program, FFCRA sick leave led to a 56% decrease in COVID-19 infections across the state.
- Providing workers with paid sick days increases flu [vaccination rates](#), which can help slow the spread of the flu. Parents with paid sick time are also better able to [access health care for their children](#), including immunizations and regular doctor’s visits.
- Everyone, no matter their race or gender, should be able to go to the doctor, rest when they are sick, and care for the people they love. But without guaranteed access, people working in food and retail sector jobs—where women and people of color are overrepresented—are [unlikely](#) to have paid sick days. [Part-time workers](#)—who are predominantly women—are also far less likely to have access to paid sick days than full-time workers. Paid sick time laws can reduce racial and gender disparities in access to paid sick days.

- Research shows providing mothers with paid sick days helps [alleviate the conflict between work and caregiving responsibilities](#), which in turn allows women to keep their jobs, earn more, and provide [economic security](#) for their families.
- Paid sick days contribute to a more robust overall economy. Research from states with guaranteed paid sick time shows that laws have a positive impact on [local economies](#).
- Paid sick days benefit businesses. Workers with access to paid sick days can stay home when they are sick, thereby avoiding presenteeism—a phenomenon where employees are physically present at work but prevented from fully functioning at work due to illness, which [costs employers billions of dollars each year](#). In addition, employers who provide paid leave see less employee turnover, which in turn [reduces costs to employers](#).

Additional Messaging Resources

- Click [here](#) to understand how to answer frequently asked questions about paid sick time for workers and their families.
- Click [here](#) to understand how to talk about the difference between paid sick days and paid family and medical leave.

Public Popularity

- Providing workers with paid sick days is popular: [78%](#) of Americans in 2024 said they would support a ballot measure to provide paid sick leave for employees if one was proposed in their state.
- When paid sick days laws are submitted to voters in ballot initiatives, they are wildly popular in “conservative” and “progressive” states alike. In 2024, voters [overwhelmingly approved](#) paid sick days ballot measures in Alaska, Missouri,¹ and Nebraska.
- [Eighty-seven percent](#) of small business owners in 2024 said it’s important for people to have access to paid sick days to obtain financial security.

Examples of State and Local Policies

- As of September 2025, [18 states](#), from Alaska to Nebraska to New Mexico and Minnesota, along with major cities and counties around the country, have passed laws that guarantee workers can earn sick time. (See [this chart](#) for more bill details)
- In [Washington State](#), a study found that guaranteed paid sick days meant more workers were able to stay home when they were sick, reducing rates of “presenteeism,” which helped keep workers healthy and productive. And in [Connecticut](#), paid sick days were shown to reduce on-the-job injuries.

FOOTNOTES

1. Despite overwhelming popular support, the Missouri legislature took drastic action and broke the filibuster to force a repeal of the paid sick days requirement and the minimum wage cost of living adjustment, just months after they had been passed by the voters.

END PAY DISCRIMINATION

THE PROBLEM

American families are facing an affordability crisis: low-paid workers' wages have [failed to keep up with inflation](#) as the result of decades of policies to suppress wages, making it more and more difficult to make ends meet. Gender and racial pay disparities make this crisis especially acute for women, especially women of color. Women working full time, year-round were paid just [81 cents](#) for every dollar paid to men in 2024, the most recent year for which data is available. The wage gaps experienced by many women of color were even larger than the overall gender wage gap—nationally, [Black women](#), [Indigenous women](#), and [Latinas](#) working full time, year-round, were paid just 65 cents, 58 cents, and 58 cents, respectively, for every dollar paid to their white, non-Hispanic male counterparts. [Asian American, Native Hawaiian, and Pacific Islander \(AANHPI\) women](#) working full time, year-round typically are paid only 95 cents for every dollar paid to their white, non-Hispanic male counterparts, but the wage gap was [substantially larger for some subgroups of Asian American women](#). This amounts to tens of thousands of dollars in lost wages every year, and hundreds of thousands over a lifetime—wages that could have gone towards paying for basic needs like [housing, child care, and health care](#). And because women, especially Black women, Indigenous women, and Latinas, increasingly serve as [sole or co-breadwinners](#) for their families, the wage gap causes real, concrete harms to their families as well.

[Several factors work together to cause the pay gap](#)—including the undervaluing of jobs predominantly held by women; lack of support for caregiving responsibilities, which women disproportionately bear; and barriers to reproductive health care—but discrimination plays a decisive role. Pay discrimination persists in part because of outdated stereotypes that continue to influence workplace decision making, such as the idea that families do not rely on women's income and that women do not need higher pay, which stand in stark contrast to the economic reality for women and their families. Stereotypes about appropriate behavior for women also negatively impact earnings for women who do not conform to those stereotypes, including [lesbian women and transgender women](#). And many common employer pay setting practices, like [relying on an applicant's salary history](#) to set pay or [refusing to be transparent about salary ranges](#) with applicants or employees, perpetuate the wage gap. Pay discrimination is difficult to detect, in part because [62% of](#)

[private sector women workers](#) report that discussing their wages is either prohibited or discouraged by employers—despite the fact that such prohibitions are often already illegal under the [National Labor Relations Act](#). And even when working people discover unfair pay, loopholes in the law make it difficult to hold employers responsible for pay discrimination.

THE SOLUTION

- Prohibit employers from requiring job applicants to provide their [salary history](#) in the hiring process and from relying on applicants' salary history to set pay.*
- Require employers to be transparent about pay ranges in job announcements and with employees.*
- Prohibit employers from retaliating against employees who discuss pay information with co-workers or applicants.
- Strengthen equal pay laws to explicitly include pay discrimination based on other protected characteristics such as race, ethnicity, gender identity, or disability, in addition to sex. This will give employees even more tools to address the full array of pay discrimination, including intersectional discrimination that they may experience based on their membership in multiple protected classes (e.g., race, disability, national origin).
- Require equal pay for “substantially similar” or “comparable” work to ensure that jobs that are similar in terms of skills, responsibility, and working conditions are compensated equally.
- Require employers to prove that any gender-based pay differences are truly caused by something, other than sex, that is consistent with a business necessity and that accounts for the entire differential.
- Specify that the deadline to pursue an equal pay claim starts over each time an employee receives a paycheck that is lower because of discrimination.
- Allow employees with successful pay discrimination claims to recover compensatory and punitive damages to fully compensate for their losses.
- Require the state to [collect data](#) from employers about what their employees are paid by job category. Ensure this data is broken down by gender and other protected categories, such as race and ethnicity.
- Require all companies that bid for and/or receive government contracts, as a condition of receiving the contract, to analyze their pay practices for wage gaps, report race and gender wage gaps and commit to addressing them, and certify ongoing compliance with pay equity laws and principles.
- Increase funding and authority for labor and [civil rights enforcement](#) agencies.

TALKING POINTS ON THE SOLUTION

- Ending pay discrimination will make it more possible for workers to afford basic necessities, support their families, and live with dignity. The [majority of working women](#) (56%) reported in a February 2026 poll that the amount they get paid is a major source of stress in their lives. Bringing women's earnings in line with men's would typically bring in an [additional \\$13,570 a year](#) to support a family and pay for three months' supply of groceries, three months' child care payments, three months' rent, three months' family health insurance premiums, two months' student loan payments, and three tanks of gas.
- Closing the wage gap is particularly important for Black, Latina, and Indigenous women, who tend to be paid less than white, non-Hispanic women. Bringing Black women's earnings in line with white, non-Hispanic men's would typically bring in an additional [\\$28,340](#) per year. For Latinas, it would bring in an additional [\\$33,620](#), and for Indigenous women an additional [\\$31,818](#). In practice, this means thousands of dollars every year—and [hundreds of thousands over the course of one's career](#)—that could have gone toward investing in further education, building a retirement fund, or saving for a financial emergency.
- Taking steps to address equal pay is crucial to employee recruitment and retention. Equal pay measures, including salary range transparency, help reassure employees and job applicants that their salary accurately values their work and give employers the tools to efficiently, effectively, and fairly hire the best workers.
- Pay range transparency requirements can help level the negotiating playing field and incentivize employers to proactively review and evaluate their compensation practices and address any unjustified disparities between employees.

Public Popularity

- [Seven in 10 voters](#) (70%) said it's important for the government to take action to close the gender pay gap in a November 2024 poll. A July 2023 survey showed [support](#) extends across partisan and demographic lines.
- A November 2022 poll demonstrated that [nearly all workers](#) (98%) believe employers should disclose salary ranges in their job postings, and more than half (53%) would refuse to apply for a job that does not disclose the salary range. When looking for a job, [nearly three in five adults](#) (58%) preferred job postings that include a pay range for the position in a September 2023 poll. More than a third have applied for a job they would not have otherwise interested them because of the pay range listed alongside it.
- [A majority of adults](#) (66%) said requiring employers to disclose how much a job pays in job announcements would help them and their families in an April 2026 poll.

State-Specific Data

- Click [here](#) for the wage gap for all 50 states with state rankings for [women overall](#), [Black women](#), [Latinas](#), [Indigenous women](#), [Asian women](#), and [Native Hawaiian and other Pacific Islander women](#).
- Click [here](#) for the lifetime wage gap (the amount of money a woman stands to lose to the wage gap over a forty-year career) by state for [women overall](#), [Black women](#), [Latinas](#), [Indigenous women](#), [Asian women](#), and [Native Hawaiian and other Pacific Islander women](#).

Examples of State and Local Policies

- Seventeen states and the District of Columbia have passed [pay range transparency laws](#) so job applicants can know how much they can expect to be paid when they apply for a position. And 21 states and the District of Columbia have enacted laws protecting employees from retaliation for [discussing their pay](#).
- Eighteen states and the District of Columbia have enacted laws prohibiting both private and public employers from seeking a job applicant's [prior salary](#) and/or relying on salary history to set pay: [California](#), [Colorado](#), [Connecticut](#), [Delaware](#), [Hawai'i](#), [Illinois](#), [Maine](#), [Maryland](#), [Massachusetts](#), [Minnesota](#), [Nevada](#), [New Jersey](#), [New York](#), [Oregon](#), [Rhode Island](#), [Vermont](#), [Virginia](#), [Washington](#).
- [California](#) and [Illinois](#) have enacted laws requiring employers to report their pay data broken down by sex and race.
- [Since 2019](#), 11 states have passed or amended their equal pay laws to extend to other protected classes, or require equal pay for "substantially similar" or "comparable work," or close loopholes in employers' available defense, adjust the statute of limitations, or increase available damages.

*Contact stategenderpolicy@nwlc.org for our pay range transparency advocacy toolkit and salary history model legislation.

ENSURE SAFE AND THRIVING WORKPLACES

THE PROBLEM

As the #MeToo movement has made clear, workplace harassment, [including sex harassment](#), is a widespread form of discrimination, affecting working people in every state, in every kind of workplace setting and industry, and at every level of employment. Although people of all genders experience sex harassment and assault, [women](#), [including trans and cisgender women](#), [as well as gender-nonconforming and nonbinary people](#), are disproportionately affected. Workers who are less economically secure are at the greatest risk of facing harassment, especially those holding one or more marginalized identities: workers in [low-paid jobs](#); [Black and Latina women](#); [LGBTQIA+ people](#); [immigrant workers](#); and [people with disabilities](#).

Massive [gaps in state and federal anti-harassment laws](#) have long made it extremely difficult for people experiencing workplace harassment to obtain relief and justice. These gaps include laws that carve out certain workers from anti-discrimination protections; fear of retaliation and the dire consequences that can arise due to employers' power over their workers; a costly, opaque legal process that imposes outdated legal standards and offers little chance of meaningful relief; and the ease with which employers can sweep harassment claims under the rug and write off the financial and reputational consequences as the cost of doing business.

On top of these shortcomings, the Trump administration has made it their mission to roll back decades of civil rights progress at all levels of government by [gutting federal anti-discrimination investigative power](#), threatening state governments and community workers' rights organizations with [loss of funds](#), subjecting businesses to [intrusive investigations](#) under threat of [civil and criminal liability](#), and [attacking](#) policies and practices designed to address inequality and prevent workplace harassment in the name of combating "illegal DEI" ([Diversity, Equity, and Inclusion](#)). The Equal Employment Opportunity Commission (EEOC), the federal agency tasked with enforcing existing anti-harassment protections, is currently led by individuals handpicked to carry out the administration's anti-civil rights agenda. For example, the agency has [stopped pursuing harassment charges based on gender identity](#), and it [rescinded](#) critically important guidance that helped employers and workers

understand how federal anti-harassment protections apply in practice. States must stand up to the administration's bullying tactics by refusing to back down from their commitment to ensure that all workers, regardless of identity, can enjoy safe and thriving workplaces.

THE SOLUTION

[Policy initiatives](#) to address workplace harassment and discrimination, like those below, must address all forms of harassment, not only harassment based on sex (which includes sexual orientation and gender identity). Harassment based on sex often intersects with, and reinforces, discrimination based on other protected characteristics, like race, disability, religion, age, or national origin. For example, a Black woman may experience harassment based on specific, hypersexualized stereotypes that are unique to Black women and are not imposed on women generally or Black people generally. And she might be the target of sexual comments interlaced with racial epithets. Policies that single out or remedy one form of harassment therefore leave workers holding multiple marginalized identities without adequate protection.

- [Amend](#) anti-discrimination laws, including laws prohibiting harassment, to protect independent contractors, interns, graduate students, and guestworkers, in addition to employees. Reduce the employer size thresholds for such laws so that workers in all workplaces with at least one employee are protected.
- Extend the [statute of limitations](#) for workplace discrimination claims, including harassment, to at least three years, so that victims dealing with the trauma and other impacts of harassment and/or the fear of reporting do not lose the opportunity to seek justice because of a short time limit.
- Address the judicially created "[severe or pervasive](#)" liability standard for establishing a hostile work environment claim to correct and prevent unduly restrictive court interpretations and ensure that legal protections align with the reality of workplace behavior.
- Allow complete redress of the harm caused by workplace discrimination by [removing predetermined caps](#) on the amount of compensatory and punitive damages a plaintiff can recover in a lawsuit.
- Strengthen protections against [employer retaliation](#)—for example, by shifting the burden of proof onto employers to show that an adverse action was not motivated by retaliatory intent; codifying specific actions that constitute retaliation, such as contacting or threatening to contact immigration authorities or assessing demerits; and requiring anti-retaliation training for employees and supervisors.
- Enact or strengthen laws that protect survivors who speak up about discrimination from retaliatory defamation suits by their employers, also known as [Strategic Lawsuits Against Public Participation \(SLAPPs\)](#).

- Prohibit employers from requiring employees to sign [nondisclosure or nondisparagement agreements](#) that prevent employees from speaking about discrimination in the workplace as a condition of employment, and limit the use of such clauses in settlement agreements.
- Eliminate the [tipped minimum wage](#) to ensure tipped workers are entitled to the same minimum wage as other workers, so workers do not have to tolerate harassment as the price of tips.
- Require employers to regularly report to a state or local enforcement agency, in a manner that protects the privacy of those who have faced discrimination, the number of claims, complaints, judgments, and settlements involving discrimination and the amounts paid, with the aim of improving transparency and encouraging employers to implement proactive prevention efforts.
- Fully fund [enforcement agencies](#), legal services, and community-based organizations that serve survivors of harassment and gender-based violence.

TALKING POINTS ON THE SOLUTION

- We all want to be safe and respected at work, but sex harassment holds women and LGBTQIA+ people back, threatens their safety, health, and [economic security and opportunities](#), and excludes them from public life.
- Harassment is about power and control and is a product of systemic power imbalances in the workplace. By protecting workers who speak out, holding harassers accountable, and increasing workers' economic security, we can begin to correct the power disparities that allow harassment to go unchecked.
- Harassment harms women, families, [businesses, and the broader economy](#). Sex harassment leads to reduced employee job satisfaction, increased absenteeism, and deterioration of co-worker relationships. Harassment and retaliation can push women out of their jobs or lead them to avoid or leave a profession or industry altogether. This, in turn, exacerbates the gender wage gap and limits women's ability to provide for their families, build wealth and plan for the future.

Additional Messaging Resources

- A 2020 survey revealing how employers [fail to take robust action](#) to protect workers who report wrongdoing from retaliation.
- A 2024 study outlining the [harmful impacts](#) of NDAs on survivors of workplace harassment and other forms of discrimination.

Public Popularity

- In a January 2026 poll, 61% of adults said [strengthening protections](#) against race and sex discrimination at work and at school would help them and their families. Over four out of five adults support policies that would guarantee the right to be free from sex-based discrimination, including harassment, at work and in school.
- Fifty-nine percent of adults support ensuring schools and workplaces are diverse, [equitable and inclusive](#).
- Three-quarters of adults support [removing barriers](#) to women's participation in the workforce.
- A summer 2023 poll showed [six out of 10](#) (62%) U.S. adults have a favorable view of legislation to allow workers who signed an NDA to speak out about sexual misconduct.
- A March 2024 poll showed 84% of adults believe that victims of discrimination deserve to be fully compensated by their employer for the harm they experienced, and [a majority](#) (53%) supports removing limits on the amount of money plaintiffs can be awarded in anti-discrimination suits.

State-Specific Data

- Map showing [number of workplace harassment claims per capita](#) by state.

Examples of State and Local Policies

- In the nine years since #MeToo went viral, [27 states and the District of Columbia](#) have enacted legislation that closes loopholes in existing harassment laws or creates new protections for victims of harassment and other forms of discrimination, including Tennessee, Kentucky, Virginia, Utah, Maryland, Vermont, and California. These reforms have taken critical steps toward expanding protections to more workers, making it easier to file claims, and strengthening safeguards against retaliation—but there is still much more work to be done.

MAKE LIFE AFFORDABLE FOR ALL WORKERS

THE PROBLEM

All working people deserve a paycheck that allows them to make ends meet so they can afford what they need to thrive. But decades of eroding labor standards have allowed employers to [suppress wages](#) and hoard profits, causing wages to stagnate while prices continue to rise. The federal minimum wage, originally intended to ensure workers could afford the basic necessities of life, has stagnated for decades and currently sits [below the poverty level](#). As a result, millions of workers struggle to support themselves and their families, unable to afford basic necessities like [housing](#) and [child care](#). Structural racism and sexism have pushed many women and people of color into [jobs that pay less](#) and led to jobs held by women being [undervalued](#). Women's overrepresentation in low-paid and tipped jobs is a key factor driving the persistent gender wage gap: overall, [women working full time, year-round typically are paid just 81 cents for every dollar paid to their male counterparts](#)—and this gap is wider for many women of color compared to white, non-Hispanic men.

Congress has not raised the federal minimum wage in well over a decade. [Thirty states and the District of Columbia currently have minimum wages above the federal level of \\$7.25 per hour](#)—but in far too many states [the minimum wage still leaves workers near or below the poverty level](#)—and no state minimum wage rate is enough to allow workers and families to [afford the basic necessities of life](#).¹ Wages are even lower for many [tipped workers](#), who are predominantly women, and disproportionately [women of color](#): [In all but seven states](#), employers can count a portion of tips toward wages (known as a “tip credit”) and pay their tipped employees a minimum cash wage that is lower than the regular minimum wage. This tipped minimum cash wage has been just \$2.13 an hour at the federal level for more than 30 years, and in most states, [employers can still pay tipped workers less than \\$5 per hour](#), forcing the many women and [LGBTQ+ people](#) in these jobs to rely on variable tips for virtually all of their income—putting them at a particularly high risk of both [economic insecurity](#) and [sex harassment](#). In addition, [most states](#) allow employers to pay a subminimum wage—[often just a few dollars per hour](#)—to people with disabilities working in segregated environments known as “[sheltered workplaces](#),” which both reflects and reinforces harmful stereotypes and undermines disabled workers’ economic security.

THE SOLUTION

According to the Economic Policy Institute, a single worker without children needs at least [\\$17 an hour to meet basic needs](#), and workers in costlier areas and those supporting families need more. These experts recommend setting the minimum wage rate at [two-thirds of median income](#), which at the national level would amount to \$20 per hour by 2030. Many states should view \$20 per hour as a starting point; in other states, an even higher level would be an appropriate goal.

- [Gradually raise the state minimum wage](#) to at least [two-thirds of the state's median wage](#), phased in over several years, and index the rate to rise annually based on increases in the median wage.
 - » States may also wish to consider incorporating changes to average wage or economy-wide productivity into their indexing calculation.
- Raise the minimum cash wage for [tipped workers](#) until it matches the regular minimum wage, so that all working people are paid at least this regular minimum wage before tips, also known as “One Fair Wage.”
- Include all working people who are [currently excluded](#) from the federal minimum wage (e.g., people with disabilities, young workers, farm workers, domestic workers).
- Robustly [enforce wage theft laws](#) and other basic labor standards.
- Ensure that local governments [can establish their own minimum wages](#) that exceed the state minimum.
- [Establish wage boards](#) or similar mechanisms to ensure that workers and other stakeholders can regularly evaluate the minimum wage and make recommendations, both overall and for specific industries.
- Restore workers’ bargaining power by [protecting and strengthening collective bargaining rights](#).
- Regulate employers’ use of [algorithmic wage-setting](#) and other emerging technologies to drive down worker pay.
- Invest in policies and initiatives that boost wages for [child care workers and other care workers](#). [Increased public investments](#) can ensure that low-paid [child care workers](#) and [direct care workers](#) such as home health aides and nursing assistants in nursing homes—who are overwhelmingly women, disproportionately Black women and Latinas—fully benefit from minimum wage increases, without increasing costs for the families they serve.

TALKING POINTS ON THE SOLUTION

- All working people—regardless of race, class, or gender—deserve jobs that allow them to [afford basic necessities](#), support their families, and live with dignity.
- An April 2026 poll showed that [strong majorities of adults](#) report that they are worried about being able to afford health care, gas, and groceries. The [majority of working women](#) (56%) report that the amount they get paid is a major source of stress in their lives as of a February 2026 poll.
- Employers should not be allowed to continue [suppressing working people's wages](#) while increasing executive pay and shareholder profits. Raising the minimum wage is an important tool to narrow race and gender wage gaps. Because [women—particularly Black women, Indigenous women, and Latinas](#)—often are concentrated in low-paid jobs where their work is undervalued, they [benefit the most when the minimum wage goes up](#).
- By ensuring that a higher minimum wage applies to tipped workers, people with disabilities, young workers, domestic workers, agricultural workers, and anyone else who has been excluded from this basic labor protection, states can work to diminish, rather than entrench, inequities.
- In One Fair Wage states, where employers are required to pay tipped workers the regular minimum wage before tips, [women in tipped jobs experience far lower poverty rates](#) than their counterparts in states with a \$2.13 tipped minimum cash wage.
- One Fair Wage can benefit businesses, too: From January 2021 to May 2023, One Fair Wage states saw [53% growth](#) in the leisure and hospitality industry, compared with just 19% growth in states with lower wages for tipped workers.
- Decades of research studying the impact of state and local minimum wage increases shows that these measures consistently [boost incomes](#) for workers and their families [without costing jobs](#).
- Raising the minimum wage also benefits business because it can not only boost consumer demand but also [reduce employee turnover, increase productivity, and improve customer service](#). In an early 2024 poll, [61% of small business owners supported raising the minimum wage in their state](#).

Public Popularity

- In [an April 2024 poll](#), two-thirds (67%) of working-class voters and 58% of college-educated voters supported a minimum wage of \$17 per hour.
 - » The same poll showed that [nearly two thirds](#) (64%) of voters supported raising the minimum wage to \$17 per hour.

- In almost every state and locality where voters have been presented with a ballot initiative to raise the minimum wage in the last 30 years, voters have [overwhelmingly voted to pass the initiative](#).
- Click [here](#), filtered by “Polling,” for state and local polling on the tipped minimum wage.

State-Specific Data

- Click [here](#) for the Economic Policy Institute’s Family Budget Calculator for calculating how much a modest but adequate lifestyle costs in your county or metropolitan area.
- Click [here](#) for data on what the minimum wage is in each state.
- Click [here](#) for data on women in tipped occupations by state.

Examples of State and Local Policies

- Legislatures in 12 states—California, Connecticut, Delaware, Hawai’i, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Rhode Island, and Virginia—and the District of Columbia have all enacted laws to [raise the minimum wage to \\$15 per hour, or even higher](#); D.C.’s minimum wage is currently \$17.95 per hour, for example, and Hawai’i’s will reach \$18 by 2028. The minimum wage in Washington is currently \$17.13 per hour due to automatic increases based on inflation, and in several additional states with similar indexing mechanisms (such as Arizona, Colorado, Maine, Oregon), the minimum wage is currently above \$15 per hour and will continue to rise.
- Voters in [Alaska](#) and [Missouri](#) approved increasing their minimum wage to \$15 per hour on their ballots in November 2024; in 2022, [voters in Nebraska approved a ballot initiative](#) to increase the minimum wage to \$15 by 2026, as did [voters in Florida in 2020](#).
- [Seven states](#) have One Fair Wage policies: Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington.
- [Flagstaff](#), Arizona, phased in a One Fair Wage policy, which took full effect in 2026, and [Chicago](#), Illinois, is currently phasing in a One Fair Wage policy. [Seventy-four percent](#) of Washington, D.C., voters approved a One Fair Wage ballot initiative in 2022, but in 2025, [under pressure from the National Restaurant Association](#), the D.C. council voted to amend the ballot measure so the tipped minimum wage would only reach 75% of the regular minimum wage.

FOOTNOTES

1. A person working full time, year-round at the federal minimum wage would make \$15,080 per year before taxes, which is lower than the amount needed for a single adult to survive in any city or metropolitan area, according to the Family Budget Calculator.

AFFIRM TRANSGENDER IDENTITY AT WORK AND IN PUBLIC LIFE

THE PROBLEM

In 2020, the U.S. Supreme Court ruled in *Bostock v. Clayton County* that Title VII's prohibition on sex discrimination in the workplace is inclusive of discrimination based on sexual orientation and gender identity. Of the [more than 8 million LGBTQIA+ workers](#) in the United States, transgender people disproportionately face harassment, discrimination, and barriers to equal opportunity. In a July 2023 survey of transgender workers, half of whom were people of color, 82% [reported having faced workplace discrimination](#), including being fired, not hired, not promoted, or verbally, physically, or sexually harassed. Despite these high rates of workplace discrimination, the Trump administration has stopped investigating gender identity claims and rolled back long-standing administrative decisions that articulate elements of discrimination faced by transgender workers, including [bathroom access at worksites](#).

The impacts of workplace discrimination on transgender people's economic security are amplified by other state-based restrictions that inhibit full legal recognition of a transgender person's identity. Several states are [narrowly defining sex](#) to allow exclusion of or discrimination against transgender people across a wide range of spaces and services, such as [domestic violence shelters](#) and bathrooms in public buildings. Recently, [some states imposed criminal penalties](#) on transgender people who use bathrooms consistent with their gender identity. Some states are also limiting [modification of gender markers](#) on government documents, with Kansas notably [revoking the driver's licenses of 1,700 transgender residents](#) in early 2026.

With an estimated [over 2.1 million transgender adults](#) in the United States, states cannot ignore the societal and economic barriers that are imposed when transgender people face exclusion from public life or unchecked discrimination. Transgender people already face [disproportionate rates of poverty, unemployment and underemployment](#), and [housing insecurity](#). Such exclusion also results in problematic policing of gender in public spaces, ultimately exacerbating harassment faced by both transgender and cisgender women who do not conform to sex-based stereotypes. State policies should instead work to recognize and affirm transgender identity within a state's regulatory framework, while also rooting out discriminatory conduct in workplace and public accommodations.

THE SOLUTION

- **Enumerate sexual orientation and gender identity in statewide and local nondiscrimination laws in employment, housing, and public accommodations.** Especially after the U.S. Supreme Court decision in *Bostock v. Clayton County*, some jurisdictions have clarified that protections against sex discrimination are inclusive of discrimination faced by LGBTQIA+ individuals. However, specifically enumerating sexual orientation and gender identity within nondiscrimination laws can raise awareness about legal rights and ensure that employers, landlords, and other institutional actors are accountable for preventing and remedying anti-LGBTQIA+ discrimination.
- **Ensure robust implementation of statewide or local nondiscrimination laws in employment, housing, and public accommodations.** Where nondiscrimination policies exist, encourage the state fair employment practices agency, state or local human rights commission, or other relevant entity to promulgate guidance articulating different elements of gender identity discrimination, including access to sex-separated facilities (e.g., bathrooms, locker rooms, domestic violence shelters, etc.).
- **Direct the state attorney general, state human rights commission, state fair employment practices agency, or other appropriate entity to investigate hostile workplace environments impacting transgender workers.**
- **Implement [policies that remove barriers](#) to obtaining or modifying government identification documents (e.g., birth certificates, driver's licenses) to allow for name changes and accurate gender markers.** States can take action to streamline administrative processes to request name and gender marker changes, reduce documentation requirements to establish such changes, and protect the privacy of individuals—especially minors—who are requesting such changes.

TALKING POINTS ON THE SOLUTION

- **No one should be fired or face workplace discrimination because of who they are.** Employers should be vigilant about building an inclusive workplace so that no worker faces harassment or is denied the opportunity to succeed in their job because of their identity. Workers are now less able to rely on federal civil rights enforcement to hold employers accountable, and states should be taking every step to fill in the gap to ensure equal employment opportunity.
- **Workplaces have had trans-inclusive facilities policies for years without increased privacy or safety risks for colleagues or customers.** Workplaces have had inclusive policies for over a decade, with the [Equal Employment Opportunity Commission](#) first finding that anti-trans discrimination can be investigated as unlawful in 2015. Workplaces are well-equipped to manage the different privacy needs of workers and customers while

continuing to enforce general policies that prohibit misconduct like harassment or assault.

- **Forcing transgender people into restrooms that don't match their gender identity puts their safety at risk.** Trans people are [more likely to be confronted, harassed, or excluded](#) from a bathroom when required to use facilities according to their sex assigned at birth. Trans people are our colleagues and part of our workplaces, and they need to be able to use the bathroom just like everyone else.

Additional Messaging Resources

- [Movement Advancement Project \(MAP\) Messaging Guide on Transgender People and Restrooms](#)
- [EEO Leaders Public Statements Responding to the Trump Administration's Actions Adversely Impacting Equal Employment Opportunity](#)

Public Popularity

- In a January 2026 survey, 82% [of adults supported guaranteeing the right to be free from sex-based discrimination](#), including harassment, in the workplace.
- In a February 2026 poll, 79% [of Americans believed transgender people should be protected](#) from discrimination in hiring and employment.
- In interviews conducted in 2025, [72% of Americans supported nondiscrimination protections](#) for LGBTQIA+ individuals.

Examples of State and Local Policies

- Over 20 states have nondiscrimination laws that are inclusive of sexual orientation and gender identity in [employment](#) and [public accommodations](#), such as [Oregon](#) and [Utah](#) (employment), as well as [New Mexico](#) and [Washington state](#) (public accommodations).
- Over a dozen states have administrative processes that do not require provider documentation to amend [birth certificates](#) or [driver's licenses](#) to accurately reflect an individual's gender marker. These processes have been streamlined through state law in places like [California](#) (birth certificates) and [Illinois](#) (driver's licenses).
- Among other states, the Maryland Attorney General's office has published [guidance](#) to the LGBTQIA+ community concerning protections under Maryland law as well as a joint [Know Your Rights guide](#) with the Maryland Commission on Civil Rights that specifically addresses discrimination against LGBTQIA+ people.

KEEP LGBTQIA+ YOUTH SAFE FROM HARASSMENT AND EXCLUSION IN SCHOOLS

THE PROBLEM

All students deserve to feel safe and included at school, but [an estimated 1.92 million LGBTQIA+ youth](#) across the country—including [over 700,000 transgender children](#)—continue to face pervasive bullying and harassment. According to survey and focus group data reflecting on both the 2023-2024 and 2024-2025 school years, [over 60% of LGBTQIA+ students face bullying, harassment, or assault in school](#) based on their sexual orientation or identity, which contributes to reduced academic performance, greater absenteeism, and adverse mental health outcomes. [The U.S. Centers for Disease Control and Prevention's 2023 Youth Risk Behavior Survey](#) found that 29% of LGBTQ+ youth reported being bullied and 41% seriously considered suicide during the past school year, which was much more prevalent than their cisgender and straight peers at 16% and 13%, respectively. This difference is further exacerbated for LGBTQ+ young people of color who report [higher rates of attempted suicide than their white peers](#) according to a 2025 survey. To address the pervasive harassment and exclusion faced by LGBTQIA+ youth, school policies should be rooted in robustly responding to identity-based bullying while also fostering an inclusive learning environment where all students are affirmed as part of the school community.

Many states and individual school districts have instead adopted an exclusionary approach that exacerbates harms faced by LGBTQIA+ students, with disproportionate impacts on transgender and gender-expansive students. Policies that refuse to affirm or otherwise meet the needs of transgender students—such as [bathroom and facilities bans](#)—subject transgender and nonbinary students to an even [greater risk of harassment and sexual assault](#) according to a 2017 study. Exclusion from school activities, such as school sports, further [contributes to transgender and nonbinary students' social isolation](#). School policies may also erode the trust between LGBTQIA+ students and school staff by requiring [forced outing](#) of a student's sexual orientation or gender identity, which is associated with an increase in [depressive symptoms and a disruption in familial support](#) for LGBTQIA+ youth.

[Several federal courts have recognized](#) that Title IX's prohibition on sex-based discrimination extends to harms based on sexual orientation and gender identity. Still, the Trump administration has launched an aggressive campaign—[without legal authority](#)—to weaponize its federal enforcement powers and Title IX to investigate school districts for adopting inclusive policies that particularly affirm transgender and nonbinary students. State laws and policies should affirm protections for LGBTQIA+ students and require inclusive school policies at a time when students impacted by discrimination cannot rely on federal enforcement.

THE SOLUTION

- **Explicitly prohibit discrimination in schools on the basis of sexual orientation and gender identity** and ensure adequate enforcement mechanisms, including a private right of action for students facing discrimination and state administrative agency investigation of complaints.
- **Enumerate protected bases, including sexual orientation and gender identity, in state anti-bullying statutes.**
- **Require schools to affirm equal opportunity and access for transgender and nonbinary students,** including ensuring that students can access sex-separated spaces, facilities, and activities consistent with their gender identity.
- **Safeguard LGBTQIA+ students' privacy by prohibiting forced outing of a student's sexual orientation or gender identity** through a process that carefully considers student safety while remaining compliant with federal requirements under the [Family Educational Rights and Privacy Act \(FERPA\)](#).
- **Fund specialized mental health support for LGBTQIA+ youth in school-based health services and suicide prevention services.**
- **Direct the state department of education to promulgate [model policies and/or guidance](#) on implementing LGBTQIA+-inclusive strategies in schools.**
- **Direct the state attorney general, state human rights commission, state department of education, or other appropriate entity to [investigate hostile educational environments](#) targeting LGBTQIA+ students.**
- **Strengthen state training requirements for school administrators, educators, and school staff to [ensure competency](#) in interacting with and supporting LGBTQIA+ students.**

TALKING POINTS ON THE SOLUTION

- **All students deserve the opportunity to learn in an environment free from harassment or violence.** LGBTQIA+ students face disproportionate rates of bullying, harassment, and assault in schools, and more can be done to ensure that these students have the same opportunities to learn and thrive. We should be focusing on how to equip students with the tools to succeed instead of advancing policies that add to the isolation faced by marginalized youth.

Bathrooms:

- **All students deserve a safe school environment, and forcing transgender and nonbinary students into restrooms that don't match their gender identity puts their safety at risk.** Trans people are [more likely to be confronted, harassed, or excluded](#) from a bathroom when required to use facilities according to their sex assigned at birth. For example, in 2024, transgender students in [Oklahoma](#) and [Minnesota](#) were hospitalized after being physically attacked when forced into facilities that did not align with their gender identity. A school's responsibility to keep all students safe is not compromised by allowing transgender students to use facilities consistent with their gender identity.
- **School districts have had trans-inclusive facilities policies for years without increased privacy or safety risks for other students.** School districts have had inclusive policies for over a decade, with the [first federal appeals court decision](#) striking down an anti-trans bathroom ban in 2017. Federal courts have also [rejected claims](#) by parents who challenged trans-inclusive school bathroom policies based on a purported safety and privacy risk for cisgender students. Schools are well-equipped to manage the different privacy needs of students while continuing to enforce general policies that prohibit misconduct like harassment or assault.

School Sports:

- **All students should have a chance to participate in school sports. Blanket bans prohibiting trans students from playing sports with their peers are overbroad and discriminatory and only weaken equity in sports.** Categorical bans tie the hands of schools and athletic associations who have the expertise on creating fairness in sports. School sports are *not* just about winning, but about empowering kids. [Students learn a lot by participating in school sports](#), including leadership, confidence, self-respect, and [teamwork](#). Trans students should have the opportunity to play on a team and participate alongside their classmates. [Blanket bans do not account for](#) the differences between age, type of sport, and level of competition that may inform fair participation opportunities. Chess is different than contact sports, and Olympic competitions are different than middle-school intramural sports.

- **Blanket bans on sports participation that include narrow definitions of sex open the door to subjecting teenage girls to increased harassment, intrusive questions, and invasive exams.** Women and girls, especially women and girls of color, who do not conform to specific sex stereotypes and expectations of femininity—such as being too tall, too muscular, or having short hair—could face increased harassment as states encourage surveillance and questioning of gender in sports. Blanket bans rarely spell out enforcement mechanisms that can be used to verify a student’s sex, because [such evaluation is inherently intrusive and subjects youth to humiliation and exclusion](#). In Utah, for example, a blanket ban resulted in a [cisgender girl being secretly investigated](#) by a state panel and another [cisgender girl being publicly targeted for harassment on social media](#) by a state official. State legislators and school officials have openly floated that sports bans may require students to submit documentation or be [subject to medical or physical exams](#).

Forced Outing:

- **Schools already engage parents and families to support LGBTQIA+ students, and rigid policies that force schools to proactively out students restrict educators from addressing complex situations with nuance and sensitivity.** Many supports for LGBTQIA+ students have been implemented at the local level after [requests and advocacy from parents and families](#). In some situations, premature outing of a LGBTQIA+ student to family can [exacerbate stress and depressive symptoms](#), disrupt familial support, or leave certain students at risk of familial rejection, [homelessness, or abuse](#). At a time when youth are seeking understanding and support, states should not employ bright-line rules that fail to allow individualized approaches when there are safety or other concerns.
- **While schools should encourage family engagement, where appropriate, safeguards are needed to protect the privacy of LGBTQIA+ students’ data.** Exclusionary policies and increased public attention have led to [privacy violations](#), especially as other families, press, and external actors seek information about supports for LGBTQIA+ students. FERPA, a [federal law that safeguards student privacy](#), does not create any right for *another* parent to request and obtain information about LGBTQIA+ students.

Additional Messaging Resources

- [Movement Advancement Project \(MAP\) Messaging Guide on Hostile Anti-LGBTQ+ School Bills](#)
- [MAP Messaging Guide on Transgender Students and School Facilities Access](#)
- [MAP Messaging Guide on Transgender Youth Participation in Sports](#)
- [MAP Messaging Guide on Family Acceptance & Transgender Youth](#)

Public Popularity

- An April 2026 poll found an [overwhelming majority of Americans](#) (83%) thought that schools should protect transgender students from discrimination and harassment.
- An April 2026 poll found that [more than half](#) (51%) of adults said that their elected representatives should be doing more to guarantee the right to be free from sex-based discrimination, including harassment, in the workplace and in school.
- According to a May 2026 poll, [a plurality of voters \(48%\) oppose investigations into public schools for trans-inclusive policies](#), which require school districts to spend taxpayer dollars on legal fees that would otherwise go to their overall district budget.
- [In 2025, 73% of Americans supported nondiscrimination protections](#) for LGBTQIA+ individuals.
- LGBTQIA+ people are significantly more likely than the general population (59% v. 49%) to [view national education as going in the wrong direction, according to a May 2025 poll](#).

Examples of State and Local Policies

- At least 19 states have [specific laws that prohibit school-based discrimination](#) on the basis of sexual orientation and gender identity, including [Connecticut](#) and [Hawai'i](#).
- 19 states have laws that [prohibit school-based bullying](#) that specifically enumerate sexual orientation and gender identity as protected bases, including [New Mexico](#) and [Minnesota](#).
- Some states have adopted laws that clarify equal access and opportunity for transgender students. For example:
 - » [California law](#) requires that sex-segregated programs and activities, including sports and facilities use, should be available to students consistent with their gender identity and irrespective of the gender listed on their official student records.
 - » [Minnesota law](#) requires school districts to submit plans to ensure access to gender-neutral, single-user restrooms.
 - » [Massachusetts regulation](#) requires that students be afforded the opportunity to participate on school sports teams that align with their gender identity.
- [California law](#) prohibits school districts from implementing policies that require educators or other school staff to disclose information about a student's sexual orientation or gender identity unless otherwise required by state or federal law.
- Some states, such as [New Jersey](#) and [Washington state](#), have directed their state department of education to promulgate model policies to ensure inclusion of LGBTQIA+ students, with some states requiring that local school districts adopt the model policies.

STOP SEX HARASSMENT IN PK-12 SCHOOLS & HIGHER EDUCATION

THE PROBLEM

Far too many students in PK-12 schools and in institutions of higher education experience sex harassment, including sexual assault, dating violence, and stalking. [More than one in five girls](#) ages 14 to 18 (21%) have been kissed or touched without their consent, and [nearly two in five women](#) are sexually assaulted during their time in college, but only [2% of the former](#) and [12% of the latter](#) report the incident to their schools. Students do not report sex harassment for a number of reasons, including shame, fear of retaliation, fear of school discipline, and a belief that their harassment was not “serious enough”—e.g., because it began consensually or involved alcohol or drugs. When student survivors do come forward, they are often ignored, disbelieved, or even punished by their schools, for violations like allegedly consensual sex, self-defense (“assault”), or expressing trauma symptoms (“acting out”). Schools are more likely to disbelieve and punish [women and girls of color](#) (especially [Black women and girls](#)), [LGBTQ+ students](#), [pregnant and parenting students](#), and [disabled students](#) because of stereotypes that label them as “promiscuous,” “aggressive,” less credible, and/or less deserving of protection. When schools fail to provide effective responses, student victims receive [lower grades](#), [lose scholarships or leadership roles](#), or are [forced to drop out](#) of school. In some cases, they are even expelled.

Student survivors can no longer rely on federal law to protect them. In 2025, two federal courts struck down the Biden administration’s [2024 Title IX rule](#) on sex harassment, thereby reviving the Trump administration’s [harmful 2020 Title IX rule](#), which allows schools to dismiss many complaints and to use uniquely unfair procedures in sex harassment investigations. Meanwhile, Trump has dismantled much of the Department of Education’s enforcement infrastructure and systematically [ignored student survivors’ complaints](#) in favor of attacking transgender students under the guise of preventing sex harassment. More than ever, states must take action to ensure that student survivors receive comprehensive and appropriate supportive measures, fair investigations or restorative processes, and robust prevention protocols.

THE SOLUTION

The following solutions can be implemented through statutes, regulations, or school board policies.

Strengthen Prevention Measures

- Train all students and staff in PK-12 schools and higher education on sex harassment. This includes developmentally appropriate sex education for all K-12 students on [consent](#), [healthy relationships](#), and [reproductive health](#) that is inclusive and affirming of [LGBTQIA+ identity](#).
- Remove police and ban immigration officials from schools to protect all students—especially Black, Indigenous, and migrant students—from [sex harassment](#), [discipline](#), and [violence](#). Invest instead in guidance counselors, social workers, psychologists, and other [non-police staff](#) to build positive school climates and support survivors.
- [Eliminate dress codes](#), which often promote the dangerous message that how girls dress impacts whether they are harassed, rely on sex and race stereotypes, and are often discriminatorily enforced, particularly against Black and brown girls and curvy girls. At a minimum, require schools to implement a universal, nondiscriminatory dress code.
- Ensure [trans-inclusive](#) access to [restrooms](#), [locker rooms](#), and [sports](#), which reduces sexual assault of transgender and nonbinary students, and mitigates [health risks](#) and harm from exclusionary policies.
- Require schools to conduct regular climate surveys on student experiences with sex harassment and school investigations, and make the survey data results publicly available while protecting students' identities.

Support Student Victims Instead of Punishing Them

- Require schools to provide a [wide range of supportive measures](#) to students who report sex harassment. These measures should restore students' equal access to education and ensure they feel safe and can include excused absences, counseling, tutoring, homework/exam adjustments, changes in classes/dining/housing schedules, one-way no-contact orders, continued scholarship/honors eligibility, and the option to retake a class without financial penalty.
- Prohibit schools from [disciplining students who report sex harassment](#) for misconduct that occurred during the harassment (e.g., drug or alcohol use, consensual sexual activity, self-defense) or because of the harassment (e.g., class absences, trauma symptoms).

Ensure Meaningful Accountability of Schools

- States can pass a [Students' Access to Freedom and Educational Rights \(SAFER\) Act](#), which would allow harassment victims to ask a state agency or state court to hold their schools accountable for failing to address harassment. Under the SAFER Act, schools would be required to respond to harassment based on sex, race, disability, etc.:
 - » When it “unreasonably alters” a student’s ability to participate in school, even if the underlying conduct occurs off campus or online or does not meet the unduly stringent standard of being “severe or pervasive.”
 - » The first time a school employee knows or should have known about it, even if the complainant is not harassed or assaulted again.
 - » By offering supportive measures (regardless of whether the school conducts an investigation), investigating the harassment (if requested by the complainant) or facilitating a [restorative process](#) (if requested by all parties and appropriate under the circumstances), and taking any other necessary actions to address the effects of the harassment.
- State agencies should conduct prompt and equitable investigations of harassment complaints and take enforcement measures when they find a school has violated a state civil rights law, such as a SAFER Act.

TALKING POINTS ON THE SOLUTION

- Schools are often the first places where people experience sex harassment, so it is critical to address this behavior early on.
- Requiring schools to address sex harassment after it has occurred is important, but it is not enough. We must also require schools to take proactive, comprehensive, and intersectional measures to **prevent** sex harassment from occurring in the first place. And we already know what works: research shows that a holistic approach—which includes [comprehensive sex education](#), [transgender-inclusive policies](#), and [removal of police from schools](#)—can help prevent students from being sexually assaulted.
- Students’ academic, health, and safety needs should be at the center of our response to sex harassment. After all, investigating complaints and disciplining harassers alone does little to ensure that survivors can stay safe in the meantime, avoid retaliation, keep up their grades, continue their extracurricular activities, and successfully graduate. The reality is that many survivors are further punished or traumatized by their schools after reporting and therefore many choose to stay silent instead. When we prioritize **supportive measures** and **anti-retaliation measures**, we ensure our response to sex harassment is survivor-centered, meets their material needs, and protects their equal access to education.

- Young people should be given opportunities to learn from their mistakes and take true accountability by repairing the harm they have caused and preventing further harassment. A [restorative process](#) allows the wrongdoer to admit they caused sexual harm, make amends to the victim, and change their future behavior. Schools should conduct a **restorative process** if all parties consent to it and if it is appropriate under the circumstances, thereby enabling survivors to truly heal and preventing harassers from causing harm again.

Public Popularity

- [Almost all](#) U.S. adults said it is important or very important to keep students and teachers safe (99%) and to make students feel welcome in schools (98%) in a 2025 poll.
- More than three in five U.S. adults (62%) said strengthening protections against sex harassment in schools and workplaces would help them and their families, including 68% of women in a January 2026 poll.
- More than eight in 10 U.S. adults (81%) supported guaranteeing the right to be free from sex discrimination, including sex harassment, in schools and workplaces in an April 2026 poll.

State-Specific Data

- Click [here](#) for 50-state data available through the Youth Risk Behavior Survey to see the prevalence of sexual assault and dating violence among young people in your state (select topic “unintentional injuries and violence” and questions “forced sexual intercourse,” “sexual violence,” “sexual dating violence,” or “physical dating violence.”)

Examples of State and Local Policies

- In recent years, [California](#), [Connecticut](#), the [District of Columbia](#), [Hawai‘i](#), [Illinois](#), [Maine](#), [Massachusetts](#), [Nevada](#), [New Hampshire](#), [New Mexico](#), [Ohio](#), and [Oregon](#) have enacted new protections for student survivors, including requiring schools to: train students and staff on sexual harassment, conduct school climate surveys, improve survivors’ access to supportive measures, and/or refrain from unfairly disciplining survivors when they come forward.
- In 2023, [Colorado](#) became the first state to require PK-12 schools to address sex, race, disability, and other discrimination (including harassment) regardless of whether it is considered “severe or pervasive,” including by offering supportive measures and not unfairly disciplining students who report discrimination.
- A 2025 [Nevada](#) law allows PK-12 students and school staff to sue their schools in state court if the school fails to enforce a policy to address sex harassment (including anti-LGBTQIA+ harassment) by a student, school employee, or contractor. Under the required policy, schools must make a plan to implement supportive measures within 3 days of receiving a complaint, regardless of whether an investigation is requested; and use trauma-informed procedures to investigate complaints.

- In 2026, [Michigan](#) introduced the SAFER Act, which would allow students and school staff to sue their schools in state court for failing to address harassment based on sex, race, disability, religion, and other protected traits. The pair of bills would require schools to provide victims with comprehensive supportive measures, an investigation (if requested by the complainant) or restorative process (if requested by all parties), avenues for confidential disclosure, and enhanced protections against retaliation.

ENSURE ACCESS TO AFFIRMING AND ACCURATE LEARNING MATERIALS

THE PROBLEM

All students should feel affirmed in their learning environment, including through their learning materials, and should have access to information that reflects the diversity of our nation. But over the last few years, conservative extremists have organized to limit the information that students in K-12 schools and higher education access in classrooms, school and public libraries, and in other educational programs. Their [censorship or book banning](#) efforts seek to limit what students learn, including books and curriculum that address LGBTQIA+ identities, gender, race, reproductive rights, sexual health, [consent, as well as sexual harassment, violence](#), and abuse. These attacks have escalated over the last year with the Trump administration's attacks on [diversity, equity, inclusion, and accessibility programs](#), including women and gender studies, Black studies, ethnic studies, and more, raising significant concerns about academic freedom and First Amendment protections.

These efforts prevent students from accessing a [broad spectrum of information](#) that contributes to well-informed citizens with [strong critical thinking skills](#). Further, these efforts deny students the opportunity to learn more about their peers and see themselves reflected in their learning environment. Students need access to this information to ensure they can lead healthy adult lives, make informed choices, think critically, and have the brightest futures possible. As a nation, we are made stronger by our diversity.

THE SOLUTION

In addition to organizing to prevent efforts by state legislatures, school boards, and school administrators to ban books and curricula, policymakers can take steps to ensure access to affirming and accurate learning materials in their schools by:

- **Passing legislation or guidance for school districts to prevent book and curriculum censorship that:**
 - » **Protects public school learning materials and public library materials** from censorship based upon partisan, ideological, or religious disapproval;

- » **Ensures that professional librarians and licensed educators**, who have the necessary training and expertise, are included in decision-making about developmentally appropriate reading and curricula for students, not extremist groups or politicians promoting an agenda;
 - » **Adopts a “developmentally appropriate” standard when referencing materials that are appropriate for students to access.** What is considered appropriate for students must not be based merely on a parent, guardian, or administrator’s personal beliefs or discomfort with a particular topic, content, or viewpoint. Instead, legislation or guidance should focus on what is developmentally appropriate. A “developmentally appropriate” standard refers to cognitive, social, and other skill-based standards. It is a reasonable and flexible standard to ensure youth can access the materials they are ready for.
 - » **Aligns with the standard in the Supreme Court case Board of Education, Island Trees Union Free School District No. 26 v. Pico.** The First Amendment imposes some limitations on a school board’s discretion to remove books from school libraries—particularly when the decision to remove books is partisan, political, or is based upon a dislike of the ideas contained in a book.
- **Ensuring school administrations and school board members work with educators**, students, and school curriculum experts to develop affirming and accurate curriculum models for K-12 education.
 - » **This curriculum should be racially, ethnically, and socially representative** of the school’s student body, which means it should also include [materials that reflect the experiences and stories of LGBTQIA+ individuals](#).
 - » **Hold listening sessions or focus groups with students and staff** to gain insight into the everyday school environment, the negative impact of exclusionary curricula on the retention of students, health and safety concerns, and policies that can be implemented or better enforced to achieve a safe and inclusive school environment for all students.
 - » **Implement anti-bias trainings** to address how bias shows up in curriculum and classroom instruction.
 - **Creating policies with [clear and strict guidelines for objecting to materials](#).**
 - » **These [policies must comply with the Supreme Court’s holding in Mahmoud v. Taylor](#).** The Court held that schools must allow parents and guardians to opt their children out of instruction—if it “substantially interferes” with a parents’ ability to direct the religious upbringing of their children or undermines “the religious beliefs... the parent wishes to instill in the[ir] child.” The Court said this was a fact-specific question, which included the age of the students at issue, for which the Court recognized that older students have greater critical thinking skills to resist interference with their religious beliefs.

- * The decision does not require schools to censor any books or curricula. It simply requires schools to allow parents and guardians to opt out of instruction that may “substantially interfere” with their child’s religious development. It should be noted that some extremist groups have used the decision to [argue for opt-outs](#) for content featuring LGBTQIA+ characters, discussions of race, and the existence of racism in the classroom.
- * Schools should not guess what books or materials may trigger religious objections, nor are they required to preemptively remove books. Rather, school policies should require parents or guardians to make objections known. Any notice to parents of their right to opt their children out of certain instructional materials should be neutral and not single out any type of content which could raise religious objections, such as only books featuring LGBTQIA+ characters, interracial families, single parents, etc.
- * [Policies should make clear that parental objections will not be considered if based merely](#) on parents’ or guardians’ personal views or discomfort with certain topics.
- **Provides school districts with the resources** necessary to attract and retain a [racially and culturally diverse teaching workforce](#), which contributes to [positive outcomes](#) for all students, but especially for [students of color](#).

TALKING POINTS ON THE SOLUTION

- **Students deserve access to learning materials** that are historically accurate and [reflective of their identity and diverse perspectives](#). This contributes to safe and inclusive learning environments for students who can see their own lives reflected in what they read and learn. It allows them to learn about communities different from their own and to engage with diverse perspectives and ideas that help them become prepared for higher education or the workforce.
- **Book bans are [not new](#) to the United States**. However, this is the first time in U.S. history that we have seen efforts on this scale to remove books from and limit curriculum in schools. One study shows that in the 2024–2025 school year, there were [nearly 7,000 new instances](#) of book bans across the country.
- **Young people should feel affirmed** in their learning materials and must have access to information that reflects the [diversity of their peers](#) and this nation.
- **Giving young people access to stories and lessons about people who are different from them** can help them [develop empathy](#) for their peers and for those outside of their own community. Learning and understanding about different experiences and communities is important to prepare students for the workforce and for a functioning democracy.

- **LGBTQI+ students report lower rates of absenteeism** when they have access to [inclusive curricula and supportive school staff](#).
- **Black students who have [racial and cultural representation in their education](#)** and at least one Black teacher between third and fifth grades are nearly 29% less likely to withdraw from school.
- **Access to developmentally appropriate [information about sexual and reproductive health allows young people to keep themselves safe and healthy](#)**. It empowers them to make their own decisions about their reproductive health care on their own terms and timelines. Depriving young people of knowledge surrounding topics such as pregnancy, abortion, birth control, menstruation, and sexually transmitted infections (STIs) [inhibits their access to](#) and understanding of preventative measures and safe practices.
- **Comprehensive [sexual education](#)** also provides youth with [necessary education surrounding consent and healthy sexual relationships](#), which can decrease the likelihood of young people experiencing and perpetrating sexual harassment, sexual violence, and dating violence.
- **Educators are being deprived** of safe and inclusive environments where they are free to teach because of extremist restrictions on what can be taught and read in schools. Many educators who care about our children's educational success [feel a loss of agency and fear retaliation and uncertainty in their jobs](#). Their relationships with students are being harmed due to a climate of fear impacting how they can support LGBTQIA+ students.

Additional Messaging Resources

- Click [here](#) for top-line messaging regarding the Supreme Court's decision in *Mahmoud v. Taylor*, why opt-out policies are harmful to students, and how to fight censorship in schools and at school board meetings.
- Click [here](#) for talking points on the importance of inclusive schools and curriculum.
- Click [here](#) to read a report about how censorship policies and other attacks on inclusive education are impacting teachers.
- Email stategenderpolicy@nwlc.org for additional talking points regarding book and curriculum bans.

Public Popularity

- A January 2026 survey showed more than half of adults ([59%](#)) support ensuring schools and workplaces are diverse, equitable, and inclusive.

- An April 2025 survey of teachers showed more than six in 10 teachers ([61%](#)) think laws passed to limit topics such as those related to race, gender, and sexual orientation, are either bad or unnecessary.
- A January 2026 poll showed an [overwhelming majority of Americans](#) support trans-inclusive sex education (72%), believe schools should be safe and welcoming for transgender students (75%), and think that schools should protect transgender students from discrimination (68%).

Examples of State and Local Policies

A growing number of states have passed legislation to protect against censorship of books and curricula in public schools, public libraries, or both.

- [New Jersey](#), [Delaware](#), [Oregon](#), [Rhode Island](#), [Maryland](#) and [Minnesota](#) passed legislation to protect books in schools. For example, [Minnesota](#) prohibits the removal of books from public school libraries based upon the viewpoint, message, or ideas it conveys.
- [Oregon](#), [California](#), [Minnesota](#), and [Washington](#) passed legislation that protects school curricula. For example, [Washington](#) requires school districts to adopt inclusive curricula that incorporates the histories and contributions of racially and culturally diverse communities and the LGBTQIA+ community.
- [New Jersey](#), [Delaware](#), [Rhode Island](#), [Maryland](#) and [Colorado](#) passed legislation to implement a formal process for challenging books. For example, [Maryland](#) requires each local school system to establish policies to review objections to materials in a school library media program. In 2025, [Rhode Island](#) became the first state to establish a private right of action, allowing readers, librarians, and writers impacted by censorship to sue.
- [Delaware](#), [Maryland](#), [Minnesota](#), [Illinois](#) and [Colorado](#) prohibit the removal of books or other materials from public libraries based upon partisan disapproval or disagreement with the messages expressed in the material. For example, [Illinois](#) requires state public libraries to adopt the American Library Association's Bill of Rights and prevents the removal of books based upon partisan or doctrinal disapproval.

PROTECT SURVIVORS FROM DEFAMATION AND OTHER ABUSIVE LAWSUITS

THE PROBLEM

Sex harassment is widely prevalent, with nearly [half of women](#) experiencing sexual assault, [over one in three women](#) experiencing domestic violence, and over [one in five women](#) experiencing stalking in their lifetime. But reporting rates remain low. Studies show [very few survivors](#) report their sexual assault. One of the biggest reasons survivors stay silent is [fear of retaliation](#), including the fear of being targeted by a retaliatory lawsuit by their abuser. Such lawsuits have escalated over the past decade as backlash after the #MeToo movement went viral and more survivors began speaking out. For example, one survey shows [23%](#) of student survivors have been threatened with a defamation suit by their assailant—even for filing a Title IX complaint with their school. Similarly, defamation claims were the [third most common](#) form of workplace retaliation reported by survivors who contacted the Time’s Up Legal Defense Fund for legal assistance. Although assailants who file these meritless lawsuits do not typically expect to win, survivors must typically [spend](#) \$21,000 to \$55,000—and in some cases more than \$1 million—to defeat them. Moreover, these abusive lawsuits force survivors to disclose intensely private details and to repeatedly relive their trauma through invasive discovery and other litigation demands, retelling and reproving what happened. As a result, many victims are coerced into silence.

Abusive, meritless lawsuits that are filed to retaliate against someone for reporting misconduct are known as strategic lawsuits against public participation (SLAPPs). Many states have [anti-SLAPP laws](#) that protect people who report misconduct from being targeted by a SLAPP. But most states’ anti-SLAPP laws only protect statements that are: (1) made in a government proceeding (e.g., in a lawsuit or legislative hearing); or (2) about an issue of “public concern.” As a result, these laws often do not protect survivors from SLAPPs as they do for other whistleblowers because: (1) many survivors disclose sex harassment outside of a government proceeding—e.g., to their family, friends, school, or employer; and (2) many courts have wrongly held that sex harassment is a purely *private* issue rather than an issue of “public concern.” And some states do not even have an anti-SLAPP law.

THE SOLUTION

If a state has an existing anti-SLAPP law, it can:

- Amend the law to explicitly protect statements alleging sex harassment or, better yet, all forms of discrimination. For example, if the law protects statements about an issue of “public concern,” define that term to include sex harassment and other discrimination.
- Require discovery to be paused while a court decides whether a lawsuit is a SLAPP and therefore should be dismissed. This ensures that survivors and other people who report misconduct do not have to undergo discovery—which can be invasive, costly, and time-consuming—in order to get a SLAPP dismissed.
- Require SLAPP plaintiffs to pay attorney fees, court costs, and, if possible, money damages to SLAPP defendants. This disincentivizes abusive individuals and corporations from filing SLAPPs in the first place.
- Allow individuals who are targeted by a SLAPP to appeal right away if a court does not dismiss the lawsuit as a SLAPP. This ensures that survivors and other people who report misconduct do not have to defend a SLAPP to the very end, which includes undergoing invasive discovery, before appealing an unfavorable decision.

If a state does not have an anti-SLAPP law yet, it can use the [Uniform Public Expression Protection Act](#) (a model anti-SLAPP law) as a starting point and add language that explicitly protects statements alleging sex harassment and other discrimination.

TALKING POINTS ON THE SOLUTION

- Abusive lawsuits against survivors in the United States have [increased at alarming rates](#) as more survivors have spoken out after #MeToo went viral. They have become so rampant that United Nations officials have condemned these lawsuits for [“undermining free speech”](#) and denounced them as [“a form of gender-based violence”](#) in themselves.
- Sex harassment, including sexual assault, is severely underreported, which means that many survivors do not receive support and many abusers continue to abuse without any accountability. Abusive lawsuits further deter survivors from speaking out and getting the support they need, which can also impact their ability to stay in school or work.
- Survivors should be able to report sex assault and harassment in good faith without fear of being sued by their abuser for defamation. And of course, people who are falsely accused in bad faith should be able to pursue meritorious lawsuits. We must enact laws that do both and treat all parties fairly: prevent abusers from weaponizing the courts against their victims while allowing those who are falsely accused to clear their name.

- **If a state already has an anti-SLAPP law:** Survivors should not be treated differently from other types of whistleblowers just because they report *sexual* misconduct instead of, say, zoning, financial, or environmental misconduct. We must close the gap in our state's anti-SLAPP law, so that sexual misconduct is treated like any other type of misconduct.
- **If a state does not have an anti-SLAPP law:** We should all be able to speak out about misconduct—whether that is a zoning violation, political corruption, environmental pollution, or sex harassment—without being slapped with an abusive, expensive, and meritless lawsuit. We must protect our ability to exercise our First Amendment rights, so that we can speak out freely without fear of retaliation.

Public Popularity

- In a January 2026 poll, more than three in five U.S. adults (62%) said strengthening protections against sex harassment in schools and workplaces would help them and their families, including 68% of women.
- In an April 2026 survey, more than eight in 10 U.S. adults (81%) supported guaranteeing the right to be free from sex discrimination, including sex harassment, in schools and workplaces.
- In an April 2026 survey, the majority of U.S. adults (51%) thought their elected representatives should be doing more to guarantee the right to be free from sex discrimination, including harassment, in schools and workplaces.
- The Uniform Public Expression Protection Act has [broad bipartisan support](#) from organizations across the political spectrum.

State-Specific Data

- [See if your state has an anti-SLAPP law](#) and whether it sufficiently protects survivors speaking out about sex harassment.
- [See the lifetime prevalence](#) of sexual assault, domestic violence, and stalking in your state.

Examples of State and Local Policies

- In 2024 and 2025, [Maine](#) comprehensively amended its anti-SLAPP law to protect survivors from civil liability for statements made in a complain filed under its human rights act, its campus sexual misconduct code, or the federal Title IX statute; and for statements made in good faith about sex harassment or other discrimination—even if no complaint is filed.

- In 2023, [California](#) passed a (non-SLAPP) law to protect communications made in good faith about sexual assault, harassment, or discrimination from defamation liability. In 2025, the law was used by a New York state court to [dismiss](#) actor Justin Baldoni's defamation suit against his *It Ends With Us* co-star Blake Lively, who had alleged he sexually harassed her.
- [Connecticut](#), [New York](#), [Oregon](#), [Texas](#), and [Virginia](#) have also amended their anti-SLAPP laws to protect survivors of sexual assault, sex harassment, and/or other discrimination from defamation and/or other civil liability.

STRENGTHEN STATE-BASED CIVIL RIGHTS ENFORCEMENT

THE PROBLEM

Civil rights laws have been an effective tool for women, girls, LGBTQIA+ people, and all who face sex discrimination to hold institutions accountable for ensuring equal opportunity in schools, workplaces, health care, and other settings. However, the Trump administration has taken a [wrecking ball to federal civil rights enforcement](#) mechanisms by [gutting investigative capacity](#), [overturning administrative decisions](#), [rescinding resolution agreements](#) with schools and other covered entities, [imposing administrative roadblocks](#), [weaponizing civil rights laws](#) to harm vulnerable communities, and [wasting](#) limited resources on [ideological investigations](#). Federal agencies that were once avenues for justice and relief, such as the Equal Employment Opportunity Commission and the U.S. Department of Education's Office for Civil Rights, are not only less equipped to enforce civil rights laws, but these agencies are unlawfully distorting civil rights laws to further an extreme ideological agenda that largely views [cisgender Christian white men](#) as in need of greater protection.

States are positioned to [step in and fill the gap in federal enforcement](#). Different state agencies—including state attorney general offices, state and local human rights commissions, state fair employment practices agencies, and state departments of education—can be strengthened to process individual complaints of discrimination and investigate them. State agencies should be empowered to investigate violations of state civil rights law to the fullest extent, recognizing that some state civil rights laws may be more expansive than federal law and that federal agencies are deliberately seeking to erode, preempt, or create conflicts with state civil rights laws. The ongoing accountability needed to effectuate the full breadth of civil rights law is a worthwhile and necessary investment of state resources in fostering opportunity and well-being for future generations.

THE SOLUTION

- Ensure relevant state agencies, such as state human rights commissions, education agencies, and labor agencies are adequately staffed and imbued with sufficient resources and authority to conduct civil rights investigations of employers, schools, and other relevant institutions.

- Direct relevant state agencies to issue guidance that reaffirms the application of state civil rights law in areas being disputed by the federal government, such as transgender rights and attacks on [diversity, equity, and inclusion](#).
- Direct relevant state agencies to conduct public education and awareness activities to ensure individuals impacted by discrimination are aware of remedies and complaint processes.
- Identify opportunities to expand and strengthen state civil rights laws, including ensuring individuals have a private right of action to remedy discrimination including under [disparate-impact standards](#).
- Coordinate with partner agencies across states to issue joint statements or guidance, share data on enforcement actions, and provide a united front against federal intrusion that seeks to erode civil rights protections.

TALKING POINTS ON THE SOLUTION

- **The federal government is weaponizing and withdrawing from civil rights enforcement, leaving marginalized communities with few avenues to justice.** Federal agencies—like the Equal Employment Opportunity Commission and U.S. Department of Education’s Office for Civil Rights, have long been trusted to investigate discrimination claims. But the current federal government is now prioritizing ideological investigations at the expense of remedying discrimination faced by marginalized people. [Without administrative civil rights enforcement](#), those who face discrimination have to turn to [costly litigation](#) and may be deterred from seeking or entirely unable to pursue remedies or recourse.
- **States are positioned to expand enforcement and hold institutional actors accountable.** Federal civil rights laws have not changed, even if federal enforcement has diminished. Instead of allowing employers to exploit workers and schools to ignore student complaints, states can serve as a watchdog that holds institutional actors accountable for their obligations under the law. We can invest more in ensuring that those who faced discrimination have a place to turn, that those who perpetuate discrimination have someone holding their feet to the fire, and that civil rights laws are enforced to the fullest extent.

Additional Messaging Resources

- [EEO Leaders Public Statements Responding to the Trump Administration’s Actions Adversely Impacting Equal Employment Opportunity](#)
- [NWLC Letter to U.S. Department of Education re: Nonenforcement of Student Survivor Complaints](#)

Public Popularity

- In January 2026, [eighty-two percent](#) of Americans supported guaranteeing the right to be free from sex-based discrimination, including harassment, in the workplace.
- In April 2026, [more than half](#) (51%) of adults said that their elected representatives should be doing more to guarantee the right to be free from sex-based discrimination, including harassment, in the workplace and in school.

Examples of State and Local Policies

- In 2025, [Oregon](#) included a 30% increase in funding for the Bureau of Labor & Industries, in part to bolster its civil rights investigatory capacity and tackle a backlog in civil rights complaints.
- In 2026, multiple state legislatures considered measures to enhance investigation of civil rights complaints in public schools, including in [Maryland](#) and [Colorado](#).
- In 2025, sixteen state attorneys general [issued joint guidance](#) to help businesses, nonprofits, and other organizations understand the continued viability and important role of diversity, equity, inclusion, and accessibility efforts in creating and maintaining legally compliant and thriving workplaces.
- Click [here](#) for additional examples of current state civil rights protections for students in all 50 states and the District of Columbia.



BUILD A STRONG CHILD CARE AND EARLY EDUCATION SYSTEM

THE PROBLEM

Child care and early learning opportunities help children get the strong start they need to succeed and enable parents to work so they can support their families and/or go to school to attain the skills they need to improve their economic circumstances. Yet, our child care and early learning system has long been underfunded and undervalued. The system became even more precarious following the expiration of temporary federal child care funding that was provided during the pandemic. Now, the massive cuts to federal Medicaid and SNAP funding under the 2025 tax and budget law that Trump and congressional Republicans enacted (H.R. 1 or “OBBBA”) threaten to limit states’ capacity to invest their own funds in child care.

The annual cost of full-time child care for one child ranges from approximately \$5,500 to over \$27,000, depending on the age of the child, the type of care, and the state in which the family lives. Low-income families (making less than \$50,000 a year for a family of four) with children under 5 that pay for child care spend 35% of their income on child care, compared to 7% for higher-income families (more than \$150,000 a year for a family of four). Child care is particularly difficult to find and afford for families with infants or children with special needs and parents working nontraditional hours (evenings, nights, weekends, or irregular schedules).

At the same time, early educators—who are predominantly women and disproportionately women of color—are paid poverty-level wages. The median wage for child care workers is just \$16.82 per hour, and Black and Latina child care workers often make even less than their white peers. The Child Care and Development Block Grant (CCDBG), the major federal child care program, aims to address these challenges by helping families with low incomes afford child care, improving the supply of child care, and supporting child care programs and early educators, but it falls far short of meeting the need. Less than one in six children eligible for federal child care assistance receives help. And while some states are making strides in expanding access to reliable, affordable child care and supporting the child care workforce, many other states are failing to make progress or moving backward.

THE SOLUTION

- **Protect and then build on state investments, and advocate for federal investments,** to help families—particularly families with low and moderate incomes—find and afford stable, high-quality child care for infants through school-age children. State investments should be supported by [progressive funding sources](#).
- **Invest in strategies and initiatives that support early educators and child care providers:**
 - » Support salary supplements, access to health insurance and retirement benefits, free child care for early educators’ own children, and other [initiatives that enable early educators to receive a living wage](#) and benefits and to have a pathway to higher wages equivalent to similarly qualified K–12 educators.
 - » Support initiatives to expand and ensure equitable access to professional development for early educators.
 - » Increase payment rates to child care providers that serve families receiving child care assistance, use payment practices in the child care assistance program that reflect practices used in the private market such as [paying based on enrollment rather than attendance](#), and provide equitable access to additional incentives and supports to enable providers to improve their quality.
 - » Support housing and zoning [policies](#) that enable home-based providers to [afford to rent or own the homes](#) where they provide care and to operate their child care programs.
- **Ensure all families have child care options that meet their diverse needs:**
 - » Fund grants, technical assistance, teacher recruitment efforts, and other initiatives to build the supply of affordable, high-quality child care for infants and toddlers, [children with special needs](#), foster children, and children in underserved areas, including low-income communities and rural areas.
 - » Ensure parents who work [nontraditional](#) and [unpredictable hours](#) have child care options that meet their needs, by providing higher payment rates to child care providers offering these hours and other incentives, training, and supports to offer nontraditional-hour care.
 - » Ensure the full range of child care providers, including [family, friend, and neighbor \(FFN\) care providers](#), have opportunities to participate in child care assistance programs and receive resources and supports.

- **Fully implement the improvements included in the 2024 federal Child Care and Development Block Grant [regulations](#)**, as well as the policies encouraged by the regulations, which were designed to reduce cost burdens for families receiving child care assistance, make it easier for families to receive child care assistance, improve payment practices for child care providers, and achieve other important objectives. Among other provisions, the 2024 regulations required states to limit copayments for families receiving child care assistance to 7% of their income and to pay child care providers serving families receiving assistance in advance and based on enrollment (rather than based on children's attendance), as is common practice for parents paying privately out of their own pocket. While regulations issued by the Trump administration in May 2026 reverse these requirements, states can and should still implement these policies. (Click [here](#) for more information about the 2024 regulations and efforts in 2026 to undo them)
- **Ensure your state (if it has a personal income tax) has a [fully refundable child and dependent care tax credit \(CDCTC\)](#)** so that families with little or no tax liability can take advantage of the credit.
- **Invest in well-designed [prekindergarten](#) initiatives:**
 - » Make high-quality, full-school-day prekindergarten programs available to all 4-year-olds whose families want them and, once prekindergarten is universally available to 4-year-olds, expand prekindergarten opportunities for 3-year-olds, beginning with children from families with low incomes.
 - » Design prekindergarten initiatives to include set-asides for infant-toddler care.
 - » Make state funding for prekindergarten programs available to schools, child care centers, family child care homes, [Head Start programs](#), and other community-based providers that meet high-quality standards.
- **Establish a grassroots council** of parents, providers, and other community leaders—with compensation for their time and expenses for participation—on how to best [raise revenues for state investments](#) and use funding to support the most underserved.
- **State attorneys general** and/or the **state's executive branch** can take legal action to ensure your state receives its full allocation of federal early care and education funding.

TALKING POINTS ON THE SOLUTION

- Child care is fundamental to children, families, and our nation's economy. But the child care system is under [tremendous strain](#). We must provide robust and ongoing public investments to build a more resilient and equitable child care system.
- Parents are struggling to pay for child care and cannot afford to pay more than they already do, but current fees are not sufficient to support adequate pay for early educators. Public investment is essential to solve this dilemma without placing a greater burden on parents, providers, or early educators.

- Families unable to receive child care assistance due to long waiting lists or restrictive eligibility criteria are often forced to use a patchwork of [unstable arrangements](#), causing disruption for children, more stress for parents, and a risk of job loss. Families that stretch to pay for reliable child care often [struggle to pay for other necessities](#).
- Child care assistance helps everyone—parents are able to support their families, children can learn and thrive, and employers can recruit and retain skilled, productive workers.
- Early educators are essential and should be compensated accordingly.
- The lack of affordable, high-quality child care is costing the United States an estimated [\\$172 billion each year](#) in lost earnings, economic productivity, and foregone revenue.

Additional Messaging Resources

- [Click here](#) for a movement-wide messaging guide for child care.
- Reach out to stategenderpolicy@nwlc.org for talking points on the [Trump administration's attacks on child care](#) and [Head Start](#), including the freeze of child care funding, and more values-based messaging for child care advocates.

Public Popularity

- In an April 2026 survey, [76%](#) of adults supported guaranteeing access to affordable, high-quality child care.
 - » Sixty-one percent of adults said their elected representatives should be doing more to guarantee access to affordable child care
- In an April 2025 poll, [81%](#) of parents said that expanding access to affordable, quality child care should be a top or high priority for both federal and state policymakers. Seventy-four percent of parents thought funding for child care and early learning should be increased.
- [A majority of parents](#) said that it is difficult to find both high-quality child care (62%) and affordable child care (70%) in their community. These concerns are especially high for mothers, stay-at-home parents, rural families, and those with lower incomes. Additionally, an overwhelming majority of parents believe that child care costs, supply, and teacher compensation are problems facing the system.

State-Specific Data

- Click [here](#) for state-specific child care affordability estimates, and [here](#) for data from a survey of early childhood educators on the challenges faced by child care programs, the

child care workforce, and families.

- Click [here](#) for a state-by-state analysis of child care supply and prices.
- Click [here](#) for a report analyzing the specific sources of revenue that states across the United States are using to provide stable long-term funding for programs and services for children.

Examples of State and Local Policies

[Progressive and conservative states are investing in child care](#), recognizing how critical it is to their families and economies:

- [Vermont](#) enacted legislation in 2023 that invests [\\$125 million annually](#) into child care, allowing the state to expand the income eligibility limit for its child care assistance program to [575% of the federal poverty level](#) as well as increase child care provider payment rates by 35%, invest in the workforce and facilities, and cover 100% of child care fees for families with incomes up to 175% of the federal poverty level.
- New Mexico approved a constitutional amendment via ballot initiative in 2022, guaranteeing a right to early childhood education with dedicated revenue from a percentage of the state's land grant permanent fund. [New Mexico](#) became the first state in the nation to adopt Universal Child Care on November 1, 2025, making child care available to all families with no income limits and no copayments.
- Montana has established the [Montana Early Childhood Special Revenue Account](#), a state fund dedicated to supporting early childhood programs, services, and initiatives. The fund received a one-time \$10 million public investment in 2025 and will grow over time as it receives a portion of the interest earned on the new Growth and Opportunities Trust, which was created to support Montana's infrastructure and economic development. The Early Childhood Special Revenue Account is also authorized to accept private donations, grants, or gifts.
- [Alaska](#) approved legislation in 2025 that increases the income eligibility limit for child care assistance to 105% of state median income—more than doubling the number of families eligible for assistance—and creates a sliding fee scale that caps copayments for families receiving assistance at 7% of income. The state also made a new annual investment in child care grants dedicated to helping providers cover operating costs and supporting the financial stability of providers across the state.

RAISE REVENUE TO SUPPORT INVESTMENTS IN WOMEN AND FAMILIES

THE PROBLEM

The primary purpose of the tax code is to collect revenues to support investments in public goods that help everyone and grow the economy, such as food assistance, health care, child care, paid family and medical leave, and aging and disability care. These revenues should be collected by making sure the wealthiest individuals and corporations are paying their fair share. But many state tax codes are regressive or offer tax preferences for income from wealth compared to income from work, requiring low- and middle-income families to pay a greater share of their income in taxes than wealthy families. This [widens inequality and gender and racial wealth gaps](#) and disproportionately impacts [women, women of color, and LGBTQIA+ people](#), who are already struggling to make ends meet among inflation, rising prices, and the drastic [cuts to SNAP and Medicaid](#) imposed by the tax and budget law that Trump and congressional Republicans enacted in 2025 (H.R. 1 or “OBBBA”). These cuts will squeeze state budgets, requiring states to increase funding to basic needs programs or face service cuts. [OBBBA also gave big tax breaks to the wealthy](#), diminishing how much tax revenue the federal government collects. States can reverse this harmful trend by taxing wealthy residents and funding public investments.

THE SOLUTION

- Raise revenue to support public investments by enacting progressive tax policies that require a state’s wealthiest residents and corporations to pay more of their fair share. [Revenue options](#) to consider within your state context include:
 - » Increasing [income taxes](#) on high-income residents
 - » Increasing taxes on [capital gains](#) or on [high levels of net worth](#)
 - » Addressing [trust loopholes](#) and increasing [estate taxes](#)
 - » Closing [loopholes in corporate taxes](#) and increasing corporate tax rates
- [Reject conforming state tax codes](#) to federal tax policies that provide tax breaks to the wealthiest families and corporations.

- Reject policies, such as [increasing sales taxes](#) or [cutting progressive income taxes](#), that require low- and middle-income families to pay a greater share of their income in taxes than wealthy families and necessitate cuts to vital programs.
- [Expand refundable tax credits](#) in ways that help the lowest income families rather than prioritizing higher income families. While refundable tax credits lift families' incomes, tax credits are no [substitute for direct investments](#) in child care, paid family and medical leave, or aging and disability care.
- State and local officials can enact progressive tax policies [at the local level](#) to ensure the wealthy are paying more of their fair share to fund essential public goods.

TALKING POINTS ON THE SOLUTION

- The tax code should work for all of us, not just the wealthy few.
- If states step up to support families in the wake of OBBBA, residents will not have to [go hungry](#) or [go without health care](#) to fund tax breaks for billionaires.
- Billionaires and corporations should [pay more in taxes](#) to take the burden off families who are struggling to afford the basics. The wealthiest have [rigged the tax code](#) for their own benefit, and it's time for them to pay their fair share.
- If billionaires and big corporations pay their fair share in taxes and we invest in [child care, paid family and medical leave, and aging and disability care](#), we will make life more affordable for families, grow the economy and [increase gender and racial equity](#).
- States can [increase public trust](#) in government by ensuring their tax codes raise revenues fairly for the benefit of the community.
- Making state tax codes [more progressive](#) increases state revenues, reduces poverty, and advances racial equity.

Public Popularity

- Taxing the wealthy is [consistently favored](#) in recent polling across the political spectrum. [Seventy-three percent](#) of likely voters in late January and early February 2026 agreed the wealthy should pay more in taxes.
- [In January 2026](#), 80% of Americans said the gap between rich and poor is a somewhat big or very big problem, and 59% said the government should act to reduce wealth inequality.
- [Strong majorities \(73%\)](#) in August 2025 also believed the wealth gap is a serious national problem.
- States with the most progressive tax codes are [ranked significantly better](#) places to live, work, and raise a family.

- Wealthy residents often claim they will move out of state if their taxes are increased, but in reality [relocations for tax purposes are exceedingly rare](#).

State-Specific Data

- Click [here](#) for a comprehensive analysis of tax systems in all 50 states and the District of Columbia.

Examples of State and Local Policies

- In 2026, Maine and Washington enacted [millionaire's taxes](#). [Washington](#) applied a 9.9% tax to incomes over \$1 million, using the revenues to support child care, public education, and an expansion of the state's EITC. [Maine](#) adopted a 2% tax on annual incomes over \$1 million dollars and will use the revenues to support investments in care, affordability, and education.
- [California](#) residents will vote in November 2026 on a ballot initiative to enact a one-time 5% wealth tax on the state's approximately 200 billionaires. If enacted, it is estimated to [raise \\$100 billion in revenue](#), which would allow the state to support health care and food assistance, which face cuts from OBBBA.
- In 2026, several states adopted legislation decoupling their state tax codes from OBBBA's tax breaks in the federal code for wealthy and profitable corporations. For example, Maine and Oregon [decoupled](#) their tax codes from the federal [Qualified Small Business Stock](#) exemption—which overwhelmingly benefits households with over \$1 million in annual income—thereby protecting millions of dollars in revenue. [New Mexico](#) decoupled its state tax code from some of the corporate tax breaks in OBBBA to fund investments including affordable housing development and increased pay for teachers and other public employees.
- In 2025, [Maryland](#) increased tax fairness by creating two new high-income tax brackets and a new capital gains surcharge. At the same time, it expanded the state's Child Tax Credit.
- Click [here](#) for a 2025 Tax Justice Legislative Overview



BOOST FAMILIES' INCOMES WITH REFUNDABLE TAX CREDITS

THE PROBLEM

Many state tax codes require low- and middle-income families to pay a greater share of their income in taxes than wealthy families. This disproportionately impacts [women](#) and [women of color](#), who are already struggling to make ends meet among inflation, rising prices, and drastic cuts to SNAP and Medicaid. State tax credits that reduce or eliminate tax liability and provide cash refunds for low- and middle-income women improve family well-being, help women afford necessities, and alleviate regressive state tax codes. Unfortunately, the tax and budget law that Trump and congressional Republicans enacted in 2025, (H.R. 1 or “OBBBA”), changed tax credits in ways that [largely benefited high-income families](#). States should ensure that state tax credits reach the families most in need of support by prioritizing refundability and access for low-income and immigrant families. Refundable tax credits are key to an economy that works for everyone.

THE SOLUTION

- Build upon the [success of federal refundable tax credits](#) for families by offering a state [Earned Income Tax Credit \(EITC\)](#), which benefits low- and moderate-income workers and their families; a state [Child Tax Credit \(CTC\)](#), which helps families meet the costs of raising children; and a state [Child and Dependent Care Tax Credit \(CDCTC\)](#), which helps families who pay for child and dependent care in order to work or look for work. Ensure these credits are refundable so that families with low incomes can take full advantage of the credit.
- Base a state EITC on a percentage of the federal EITC and provide additional help for low-income, childless workers who receive a much smaller federal EITC than workers with children. In addition, allow families to claim the state EITC with their Individual Tax Identification Numbers (ITINs), a tax processing number available to those who are not eligible for Social Security numbers. This will [benefit many immigrant families](#) who are currently excluded from the federal EITC.

- When designing or improving a state CDCTC, offer a generous percentage of the federal CDCTC but allow families to claim state credits even if their incomes were too low to benefit from the federal credit.
- Ensure a state CTC is fully refundable and allow workers to claim the CTC for children with ITINs. This will help more families who cannot access the federal CTC benefit from a state CTC.
- Offer an additional Young Child Tax Credit to provide more assistance to families with young children who often receive smaller child tax credit amounts due to having lower incomes.
- State CTCs should not [extend eligibility for the credit to fetuses](#). Anti-abortion policymakers are advancing such provisions as a way to establish fetal personhood, which would lay the groundwork for a nationwide ban on abortion and imperil some fertility treatments and birth control methods. States should instead invest in programs that already benefit pregnant people and children, such as WIC, SNAP, TANF, housing assistance, child care, and more.
- State tax credits should not be modeled after OBBBA's expansions of the federal CTC and CDCTC. These expansions [prioritized higher income families](#) and left behind the families most struggling to make ends meet.
- States should conduct [outreach campaigns](#)—including through partnerships with trusted messengers, targeted outreach to underserved communities, and dissemination of audience-specific materials—to encourage eligible families to file their taxes and claim the tax benefits they deserve.
- States should provide [free tax filing services](#)—including by integrating them into existing services for families—so that families have the help that they need to file their taxes and claim their tax benefits.

TALKING POINTS ON THE SOLUTION

- State tax credits, especially those that provide a refund, [can increase family incomes](#)—supporting financial security and improving family [well-being, children's health, and future educational and employment outcomes](#). The boost in income is especially needed as families face rising costs and stagnating wages.
- State refundable tax credits can help further racial and gender equity. Tax credits that provide a refund especially benefit women of color, who are more likely to be in [low-paying](#) and [part-time](#) work.
- Refundable tax credits—which benefit families with low or no incomes—are [critical for families](#) with an ill or disabled parent, families headed by grandparents, and families with very young children.

- Refundable tax credits also [boost the economy](#) by putting money in the pockets of families with low and moderate incomes, who are likely to spend it in their local economy. In 2021, the expanded monthly federal CTC infused nearly \$20 billion into local economies every month.

Additional Messaging Resources

- Click [here](#) to understand how to talk about the OBBBA tax provisions purporting to help everyday families, including the CTC expansion, and how they do not actually help families who most need support.
- Click [here](#) for talking points on child care–related tax credits in OBBBA.
- Click [here](#) for state- and district-specific modeling of support for different policy positions, including on funding programs like state CTCs.

Public Popularity

- Tax credits are popular. There is limited polling on state tax credits, but surveys show wide support for pandemic-era expanded federal tax credits, upon which many state credits are modeled.
 - » In an April 2026 survey, [nearly three quarters \(74%\)](#) of parents with children under 18 said expanding the child tax credit would help them and their families, as did 52% of adults overall.
 - » In January 2024, [nearly two-thirds](#) of voters (63%) supported a fully refundable federal CTC.

State-Specific Data

- Children in low-income families who [weren't eligible for the full federal CTC](#) in 2023, by state and congressional district
- State-by-state analysis of the impact that [restoring the expanded pandemic-era federal CTC and EITC](#) would have on families
- Fifty-state survey of [state tax credits related to child care](#), for tax year 2025
- Fifty-state survey of [state CTCs](#), for tax year 2025
- Fifty-state survey of [state EITCs](#), for tax year 2025

Examples of State and Local Policies

- Sixteen [states](#) (including the District of Columbia) have provided CTCs (which are refundable in all but four states). [Eleven states](#) allow tax filers to claim children with ITINs for their CTC.

- [Thirty-three states](#) (including the District of Columbia and Puerto Rico) have state EITCs (which are refundable in all but four states). [Eleven states](#) allow tax filers with ITINs to claim their EITC.
- [Thirty states](#) (including the District of Columbia) have child and dependent care tax provisions, most of which are based on the federal CDCTC. [Sixteen](#) of those states offer refundable credits.