

Issue: LGBTQ Rights

# LGBTQ Rights and Legislation in Virginia

## Rights

Rights	Status
Changing Gender	✓ Legal, but requires surgery
Adoption	Ambiguous: There is no specific exclusion for same-sex couples. It is legal, however, to deny adoption based on religious grounds.
Discrimination	✗ No protections
Housing Discrimination	✗ No protections
Employment Discrimination	✗ No protections
Military	✓ Legal
Age of Consent	✓ Equal
Donating Blood	✗ Banned (indefinite deferral)
Conversion Therapy	Ambiguous: Conversion Therapy is currently legal. No law currently bans it, despite organizations such as the American Psychological Association denouncing it.

<http://www.equaldex.com/region/united-states/virginia>

## Legislation

HB2025, also known as Religious freedom; solemnization of marriage, passed with a 57 to 37 vote with almost all Republican Delegates voting in favor of discrimination.

Submitted by Delegate Nicholas J. Freitas (R -30, Culpepper), HB2025 offers a shield to any “person” from punishment from the state, civil or otherwise, if they deny services in a same-sex marriage.

In layman’s terms, it aimed to protect pastors and other faith leaders in churches from civil or criminal punishment if they denied services to same-sex couples. However the bill was also interpreted by some activists to include other faith-based organizations like church run schools or hospitals, giving them the ability to refuse visitation rights by same-sex couples, or deny the children of same-sex parents in parochial programs.

The 2016 GA session featured a bill matching HB2025 and it similarly passed the House and Senate as HB2025 is expected to as well.

This led to Gov. McAuliffe vetoing the legislation because “any legitimate protections afforded by Senate Bill 41 are duplicative of the First Amendment to the Constitution of the United States.”

Those who spoke in favor of the bill such as Del. Robert Orroch (R- 54th District) and Del. Bob Marshall (R- 13th District) detailed their frustration with Gov. McAuliffe’s vow to veto any bills that would constrain Virginians based on their sexual orientations or gender identities.

<http://www.gayrva.com/news-views/vague-anti-same-sex-marriage-bill-passes-virginia-house-heads-to-senate-next-week/>

On Tuesday Feb 9, 2017, the Virginia Senate passed SB 1324--discriminatory legislation that seeks to give taxpayer-funded agencies and service providers a license to discriminate against LGBTQ people under the guise of religion. The bill now heads to the House.

The bill mirrors HB 2025, which the Virginia House of Delegates passed last week. HB 2025 could allow taxpayer-funded organizations like homeless shelters and adoption agencies to refuse service to same-sex couples, transgender people, and anyone suspected of having intimate relationships outside of a heterosexual marriage (such as single mothers or a cohabiting straight couple) without losing taxpayer funding, contracts, licensing, or other forms of state recognition.

Either the house or the senate could now pass the version passed in the other chamber and send it to the governor's desk. Virginia Governor Terry McAuliffe vetoed a similar discriminatory proposal in 2016 and has vowed to do the same this year.

<http://www.hrc.org/blog/virginia-anti-lgbtq-legislative-update-senate-passes-sb-1324>

### HB2025 votes:

YEAS--Adams, Albo, Anderson, Austin, Bell, Richard P., Bell, Robert B., Bloxom, Byron, Campbell, Cline, Cole, Collins, Cox, Dudenhefer, Farrell, Freitas, Garrett, Gilbert, Greason, Habeeb, Head, Helsel, Hodges, Hugo, Ingram, Jones, Kilgore, Knight, Landes, LaRock, Leftwich, LeMunyon, Lingamfelter, Marshall, D.W., Marshall, R.G., Massie, Miller, Miyares, O'Bannon, O'Quinn, Orrock, Peace, Pillion, Pogge, Poindexter, Ransone, Robinson, Rush, Ware, Webert, Wilt, Wright, Yancey, Mr. Speaker--54.

NAYS--Aird, Bagby, Bell, John J., Bourne, Boysko, Bulova, Carr, Davis, Edmunds, Filler-Corn, Hayes, Heretick, Herring, Hester, Holcomb, Hope, James, Keam, Krizek, Levine, Lindsey, Lopez, McQuinn, Mullin, Murphy, Plum, Price, Rasoul, Sickles, Simon, Stolle, Sullivan, Torian, Toscano, Tyler, Villanueva, Watts, Yost--38.

ABSTENTIONS--0.

NOT VOTING--Fariss, Fowler, Kory, Loupassi, Minchew, Morefield, Morris, Ward--8.

Delegate Edmunds was recorded as nay. Intended to vote yea.

Delegate Loupassi was recorded as not voting. Intended to vote nay.

Delegate Morris was recorded as not voting. Intended to vote yea.

Delegate Ward was recorded as not voting. Intended to vote nay.

Delegate Kory was recorded as not voting. Intended to vote nay.

### HB1324 votes:

YEAS--Adams, Albo, Anderson, Austin, Bell, Richard P., Bell, Robert B., Bloxom, Byron, Cline, Cole, Collins, Cox, Edmunds, Fariss, Farrell, Fowler, Freitas, Garrett, Gilbert, Greason, Habeeb, Head, Helsel, Hodges, Hugo, Ingram, Jones, Kilgore, Knight, Landes, LaRock, Leftwich, LeMunyon, Lingamfelter, Marshall, D.W., Marshall, R.G., Massie, Miller, Minchew, Miyares, Morefield, O'Bannon, O'Quinn, Orrock, Peace, Pillion, Pogge, Poindexter, Ransone, Robinson, Rush, Villanueva, Ware, Webert, Wilt, Yancey, Mr. Speaker--57.

NAYS--Aird, Bagby, Bell, John J., Bourne, Boysko, Bulova, Carr, Davis, Filler-Corn, Hayes, Heretick, Herring, Hester, Holcomb, Hope, James, Keam, Kory, Krizek, Levine, Lindsey, Lopez, Loupassi, McQuinn, Mullin, Murphy, Plum, Price, Rasoul, Sickles, Simon, Stolle, Sullivan, Torian, Toscano, Tyler, Ward, Watts--38.

ABSTENTIONS--0.

NOT VOTING--Campbell, Dudenhefer, Morris, Wright, Yost--5.

Delegate Villanueva was recorded as yea. Intended to vote nay

<https://lis.virginia.gov/cgi-bin/legp604.exe?171+vot+HV2496+HB2025>