

Issue: LGBTQ+ Rights

LGBTQ+ Rights and Legislation in Virginia

Protections On Hold Even As the Culture Changes

Current Status of LGBTQ+ Rights¹

Gender change ✓ Legal, but requires surgery to qualify for protected status

Adoption **Ambiguous**: There is no specific exclusion for same-sex couples, but it is legal to deny adoption to them if the denial is based on religious grounds.

Discrimination (only state workers have protections) ✗ No protections

Housing discrimination ✗ No protections

Employment discrimination ✗ No protections (an executive order does protect state employees)

Openly serving in the Military ✓ Legal

Age of consent ✓ Equal

Blood donation ✗ Banned (indefinite deferral)

Conversion therapy **Ambiguous**: Currently legal.

Recent Legislative Actions

2017 Legislation

In 2017, the governor vetoed two bills intended to deny rights to LGBTQ+ individuals.

- **HB 2025**, introduced by Nick Freitas (R–HD30) and co-patron Mark Cole (R–HD88). It protected pastors and other church leaders 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 and hospitals, allowing them to refuse visitation rights by same-sex couples and to deny children of same-sex parents the opportunity to attend parochial programs. **Vetoed by the governor**
- **SB 1324**, introduced by state Senator Bill Carrico (R–SD40). Similar to **HB 2025**, this bill invoked free-speech rights to allow organizations and service providers (such as homeless shelters and adoption agencies) to deny services to non-heterosexual couples. **Vetoed by the governor**

2018 Legislation

In 2018, Democratic state senators and delegates introduced 18 bills designed to provide equal rights and protection under the law. All bills were either defeated or died in committee. They included:

- **HB 10**, introduced by Kaye Kory (D–HD38) and 11 Democratic co-patrons. Added disability, gender, gender identity, and sexual orientation to the categories that allow criminal attacks to be prosecuted as hate crimes. Gave crimes against the LGBTQ+ community more severe penalties, and allowed internet service providers to restrict content to discourage hate speech

on the basis of disability, gender, gender identity, or sexual orientation. **Died in Courts of Justice Committee** (chaired by Delegate Rob Bell, **R-HD58**)

- **HB 266**, introduced by Cheryl Turpin (**D-HD85**) and 8 Democratic co-patrons. Almost identical to **HB 10**, designated anti-LGBTQ+ actions as hate crimes. **Died in Courts of Justice Committee**
- **HB 401**, introduced by Mark Levine (**D-HD45**) and 5 Democratic co-patrons. A broad anti-discrimination bill, it prohibited discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. **Died in General Laws subcommittee** (chaired by Delegate Chris Peace, **R-HD97**)
- **HB 409- HB 414**, all introduced by Marcus Simon (**D-HD53**). Replaced gendered terms in the law with gender-neutral terms, making more services available to non-heterosexual couples and non-cisgender individuals. The areas of the law to be revised included taxation, property rights of married couples, assisted contraception, marriage-related criminal laws, adoptions, and same-sex marriage. **All died in Courts of Justice Committee**
- **HB 415**, introduced by Marcus Simon (**D-HD53**). Removed gender from previously gendered crimes, such as assisting or threatening to abduct a female under the age of 16 for the purpose of concubinage or defaming the chaste character of a female. It also would have allowed any spouse of a defendant placed on probation to demand support, a privilege currently provided only to defendants' wives. **Died in Courts of Justice Committee**
- **HB 718**, introduced by Ken Plum (**D-HD36**) and 3 Democratic co-patrons. Like **HB 10** and **HB 266**, this bill designated hate crimes as criminal actions against the LGBTQ+ community. **Died in Courts of Justice Committee**
- **HB 971**, introduced by Elizabeth Guzman (**D-HD31**) and co-patron Mark Levine (**D-HD45**). Made it unlawful to discriminate based on gender identity when selling or renting property. **Died in General Laws Subcommittee**
- **HB 1267**, introduced by Mark Sickles (**D-HD43**) and co-patron Ken Plum (**D-HD36**). Required the state employee health plan to provide coverage for gender-transition services. **Died in Appropriations Committee** (chaired by Delegate S. Chris Jones, **R-HD76**)
- **HB 1466**, introduced by Debra Rodman (**D-HD73**) and co-patron Danica Roem (**D-HD13**). Prohibited health carriers from using gender identity as a reason to deny or limit coverage or to add additional costs for services. It would have required health carriers to assess medical necessities based on non-discriminatory data consistent with current medical standards. **Died in Commerce and Labor Committee** (chaired by Delegate Terry Kilgore, **R-HD1**)
- **HJ 73**, introduced by Betsy Carr (**D-HD69**) and co-patron Danica Roem (**D-HD13**). Requested that the Department of Education assess the effectiveness of suicide prevention strategies and anti-bullying policies to identify areas of improvement and determine the youth suicide rate and the percentage of LGBTQ+ individuals within that number. It also sought new programs designed to prevent bullying and resulting suicides. **Died in Rules Committee** (chaired by Delegate M. Kirkland Cox, **R-HD66**)

- **SB 112**, introduced by state Senator Barbara Favola (D–SD31) and co-patron Kaye Kory (D–HD38). Like HB10, designated crimes against the LGBTQ+ community as hate crimes. **Defeated (6-Y 9-N) in Courts of Justice Committee**
Nays: Ben Chafin (R–SD38), Ryan McDougle (R–SD4), Tommy Norment (R–SD3), Mark Obenshain (R–SD26), Mark Peake (R–SD22), Bryce Reeves (R–SD17), Bill Stanley (R–SD20), Richard Stuart (R–SD28), Glen Sturtevant (R–SD10)
- **SB 202**, introduced by state Senator Adam Ebbin (D–SD30) and co-patron state Senator Jennifer Wexton (D–SD33). Prohibited discrimination in public employment on the basis of sexual orientation or gender identity. **Passed Senate (29-Y 10-N), died in General Laws Subcommittee**
- **SB 603**, introduced by state Senator Adam Ebbin (D–SD30) and co-patron Mark Levine (D–HD45). Removed gendered terms from marriage laws, allowing property rights currently only relevant to wives to be available to all spouses, as well as rights regarding children of same-sex couples. **Died in Courts of Justice Committee**

The Courts of Justice Committee: A barrier to progress

As 12 of these bills died in the Courts of Justice Committee, it is helpful to highlight the views of the committee chair, Republican Rob Bell, who represents House District 58. During his tenure as chair of the Courts of Justice Committee, Bell has consistently refused to allow bills that would provide protections for all Americans to come to a vote, instead letting them die in committee. On Bell's website, the section titled "Family Values" notes that he is a strong supporter of "traditional definitions of marriage,"² further clarified in his vote for the "Virginia Marriage Amendment" that defined marriage as between one man and one woman, an amendment added to the state constitution in 2006 but was ruled unconstitutional in 2014.

Rob Bell has held his seat for 17 years. Flipping the House of Delegates to the Democrats in 2019 is our best chance of getting getting him out of the chairmanship of the Courts of Justice. His challenger in the 2019 election,³ Elizabeth Alcorn, is our best chance of removing him completely from the House.

¹ <http://www.equaldex.com/region/united-states/virginia>

² <http://delegaterobbell.com/family-values/>

³ https://www.vpap.org/offices/house-of-delegates-58/elections/?year_and_type=2019regular

All legislative information collected from Richmondsunlight.com