

# ***KNOW YOUR RIGHTS***

## **LGBTQ+ NEVADANS**

Every Nevadan deserves to live with dignity, safety, and respect, regardless of who they are or who they love.

Across the country, LGBTQ+ people continue to face attacks on their rights and attempts to roll back hard-won protections. But in Nevada, we've made important progress to ensure equality under the law.

**This guide is not legal advice, but is meant to help LGBTQ+ Nevadans and their families understand and advocate for their rights.** In a time when equality is being challenged nationwide, it's more important than ever to Know Your Rights.

### **Can an Employer Discriminate Against Me Because of My Sexual Orientation or Gender Identity?**

Nevada's Equal Rights Amendment makes it illegal for a state or local government employer to discriminate on the basis of sex, gender, sexual orientation, gender identity, or gender expression.

Employers with 15 or more employees are prohibited by Title VII of the 1964 Civil Rights Act from discriminating on the basis of sex, and the U.S. Supreme Court held in 2020 (*Bostock v. Clayton County*), that firing someone on the basis of sexual orientation and gender identity is sex discrimination. In addition, many states and cities have laws banning this kind of discrimination, and some of those laws apply to smaller employers.

If you think that you have experienced discrimination at work, you can file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), or with your state human rights enforcement agency where applicable. Try to document everything like emails or HR papers that might be relevant.

### **Can a Landlord Refuse to Rent to Me?**

The federal Fair Housing Act prohibits sex discrimination by most landlords and the Supreme Court held in 2020 (*Bostock v. Clayton County*), that discrimination on the basis of sexual orientation and gender identity is a form of sex discrimination. Under

this reasoning, the Fair Housing Act also should be read to prohibit discrimination on the basis of sexual orientation or gender identity. State and local laws where you live may also bar this discrimination. Housing discrimination against people with HIV/AIDS, or people perceived to have HIV/AIDS, is also illegal under the federal protections against disability discrimination.

What you can do depends largely on where the discrimination took place, whether any state or local laws there might apply to your situation, and where things stand under the current administration. It helps immensely if you document every interaction and exchange that could show what happened.

### **Am I Protected from Discrimination in Public Accommodations, Like Shops and Restaurants?**

There is no federal law that bans discrimination based on sexual orientation or gender identity in public accommodations, like restaurants, theaters and other businesses. However, state law bans discrimination in public accommodations based on sexual orientation or gender identity or expression.

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## **Does the Law Protect My Right to Use the Restroom Consistent With My Gender Identity?**

Yes. State public accommodations nondiscrimination law explicitly prohibits discrimination based on sexual orientation and gender identity.

## **Can a Doctor of Clinic Turn Me Away Because of My Gender Identity?**

Health districts and providers must serve patients without discrimination based on gender identity/ expression.

## **Will My Insurance Cover Gender-Affirming Care in Nevada?**

Since January 2024, certain private insurers and Medicaid in Nevada must cover medically necessary gender-affirming care, including puberty blockers, hormones, surgeries, and mental health care.

## **Do I Need My Parents' Permission to Get Gender-Affirming Care or HIV Prevention Meds?**

Minors can access gender-affirming care with parent or guardian consent, but they do not need parental consent to receive HIV prevention treatments like PrEP and PEP.

## **Can A Judge Use Mine or My Child's Gender Identity Against Us in a Custody Case?**

Nevada law requires judges to consider the best interest of the child. However, Nevada state courts are obligated to follow the Nevada state constitution and so may not discriminate based on sexual orientation or gender identity or expression.

## **What Are My Rights if I Am an LGBTQ+ Youth in Foster Care or the Child Welfare System?**

State foster case and child welfare agencies must provide safe, affirming, and nondiscriminatory care for LGBTQ+ youth.

## **Can Same-Sex Couples Legally Marry in Nevada?**

Yes. Same-sex marriage has been legal since 2014. Nevada removed discriminatory language on marriage from its Constitution in 2021.

## **Can My Same-Sex Partner and I Adopt?**

Yes. State law prohibits discrimination based on gender and gender identity in public accommodations which includes an "adoption agency or other social service establishment."

## **What Protections Exist for Transgender and Gender Non-Conforming People in Nevada Prisons?**

Nevada law requires the Department of Corrections to implement certain protections, including considering gender identity in housing placements and ensuring access to appropriate medical care. This does not apply to local jails.

## **Are Hate Crimes Against Transgender People Treated Differently Under Nevada Law?**

Yes. Bias-motivated crimes against transgender people carry enhanced penalties under Nevada law.

## **Can I Serve in the Military if I Am LGBTQ+?**

Yes. Since 2011, openly gay, lesbian and bisexual men and women have been permitted to serve in the military. The military prohibits discrimination based on gender identity. It also allows transgender troops to serve openly in the military and receive medical benefits for gender transitions.

**You can find more Know Your Rights guides and request a training on this and other topics at [aclunv.org/KYR](http://aclunv.org/KYR).**

