

RESOURCE DOCUMENT

Transgender & Gender Expansive Rights in Alaska



In his first few weeks in office, President Trump has rolled out a series of executive orders that openly target transgender, gender expansive, and intersex people, and purport to require recipients of federal funding to discriminate against these groups of people. The ACLU of Alaska recognizes how frightening these executive orders—and future federal actions in alignment with the orders—are for LGBTQIA2S+ families and communities. We will do everything in our power to protect and support our families and community in Alaska.

For the time being, Alaska's laws and federal law protect LGBTQIA2S+ Alaskans from discrimination. And the ACLU is suing the Trump administration to try to prevent his harmful orders from taking effect. As the federal landscape evolves, we will do our best to keep our families and community informed of their rights.

This document is meant to help community members and advocates understand what rights you have in Alaska. You can use this information to advocate for yourself and others.

DISCLAIMER

This document is not legal advice. If you have a potential legal problem, you should promptly consult with an attorney about what options you may have and what time limits may apply. The law may change rapidly, but this document cannot be updated frequently, so the information and links in this document may have changed since the date of publication. The information and resources here focus on transgender and gender expansive rights in Alaska; this is not a comprehensive list of all LGBTQIA2S+ resources or protections available in our state.

What laws protect me and my family?

Alaska has a number of laws that protect transgender, gender diverse, and intersex individuals in various settings, including at school, in employment, and in housing. Some of these laws are listed below.

General non-discrimination protections

Both Alaska and federal antidiscrimination law prohibit discrimination on the basis of “sex.” This prohibition has been interpreted to encompass a prohibition against discrimination on the basis of sexual orientation and gender identity in the context of employment. Anchorage, Juneau, and Sitka have also passed local laws explicitly prohibiting discrimination on the basis of sexual orientation, gender identity, and/or gender expression in several contexts, including employment, housing, and public accommodations.

State Identification Documents

All Alaskans have a constitutional right to privacy. This right to privacy protects transgender Alaskans’ ability to obtain gender-marker changes on state IDs. In *K.L. v. State*, an Alaska Superior Court judge found that “one’s transgendered status is private, sensitive personal information” protected by the Alaska Constitution. When a transgender person is not permitted to change the gender marker on their ID, it threatens the disclosure of their personal information. As such, the court required the Alaska DMV to provide “a procedure allowing licensees to change the sex designation on their driver’s license.”

The Trump Administration’s recent executive orders do not affect state identification documents. [More information on how to obtain a name change and/or gender-marker change on Alaska IDs.](#)

NOTE: The ACLU is actively suing the Trump Administration over its new passport policy, which refuses to issue passports to otherwise eligible Americans with the sex designation that reflects their identity. At this time, the ACLU recommends that people do not attempt to change their gender markers on federal identification documents (i.e., passports).

Housing

Under Alaska Statute §18.80.240, the owner or manager of a property cannot “refuse to sell, lease, or rent the real property to a person because of sex.” This prohibition has yet to be explicitly extended to include sexual orientation and gender identity. However, Anchorage, Juneau, and Sitka have all passed local laws explicitly prohibiting housing-related discrimination on the basis of sexual orientation and gender identity.

What laws protect me and my family? contd.

Schools

All Alaskan children have a constitutional right to education. When interpreting this right, the Alaska Supreme Court has held that it—and liberty more broadly—to include a student’s “constitutionally protected right to fashion his own personal appearance.” Alaska schoolchildren have a right to be free from harassment and bullying at school, and all school districts in Alaska must enact anti-bullying and anti-harassment policies protecting all students. Alaskan children also have a right to privacy. The ACLU of Alaska is currently litigating the precise scope of this right as it pertains to transgender elementary school students in *X.A. v. Mat-Su Borough School District*. In a preliminary ruling, the judge has ruled that a transgender student has a protected privacy interest in the nondisclosure of their birth name and, by extent, their transgender status.

Some local laws also explicitly prohibit discrimination on the basis of sexual orientation, gender identity, and/or gender expression in educational contexts. For example, in Anchorage, it is “unlawful for a person operating or assisting in the operation of an educational institution to . . . [r]efuse to admit or otherwise to discriminate against an individual with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution on account of . . . sex, sexual orientation, [or] gender identity[.]”

Employment

Under Alaska Statute §18.80.220, an employer cannot refuse to employ or otherwise discriminate against a person in any aspect of employment on the basis of sex (e.g., in terms of compensation, promotions, job assignments, benefits). As discussed above, this includes a prohibition against discrimination on the basis of sexual orientation and gender identity.

Similar prohibitions are incorporated into local laws in Anchorage, Juneau, and Sitka. Local laws in Bethel specifically provide protection to city employees and contractors for discrimination on the basis of sexual orientation, gender identity, and gender expression.

How will President Trump's Executive Orders impact me and my family?

An Executive Order alone does not take away any of your rights. Trump's Executive Orders by themselves do not and cannot change Alaska or federal law. However, some federal agencies have begun taking steps to implement the Executive Orders, and both federal and state entities could take additional future actions that would impact Alaskans. We will try to provide updates about any developments that impact transgender, gender diverse, and intersex rights in Alaska as they arise.

Although federal law prohibits discrimination based on sexual orientation and gender identity, during this administration, we do not recommend attempting to file discrimination complaints on those bases with any federal agency.

What steps can I take if I am discriminated against?

- **Document what happened.** Take notes on what happened, whom you communicated with, who might have been a witness, and how the situation is affecting you. Save copies of all emails, texts, complaints, photos, and documents. Try to identify who may have made the decision to discriminate against you. If you cannot identify one person, identify a facility, office, or group of people. It is important to document so you can provide evidence about your experience.
- **File a complaint with the relevant state or local agency.** For example:
 - To report a violation of Alaska's state-wide anti-discrimination laws, [file a complaint with the Alaska State Commission for Human Rights](#).
 - To report discrimination by the Alaska state government (e.g., in accessing public assistance, public housing, PFD), [file a complaint with the Alaska Ombudsman](#).
 - To report a violation of Anchorage's anti-discrimination laws, [file a complaint with the Anchorage Equal Rights Commission](#):
 - To report a violation of Juneau's anti-discrimination laws, [contact an attorney about filing an original civil action in Alaska state court](#).
 - To report a violation of Sitka's anti-discrimination laws, [contact an attorney about filing an original civil action in Alaska state court](#).

If you experience discrimination, it is important to notify the state and/or your local government. Without your report, there is no official record of the incident, which means no action can be taken to address the issue. Reporting ensures accountability, helps prevent future discrimination, and supports efforts to enforce anti-discrimination laws. **Your voice matters—make sure it is heard.**

- **Contact an LGBTQIA2S+ advocacy group or a legal services provider.** Many organizations are working to assist individuals who are facing discrimination and/or loss of health care (see list on next page).

- [ACLU of Alaska](#)
- [Identity, Inc.](#)
- [Fair Housing Project – Alaska Legal Services Corporation](#) (855-679-3247)
- [Lambda Legal](#) (213-382-7600)
- [National Center for Lesbian Rights](#) - serves all in LGBTQ+ community 800-528-6257 or 415-392-6257
- [Transgender Law Center](#) (415-865-0176)

Where can I find additional resources about my rights?

- **The Alaska State Commission for Human Rights:**
 - [General Know Your Rights Guide](#)
 - [LGBTQ+ Employment Discrimination Guide](#)
- **[The Anchorage Equal Rights Commission](#)**
- **Advocates for Trans Equality**
 - [How to Testify for Trans Rights](#)
 - [Trump Day 1 Executive Orders Explained](#)
- **GLAD Law**
 - [Information for LGBTQ+ People Under the Trump Administration](#)
 - [Protecting Your LGBTQ+ Marriage and Family](#)

