

Utah Says No To ‘No Promo Homo’ Law, But Other States Lag Behind

Through an alliance of LGBT rights groups and social conservatives, Utah has repealed a law banning the ‘advocacy of homosexuality’ in schools. Other states should follow suit.



SAMANTHA ALLEN

03.21.17 5:50 PM ET



Photo Illustration by Lyne Lucien/The Daily Beast

Utah repealed its “no promo homo” law on Monday, as KSTU reported. But seven states still ban teachers from discussing homosexuality in a positive light.

LGBT rights groups Equality Utah and the National Center for Lesbian Rights had sued the state last year, pushing for the repeal of a law requiring school districts to prohibit instruction in “the advocacy of homosexuality.” As KSTU noted, social conservative groups including the Utah Eagle Forum and the Family Policy Center also supported

Senate Bill 196, which called for the replacement of the anti-gay language with a ban on “the advocacy of premarital or extramarital sexual activity” instead.

As a result of this conservative support, SB 196 sailed through the largely Mormon and overwhelmingly Republican state legislature with just a small handful of nays and abstentions before being signed into law by Governor Gary Herbert on Monday.

“We like to surprise people outside of the state,” Equality Utah director Troy Williams joked in a phone interview with The Daily Beast. “*What’s happening in Utah?* We love that!”

“We’re thrilled,” he added. “This is a huge day for LGBTQ students in Utah.”

Williams chalked the victory up to Equality Utah’s historical willingness to “work together” with the Mormon Church and Republican state legislators despite “fierce disagreements” on several LGBT-related issues.

But Utah’s historic day shines a shameful light on the states that still have “no promo homo laws” on the books, almost two years after the Supreme Court’s decision in *Obergefell v. Hodges* made same-sex marriage the law of the land nationwide.

South Carolina state law bars public school teachers from discussing “alternative sexual lifestyles,” only allowing students to hear about “homosexual relationships” in “the context of instruction concerning sexually transmitted diseases.” Arizona bans even the suggestion that “some methods of sex are safe methods of homosexual sex.” Mississippi bans “homosexual activity” from public school’s sex education programs and Louisiana prohibits “materials depicting male or female homosexual activity.”

Other states go even further, not only banning mention of homosexuality but requiring sex education classes to denigrate it. Alabama and Texas both require public school sex ed classes to emphasize that “homosexuality is not a lifestyle acceptable to the general public,” even though polling data shows that most Americans accept same-sex sexual relationships. And Oklahoma requires that any AIDS prevention class teach that “avoiding” a list of activities including “homosexual activity” and “promiscuous sexual activity” is “the only method of preventing the spread of the virus.”

According to the LGBT education organization GLSEN, the impact of these laws extends far beyond sex education. Andrew Peters, GLSEN's state policy manager, told The Daily Beast that these laws are often interpreted far more broadly than they are written, applying not just to sex education classes but to all forms of classroom instruction. A history teacher, for example, might not be able to mention Stonewall or sponsor a Gay-Straight Alliance.

"We're really enthusiastic about the fact that this [Utah] law is off the books because all of these 'no promo homo' laws have the effect of dampening what teachers and other educators can say within schools," he said.

That chilling effect is felt most palpably by LGBT students in states that still have "no promo homo" laws.

"These laws foster an unsafe school atmosphere," GLSEN notes on their website, citing their own survey data showing that "LGBT students in states with stigmatizing laws are more likely to hear homophobic remarks from school staff, are less likely to report incidents of harassment and assault to school staff, and are less likely to report having support from educators."

Utah itself has seen an alarming number of reports of LGBT youth suicides in recent years, which, as The Daily Beast's Jay Michaelson reported, have left LGBT advocates concerned about the influence of the Mormon Church on state policy. Williams cited these teen suicides as a motivating factor in Equality Utah and NCLR's challenge to Utah's "no promo homo" law.

"These are among the last remaining anti-LGBT laws that are currently enforced in the country," he told The Daily Beast. "We've got to take them down because the stakes are too high." Being able to repeal Utah's "no promo homo" through legislation rather than the joint lawsuit with the National Center for Lesbian Rights came as a welcome surprise to both groups. (Most of the complaints in the lawsuit will be addressed by the full implementation of SB 196.)

Looking forward, NCLR will continue to look for opportunities to score victories in the courts against the remaining “no promo homo” laws around the country, using Title IX to argue that they are discriminatory.

“We hope to bring more of these challenges in the future,” Christopher Stoll, a senior staff attorney for NCLR, told The Daily Beast. “The exact terms of these statutes vary a little bit from state to state but what they all have in common is that they stigmatize and silence LGBT students and teachers, preventing them from bringing their full selves to school and sending the really damaging message that being LGBT is something so terrible and so shameful that it doesn’t deserve to be discussed in school.”

But the inevitability of lawsuits against “no promo homo” laws could ultimately motivate states to repeal them on their own, rather than being compelled to do so through the courts. Peter Renn, an attorney with the LGBT legal organization Lambda Legal, told The Daily Beast that the Utah legislature was likely motivated to repeal this “dangerous” and “backwards” legislation due to the pending legislation from Equality Utah and the NCLR—and that he hopes that this outcome will serve as “an interesting lesson for other states.”

“Choosing to keep discriminatory laws like these on the books is an invitation to further litigation,” Renn said. “See Utah as an example.”