

Transgender Rights in New Jersey Following Trump Executive Orders

ACLU

New Jersey



GARDEN STATE
EQUALITY

New Jersey's laws broadly protect LGBTQ+ individuals in New Jersey from discrimination.

Since January 20, 2025, the White House has issued a series of executive orders targeting transgender, gender expansive, and intersex people, and purporting to require recipients of federal funding to discriminate against them. A list of those executive orders and their statuses as of June 16, 2025 are listed in Appendix A. The ACLU of New Jersey and Garden State Equality recognize how frightening these executive orders—and future federal actions in alignment with the orders—are for LGBTQ+ families and communities. We have created this resource in an effort to support our families and community in New Jersey navigate these recent orders. As the federal landscape evolves, we will do our best to keep our families and community informed of their rights.

This document is meant for community members and advocates, to help you understand. It is a document for you to know what rights you have in New Jersey. You can use this information to advocate for yourself and others.

Disclaimer

The information and resources here focus on transgender and gender expansive rights in New Jersey; this is not a comprehensive list of all LGBTQ+ resources or protections available in our state as of August 13, 2025.

This resource is not legal advice. If you have a potential legal issue or concern, you should promptly consult with an attorney about what options you may have and what time limits may apply. If you are looking for an attorney, you may contact your [county bar association](#) for a referral. The New Jersey State Bar Foundation also provides a list of [government resources](#) and [legal resources](#). If you are looking for free legal assistance with a civil matter, you can contact [Legal Services of New Jersey](#), which provides services to qualifying low-income residents. For criminal matters, you can contact the [Office of the Public Defender](#). [The New Jersey State Bar Foundation](#), [Legal Services of New Jersey](#), and the [New Jersey State Judiciary](#) provide publications regarding various legal topics.

Please be aware that the law is evolving quickly so the information and links in this document may have changed since the date of publication.

What laws protect me or my transgender, gender diverse, or intersex family member(s) in New Jersey?

New Jersey has several laws and regulations that protect transgender, gender diverse, and intersex individuals in various settings, including at school, in employment, and in access to health care. Some of these laws are listed below.

General, Non-discrimination Protections

New Jersey prohibits discrimination based on an individual's sex, sexual orientation, and gender identity and expression in employment, housing, and places of public accommodation under the New Jersey Law Against Discrimination ("NJLAD"). [N.J. Rev. Stat. § 10:5-1 et seq.](#)

NJLAD prohibits discrimination in a variety of settings, including in schools, healthcare facilities, the workplace, and in connection with renting or buying housing, all of which are described further below. Under NJLAD, it is also illegal to refuse to allow an individual to use the restroom or locker room consistent with their gender identity in businesses, schools, restaurants, and other places open to the public. It is also unlawful for a restaurant or a business to refuse to serve someone or to seat someone in a less desirable location because of their gender identity or expression. See [What are my civil rights? How do I report discrimination or harassment?](#); see also [5 Things You Should Know About Protections from Discrimination or Harassment in Public Accommodations Based on Gender Identity or Expression](#).

Further, public contracts for goods and services, as well as construction contracts, are required to contain provisions that prohibit discrimination on the basis of gender identity. [N.J. Admin. Code § 17:27-3.5](#); [N.J. Admin. Code § 19:30-3.5](#).

Schools

The New Jersey Department of Education ("DOE") is required by law to develop guidance regarding issues affecting transgender students, including providing information to educators about how to support transgender students. [N.J. Rev. Stat. § 18A:36-41](#). In accordance with this statute, the DOE has issued guidance to all New Jersey school districts, aimed at making schools safe and supportive for transgender, gender diverse, and intersex students. [Transgender Student Guidance for School Districts](#); see also [What Rights Do Transgender Students Have at School?](#) Among other things, the DOE guidance states that school districts should accept a child's asserted gender identity; parental consent is not required. Staff must use a student's chosen name and pronoun.

Although New Jersey school districts are not required to adopt their own individual transgender student policies, they are required to comply with the NJLAD and certain other statutes, including the Transgender Student Guidance for School Districts, and statutes that

require schools to take action to prevent bullying or harassment based upon actual or perceived gender identity or expression. [N.J. Rev. Stat. §§ 18A:37-14-15](#). Moreover, New Jersey law requires that board of education learning standards and policies recognize and cover the political, economic, and social contributions of the LGBTQ+ community. [N.J. Rev. Stat. § 18A:35-4.35](#).

Not every school has adopted individual policies that implement the DOE guidance referenced above. Check your local school district website for more information about your district's specific policies. Again, however, regardless of whether your local school district has adopted its own policies, it is required to comply with NJLAD and "ensure a supportive and nondiscriminatory environment for transgender students." [N.J. Rev. Stat. § 18A:36-41](#).

The New Jersey State Interscholastic Athletic Association has affirmed their transgender athlete policy, refusing to follow the recent executive order threatening to withhold funds from any educational program that allows transgender women and girls to compete in women's and girls' sports. <https://www.si.com/high-school/new-jersey/new-jersey-high-school-governing-body-refusing-to-change-transgender-policy-despite-president-trump-s-order-01jmhxn2afy>.

Healthcare and Health Insurance

Healthcare insurers and other entities that provide hospital and medical expense benefits are prohibited from discriminating on the basis of gender identity or because an individual is transgender by denying or limiting coverage, including coverage for gender transition services, or designating transgender identity as a pre-existing condition. [N.J. Rev. Stat. § 17:48-6oo](#) (hospital service corporations); [N.J. Rev. Stat. § 17:48A-7II](#) (medical service corporations); [N.J. Rev. Stat. § 17:48E-35.39](#) (health service corporations); [N.J. Rev. Stat. § 17B:26-2.1ii](#) (individual health insurance policies); [N.J. Rev. Stat. § 17B:27-46.1oo](#) (group health insurance policies); [N.J. Rev. Stat. § 17B:27A-7.22](#) (individual health benefits plans); [N.J. Rev. Stat. § 17B:27A-19.26](#) (small employer health benefits plans); [N.J. Rev. Stat. § 26:2J-4.40](#) (health maintenance organization); [N.J. Rev. Stat. § 30:4D-9.1](#) (Medicaid providers); [N.J. Rev. Stat. § 30:7E-7](#) (health care providers who contract to provide healthcare to New Jersey's inmate population); [N.J. Rev. Stat. § 52:14-17.29x](#), (State Health Benefits Corp.); [N.J. Rev. Stat. § 52:14-17.46.6i](#) (School Employees' Health Benefits Commission); see also [New Jersey Department of Banking & Insurance Guidance](#).

These entities also cannot discriminate with regard to fertility treatment or services based on an individual's gender identity. [N.J. Rev. Stat. § 17:48A-7oo](#) (medical service corporation); [N.J. Rev. Stat. § 17:48E-35.42](#) (health service corporation); [N.J. Rev. Stat. § 17B:27-46.1rr](#) (group health insurance policy); [N.J. Rev. Stat. § 26:2J-4.43](#) (health maintenance organization); [N.J. Rev. Stat. § 52:14-17.29bb](#) (State Health Benefits Commission); [N.J. Rev. Stat. § 52:14-17.46.6m](#) (School Employees' Health Benefits Commission).

A note about health insurance plans: Some employers provide self-funded insurance plans that are governed by federal law (ERISA). These plans are not required to follow state laws or regulations and may be able to limit benefits.

Hospitals are prohibited from denying visitation on the basis of the visitor's gender identity. [N.J. Admin. Code § 8:43G-4.1](#).

Long-term care facilities are prohibited from disclosing personal identifying information regarding residents' transgender identities and taking actions based on a resident's actual or perceived gender identity. [N.J. Rev. Stat. § 26:2H-12.102](#); [N.J. Rev. Stat. § 26:2H-12.104](#). Long-term care facilities must also provide transgender residents with access to transition-related medical care and take steps to protect bodily privacy for all residents. [N.J. Rev. Stat. § 26:2H-12.104](#). Community care residences must provide clothing that matches the gender identity of its residents. [N.J. Admin. Code § 10:44B-3](#).

Gender Affirming Care

The New Jersey Governor has issued Executive Order 326, which provides certain protections specifically for gender affirming care in New Jersey, with a goal of making New Jersey “a safe haven for gender-affirming health care.” [Executive Order 326](#).

The Executive Order prohibits state government agencies and employees from assisting in investigations or proceedings from other states that seek to impose civil or criminal liability on individuals for providing or receiving gender-affirming health care services. The Executive Order also prevents the surrender of individuals to other states if they are charged with providing or receiving gender-affirming health care services, provided they were not present in the requesting state at the time of the alleged crime. In addition, no information related to gender-affirming health care services will be shared with other states unless required by a valid court order or state/federal law.

Finally, under the Executive Order, New Jersey boards cannot deny, suspend, revoke, or refuse to issue or renew professional licenses solely because the licensee or applicant provided, authorized, participated in, referred for, or assisted with gender-affirming health care in a jurisdiction where such actions are illegal.

Employment

Under NJLAD, it is unlawful for an employer to refuse to hire, discharge, or otherwise discriminate in terms of compensation, terms, conditions, or privileges of employment based on an individual's gender identity or expression. [N.J. Rev. Stat. § 10:5-12](#).

New Jersey regulations also prohibit state employees from discriminating against each other based on gender identity, [N.J. Admin. Code § 4A:7-3.1](#), and prohibit employment advertisements from discriminating on the basis of gender identity, [N.J. Admin. Code § 13:11-1.1](#).

Housing

Under NJLAD, state actors cannot regulate land use or housing in a manner that discriminates on the basis of gender identity or expression, [N.J. Rev. Stat. § 10:5-12.5](#), and

private individuals are prohibited from refusing to sell, rent, lease, assign, or sublease because of an individual's gender identity or expression, [N.J. Rev. Stat. § 10:5-12\(g\)\(1\)](#). State-owned residential housing also cannot be denied due to gender identity under NJLAD, [N.J. Admin. Code § 17:17-1.9](#).

Regulations also prohibit housing advertisements from discriminating on the basis of gender identity. [N.J. Admin. Code § 13:9-1.1](#).

Child Custody

The Department of Children and Families may not discriminate against individuals in granting applications and licenses to become resource family parents because of an individual's gender identity or expression. [N.J. Admin. Code § 3A:51-1.5](#). Child welfare or protective services also cannot be denied based on one's gender identity. [N.J. Admin. Code § 3A:11-1.4](#).

Name Changes

In New Jersey a person can legally change their name through usage. In *re Eck*, 245 N.J. Super. 220 (App. Div. 1991). So, there is nothing "illegal" with someone using a name different from what is on their birth certificate as long as they are not doing it for a fraudulent, illegal or other illegitimate purpose. However, in order to change a name on an identity document such as a birth certificate or driver's license a court order is required. For more information on how to obtain a Judgment of Name Change in New Jersey for adults visit: https://www.njcourts.gov/sites/default/files/forms/10551_namechg_adult.pdf and for minors (under the age of 18) visit:

https://www.njcourts.gov/sites/default/files/forms/10552_fd_namechg_family.pdf

Gender Markers on Identification Documents

Under New Jersey law, individuals can self-attest to change their gender identity on their birth certificate without needing to provide any medical documentation or a doctor's signature. The amended birth certificate will not be marked as amended and will be of the same general format as the original birth certificate. The original birth certificate will be placed under seal and will not be broken except by court order or upon request of the person who is the subject of the birth certificate. [N.J. Rev. Stat. § 26:8-40.12](#).

Death certificates can also reflect the decedent's gender identity. [N.J. Rev. Stat. § 26:6-7](#).

New Jersey also allows individuals to change their gender on their New Jersey driver's license and non-driver ID cards. The New Jersey Motor Vehicle Commission (MVC) allows residents to change their gender designation to reflect their gender identity on IDs. Options for this change in gender include: male, female, and X (unspecified). The MVC has a [form on its website](#) that individuals can fill out for this purpose. [Press Release, Gender "X" Option Now Available for Licenses/IDs in New Jersey, New Jersey Motor Vehicle Commission \(Apr. 19, 2021\)](#); see also <https://www.nj.gov/transgender/name-changes/drivers-license-gender-change.shtml>.

It is important to note that New Jersey law is different than the current federal policy. Several people have reported receiving federally-issued identification such as U.S. passports and social security cards with their sex assigned at birth.

Law Enforcement

New Jersey Police officers must be trained on cultural diversity, implicit bias, and methods to engage LGBTQ+ individuals, [N.J. Rev. Stat. § 52:17B-77.13](#); [N.J. Rev. Stat. § 30:1B-6.13](#), and any sustained finding that a police officer engaged in discrimination based on gender identity violative of LAD must be reported to the State, [N.J. Admin. Code § 13:1-11.6](#).

The New Jersey Attorney General has issued a directive to all New Jersey law enforcement officers, which seeks to ensure that all transgender, non-binary, and gender non-conforming people are treated with dignity and respect and enjoy the full protections to which they are entitled under the NJLAD. [Attorney General Law Enforcement Directive 2019-3](#).

Correctional Facilities

The Commissioner of the New Jersey Department of Corrections must establish a policy to limit cross-gender searches and surveillance within state correctional facilities to ensure that any searches are performed by an officer who identifies with the same gender as the inmate. [N.J. Rev. Stat. § 30:1B-46](#).

Correctional facilities are prohibited from holding individuals in solitary confinement because of their gender identity. [N.J. Rev. Stat. § 30:4-82.8](#); [N.J. Admin. Code § 10A:31-16.1](#).

Under guidance from the New Jersey Department of Corrections, there is a rebuttable presumption that the incarcerated person will be housed in line with their gender identity. This will deviate only after individualized, case by case determination that placement would jeopardize the incarcerated person's health and safety or significantly impact the safety of others. [Department of Corrections Internal Management Procedure](#).

How do the recent executive orders impact New Jerseyans?

An executive order alone does not change New Jersey or federal law, nor does it take away any of your rights. Moreover, many of the recent executive orders have been enjoined—i.e., paused—by various court orders. That said, some federal agencies have begun taking steps to implement some of the recent executive orders. It is also possible that federal agencies and Congress will take additional future actions that could impact New Jerseyans. The executive orders impacting gender identity and gender expression as of June 16, 2025, and the status of each of those Orders as of that date, are listed at the end of this resource as **Appendix A**.

While the federal landscape is changing, New Jersey laws remain the same as of the date of this resource. The New Jersey statutes and regulations listed under question #1 protect

New Jerseyans' day-to-day life, including employment, schools, health insurance, state driver's licenses, and more, as set forth above. The recent executive orders do not change those laws. Some private employers and other entities may change their practices to try to "comply" with the executive orders, however, they do not change the law. To the extent those changed practices violate New Jersey law, you have rights that the executive orders do not impact or take away.

Note: While federal law currently prohibits discrimination based on sexual orientation and gender identity, you may want to reconsider filing discrimination complaints on those bases with any federal agency until the impact of the recent executive orders are better understood. However, you should report any discrimination to New Jersey state and local government authorities.

What steps can New Jerseyans take if they experience discrimination as a result of their gender identity or sexual orientation?

Document what happened

Take notes on what happened, with whom you communicated, and who might have been a witness. Be sure to 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.

Contact the relevant government agency

New Jersey Attorney General, Division on Civil Rights: The New Jersey Attorney General, Division on Civil Rights is the primary state agency dedicated to addressing incidents of gender identity discrimination. Typically, a complaint must be filed with the Division within 180 days of the incident. Visit the Division's [website for more information](#).

County Offices of Education: If an incident occurs in school, the New Jersey Governor's Office recommends reporting it to the County Office of Education for your County to investigate. The list of County Offices can be found [here](#).

If you experience discrimination, it is important to notify the relevant state agency. 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.

Filing a civil rights complaint is an important step toward justice, but it is important to understand that state agencies receive a huge volume of complaints. Investigations, legal reviews, and enforcement actions take time, so you should not expect a quick resolution. **7**

Contact an LGBTQ+ 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 below).

What organizations can I contact for more information and/or help?

Garden State Equality: Webpage: <https://www.gardenstateequality.org/>
Telephone: (973) 509-5428

ACLU of New Jersey: Webpage: <https://www.aclu-nj.org/>
Complaint form: <https://intake.aclu-nj.org/>

Lambda Legal: Webpage: <https://lambdalegal.org/helpdesk/>
Legal Help Desk: 213-382-7600

National Center for Lesbian Rights (which serves the whole LGBTQ+ community):
Webpage: <https://www.nclrights.org/get-help/>
Legal helpline: 800-528-6257 or 415-392-6257

Transgender Law Center: Webpage: <https://transgenderlawcenter.org/resources/>
Legal Help Desk: 415-865-0176

Where can I find additional resources about my rights?

<https://transequality.org/news/trump-day-1-executive-orders-explained>

<https://www.nj.gov/transgender/>

<https://www.nj.gov/transgender/legal-protections/transgender-rights.shtml>

<https://www.nj.gov/transgender/name-changes/index.shtml>

<https://www.nj.gov/transgender/legal-protections/gender-affirming-care.shtml>

<https://www.njoag.gov/wp-content/uploads/2025/01/LGBTQIA-Protections-Statement.pdf>

<https://www.nj.gov/oag/dcr/downloads/fact-Gender-Discrimination-03.06.17.pdf>

<https://www.gardenstateequality.org/programs/name-change-project/>

<https://www.jerseycitynj.gov/cityhall/mayorfulop/mayorslgbtqtaskforce>

APPENDIX A

The information in this Appendix may quickly become out of date due to appeals, subsequent court rulings, new Executive Orders issued, and other factors.

This Appendix is meant to be a guide only as to the Executive Orders and their respective statuses only as of June 16, 2025.

Executive Order Date	Executive Order Number and Title	Description	Enforcement/Litigation as of June 16, 2025
1/20/2025	Executive Order 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government	Directs federal agencies and employees to interpret “sex” as an immutable biological classification determined at conception. Removes recognition of gender identity in agency operations. Requires that all federal government-issued identification documents, including passports and federal employment records, reflect only biological “sex” as defined by the order. Also addresses grants of federal funds, Department of Housing and Urban Develop (HUD) policies relating to single-sex rape shelters, and the treatment of gender identity/gender expression in federal prisons.	Aspects of the law have been enjoined in various lawsuits. This includes a preliminary injunction against a ban on federal prisons providing gender-affirming care and accommodations to transgender people. An injunction has also been issued against the administration’s new passport designation policies, but that injunction only applies to the named plaintiffs in the case as the court has yet to decide on whether to expand the injunction to include the entire impacted class. Additional lawsuits have been filed challenging other aspects of this Executive Order and some of those lawsuits could result in injunctions or other relevant court rulings.
1/20/2025	Executive Order 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing	Eliminates “Diversity, Equity, and Inclusion” programs throughout the federal government.	Lawsuits pending, but no injunctions have been issued or any injunctions that were issued have been stayed pending appeal or only apply to individual plaintiffs.

Executive Order Date	Executive Order Number and Title	Description	Enforcement/Litigation as of June 16, 2025
1/21/2025	Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity	This Order requires all federal agencies to end diversity, equity, and inclusion (DEI) practices. It also calls for the government to scrutinize DEI practices in the private sector and federal contractors.	Lawsuits pending, and any injunctions that were issued have been stayed pending appeal or only apply to individual plaintiffs. Injunction has been issued against the “Certification Provision” requiring federal contractors and grant recipients to certify they do not promote DEI. However, this ruling only applies to the Department of Labor.
1/27/2025	Executive Order 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing	This Order requires that the United States Department of Defense update medical enlistment and retention standards to ban transgender individuals from serving in the armed forces within 60 days and to discontinue the practice of pronoun self-identification. Service members will be required to use sleeping, changing, and bathing facilities corresponding to their assigned sex, with exceptions only in cases of operational necessity.	This Executive Order has been enjoined nationwide (not just as to the plaintiffs in the lawsuits), but appeals of those injunctions remain pending.
1/28/2025	Executive Order 14187, Protecting Children from Chemical and Surgical Mutilation	This Order aims to prevent gender-affirming care for Americans under nineteen by withholding federal funding and directing agencies to take steps to prevent various essential gender-affirming treatments, including surgeries, hormone therapy, and puberty blockers.	This Executive Order has been enjoined nationwide (not just as to the plaintiffs in the lawsuits), but appeals of those injunctions remain pending. Fourth Circuit placed the case in abeyance pending a decision by the United States Supreme Court in <i>United States v. Skrametti</i> .

Executive Order Date	Executive Order Number and Title	Description	Enforcement/Litigation as of June 16, 2025
1/29/2025	Executive Order 14190, Ending Radical Indoctrination in K-12 Schooling	This Order aims to emphasize “patriotic admiration” in schools and block “anti-American” ideology. This order calls for the rescinding of federal funding for “illegal and discriminatory treatment” in K-12 schools, “protecting parental rights,” and promotes the advancement of patriotic education.	Within 90 days (4/29/2025) of EO “the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services, in consultation with the Attorney General, shall provide an Ending Indoctrination Strategy to the President, through the Assistant to the President for Domestic Policy, containing recommendations.”
2/5/2025	Executive Order 14201, Keeping Men Out of Women’s Sports	This Order prohibits transgender female athletes of all ages from participating in girls’ and women’s sports teams. It threatens to withdraw federal funding from public elementary, secondary, and post-secondary institutions that allow transgender girls to participate in girls’ teams, asserting that they are violating Title IX. However, the order does not prohibit transgender male athletes from competing on male sports teams.	Lawsuits pending, but no injunctions have been issued or any injunctions that were issued have been stayed pending appeal.