

Floor Amendment to SB 211

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Legislative Findings. The general court finds that:

4 I. The laws and the constitution of New Hampshire mandate that every young person have
5 access to a comprehensive public education.

6 II. Sports programs are an essential part of a comprehensive public education.

7 III. Sports programs must be accessible, fair, and safe for all students.

8 IV. Athletics associations are best situated to determine eligibility requirements for
9 participation in school sports programs.

10 2 New Sections; Participation in Sports Programs. Amend RSA 193 by inserting after section 38
11 the following new sections:

12 193:38-a Participation in Female-Designated Sports Programs. Under no circumstances should
13 a student's status as transgender or non-transgender be the sole basis for exclusion from any sports
14 program. However, eligibility requirements for participation in a female-designated sports program
15 shall not constitute unlawful discrimination under RSA 193:38 where criteria for participation
16 include the following:

17 I. A requirement that a student identify in daily life activities as female;

18 II. A determination that a student is not participating as a female for the sole purpose of
19 competitive advantage;

20 III. A requirement that, within a sports season, a student may not transfer from a coed or
21 male-designated sports program to a female-designated sports program, or from a female-designated
22 sports program to a male-designated sports program; or

23 IV. Any additional criteria which are substantially related to the achievement of an
24 important educational objective, provided that the criteria have a factual basis related to the
25 designated sport, level of competition, education level, or age of the students in the program.

26 193:38-b Student Athlete Privacy. No later than September 1, 2025, all schools shall adopt a
27 policy setting forth reasonable terms on which any student participating in a sports program who
28 has a need or desire for increased privacy, regardless of the underlying reason, may access a single-
29 stall restroom or private changing area.

30 3 Effective Date. This act shall take effect July 1, 2025.

Floor Amendment to SB 211
- Page 2 -

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AMENDED ANALYSIS

This bill prohibits exclusion of student athletes solely based on the student's status as transgender or non-transgender from female-designated sports programs, subject to certain criteria, and requires that schools shall adopt policies to accommodate student athletes desiring increased privacy through access to single-stall restrooms or private changing areas.