

Amendment to SB 268

1 Amend the bill by replacing section 2 with the following:

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3 2 New Section; State Commission for Human Rights; Miscellaneous Provisions; State
4 Recognition of Biological Sex. Amend RSA 354-A by inserting after section 25 the following new
5 section:

6 354-A:25-a State Recognition of Biological Sex.

7 I. Nothing in RSA 5-C:87, RSA 260-263, RSA 354-A, or any other law or regulation shall
8 mean that it is unlawful discrimination based on sex or gender identity for any person or
9 organization, public or private, to classify based on biological sex with respect to the following
10 matters:

11 (a) In the construction, maintenance, operation, and use of lavatory facilities or locker
12 rooms designed for usage by multiple persons at the same time, even if such facilities have
13 individual urinals, stalls, or similar apparatus.

14 (b) In athletic or sporting events or competitions in a sport or similar activity in which
15 physical strength, speed, or endurance is generally recognized to give an advantage to biological
16 males.

17 (c) In the operation, maintenance, and use of facilities designed for usage as prisons,
18 houses of correction, juvenile detention or commitment centers, mental health hospitals or treatment
19 centers and like facilities to which persons may be committed involuntarily.

20 II. "Biological sex" shall mean the male and female biological sexes. This section does not
21 mean that any public or private entity is required by state statute to separate persons based upon
22 biological sex.

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AMENDED ANALYSIS

This bill provides a definition for "biological sex" and provides that certain designations by biological sex do not constitute unlawful discrimination.