

HB 1376 - AS INTRODUCED

2026 SESSION

26-3035

12/09

HOUSE BILL **1376**

AN ACT relative to a parent's ability to raise their child in a manner consistent with the child's biological sex.

SPONSORS: Rep. Korzen, Coos 7; Rep. Kesselring, Hills. 18; Rep. Litchfield, Rock. 32; Rep. Mazur, Hills. 44; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Reinfurt, Hills. 29; Rep. Sabourin dit Choiniere, Rock. 30; Rep. Sirois, Hills. 32; Rep. Thibault, Merr. 25; Sen. Murphy, Dist 16; Sen. Avard, Dist 12

COMMITTEE: Children and Family Law

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ANALYSIS

This bill exempts child rearing consistent with the child's biological sex from being considered within the definition of abused child and child endangerment. The bill also removes child rearing consistent with the child's biological sex from being a basis for findings relative to family law determinations, including: adoptions, child-placing agency licensing, and best interests of the child determinations.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT                    relative to a parent's ability to raise their child in a manner consistent with the child's biological sex.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Paragraph; Definitions; Parenting Based on Biological Sex Excluded. Amend RSA 169-  
2 C:3 by inserting after paragraph II the following new paragraph:

3            II-a. "Abused child" shall not include a child who has been raised by their parent or  
4 guardian consistent with their biological sex, including but not limited to referring to a child  
5 consistent with their biological sex and making mental health or medical decisions based on the  
6 child's biological sex.

7            2 New Section; Basis for Findings of Child Abuse; Exclusions. Amend RSA 169-C by inserting  
8 after section 6-b the following new section:

9            169-C:6-c Basis for Findings of Child Abuse; Exclusion. Parents or guardians raising a child  
10 consistent with their biological sex, referring to a child consistent with their biological sex, or  
11 making mental health or medical decisions based on the child's biological sex shall not constitute a  
12 basis for:

- 13            I. A court order relative to removing a child from the home, as described in RSA 169-C:6-b;
- 14            II. Grounds for filing a petition alleging neglect or abuse of a child, as described in RSA 169-  
15 C:7;
- 16            III. Evidence of conduct establishing the rebuttable presumption of harm defined in RSA  
17 169-C:12;
- 18            IV. Grounds for filing a petition for the termination of the parent-child relationship, as  
19 described in RSA 170-C:4; or

20            V. Conditions for termination of the parent-child relationship as described in RSA 170-C:5.

21            3 New Paragraph; Endangering Child Welfare; Exclusion Added. Amend RSA 639:3 by  
22 inserting after paragraph VI the following new paragraph:

23            VII. Any parent, guardian, or person having custody or control over a child under 18 years of  
24 age, or any other person providing care to or supervision of such child, is not guilty of endangering  
25 the welfare of a child under this section for raising a child consistent with the child's biological sex.  
26 Raising a child consistent with their biological sex shall include, but is not limited to, referring to a  
27 child consistent with their biological sex and making related mental health or medical decisions  
28 based on the child's biological sex. Nothing in this paragraph shall be construed to authorize or  
29 allow any other acts or omissions that would constitute endangering the welfare of a child under this  
30 section.

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1           4 New Paragraphs; Assessment for Adoptions; Best Interest of the Child; Recognition of  
2 Biological Sex. Amend RSA 170-B:18 by inserting after paragraph I the following new paragraphs:

3           I-a. The department or licensed child-placing agency shall not consider an adoptive parent's  
4 refusal, unwillingness, or lack of support for enabling the child to engage in gender transition as a  
5 basis for an assessment that an adoptive home is an unsuitable home for a minor child, or that the  
6 proposed adoption is not in the best interest of the child.

7           I-b. The department or licensed child-placing agency shall not consider an adoptive parent's  
8 intention to raise a child or minor consistent with the child or minor's sex, including, but not limited  
9 to, referring to a child or minor consistent with the child or minor's sex and making related mental  
10 health or medical decisions based on the child or minor's sex as a basis for an assessment that an  
11 adoptive home is an unsuitable home for a minor child, or that the proposed adoption is not in the  
12 best interest of the child.

13           5 New Paragraph; Child Placing Licensing; Prohibition Against Endangerment; Exclusion.  
14 Amend RSA 170-E:27 by inserting after paragraph II the following new paragraph:

15           III. For the purposes of this section:

16           (a) A licensee's refusal, unwillingness, or lack of support for enabling a child to engage in  
17 gender transition shall not constitute endangerment.

18           (b) A licensee's belief that a child should be raised consistent with the child or minor's  
19 sex, including, but not limited to, referring to a child or minor consistent with the child or minor's  
20 sex and making related mental health or medical decisions based on the child or minor's sex, shall  
21 not constitute endangerment.

22           6 New Paragraph; Best Interest of the Child; Determining Factors; Exclusion. Amend RSA 461-  
23 A:6 by inserting after paragraph I-a the following new paragraph:

24           I-b. In determining the best interests of the child with respect parental rights and  
25 responsibilities under this section, including residential responsibility, the court shall not consider  
26 as an adverse factor a parent's raising a child consistent with their biological sex, including but not  
27 limited to, referring to a child consistent with their biological sex and making mental health or  
28 medical decisions based on the child's biological sex. This paragraph shall not be construed to limit  
29 the court from considering any other factor relevant to determining what is in the best interest of the  
30 child, as provided for by law.

31           7 Effective Date. This act shall take effect 60 days after its passage.