

HB 1447 - AS INTRODUCED

2026 SESSION

26-2754

12/08

HOUSE BILL **1447**

AN ACT restricting the use of certain public and private facilities on the basis of sex and establishing that such restriction does not qualify as discrimination.

SPONSORS: Rep. Mazur, Hills. 44; Rep. DeVito, Rock. 8; Rep. Harvey-Bolia, Belk. 3; Rep. D. Kelley, Hills. 32; Rep. Korzen, Coos 7; Rep. Litchfield, Rock. 32; Rep. McGrath, Rock. 40; Rep. Mary Murphy, Hills. 27; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Reinfurt, Hills. 29; Sen. Sullivan, Dist 18

COMMITTEE: Judiciary

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ANALYSIS

This bill:

I. Defines the term "sex" within statutory construction.

II. Requires the state of New Hampshire and all political subdivisions of the state to adopt policies that classify the use of restrooms, locker rooms, changing areas, and sleeping quarters by sex.

III. Authorizes private entities to adopt the same policies relative to biological sex, and establishes that all public or private policies adopted pursuant to the section shall not constitute discrimination.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    restricting the use of certain public and private facilities on the basis of sex and establishing that such restriction does not qualify as discrimination.

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

1            1 Statement of Findings. The general court finds that:

2            I. Individuals have a reasonable expectation of privacy and personal safety in restrooms,  
3 locker rooms, changing rooms, sleeping quarters, and other spaces where they undress, shower, or  
4 sleep.

5            II. The presence of members of the opposite sex in such spaces can compromise privacy and  
6 create risks of harassment, assault, embarrassment and trauma.

7            III. Local communities, schools, and private businesses are best situated to adopt policies  
8 tailored to their facilities and the needs of their populations.

9            IV. Allowing these entities to maintain reasonable policies based on sex serves the  
10 compelling state interests of protecting privacy and ensuring physical safety, especially for children.

11           2 Statutory Construction; Number; Gender; Sex Added. Amend RSA 21:3 to read as follows:

12           21:3 Number; Gender. – Words importing the singular number may extend and be applied to  
13 several persons or things; words importing the plural number may include the singular; and words  
14 importing the masculine gender may extend and be applied to females. ***"Sex," "biologic sex," and***  
15 ***"biological sex" shall mean male or female.***

16            I. ***"Female" is generally defined as an individual with a reproductive system of the***  
17 ***type which in normal function produce ova, and specifically defined as an individual who***  
18 ***lacks a functional Y chromosome. A functional Y chromosome is a Y chromosome which***  
19 ***expressed the SRY gene during fetal development. A person with 46,XX/46,XY and***  
20 ***functional ovarian tissue is a female.***

21            II. ***"Male" is generally defined as an individual with a reproductive system of the***  
22 ***type which in normal function produce sperm. Male shall include any person who does not***  
23 ***meet the definition of female.***

24            III. ***The terms "woman" and "girl" shall mean "female" and the terms "man" and***  
25 ***"boy" shall mean "male":***

26            (a) ***For the purposes of separating people by sex or gender for reasons of modesty***  
27 ***and safety;***

28            (b) ***When referring to "women of childbearing age" or similar;***

29            (c) ***For female inspectors as designated in RSA 277:33;***

1           (d) *For programs and services intended at the time of formation to serve females*  
2 *to the exclusion of males including but not limited to:*

3                 (1) *Women's health care as described RSA 417-D;*

4                 (2) *For women housed in the department of corrections established in RSA*  
5 *21-H;*

6                 (3) *Women, infants and children assistance;*

7                 (4) *Women's or girl's sports; and*

8                 (5) *Bathrooms, locker rooms, and changing rooms.*

9           IV. *In common use, an individual's sex is described by the sex listed on an*  
10 *individual's official birth certificate issued at or near the time of the individual's birth*  
11 *unless there is medical reason to support the claim that a person who is male or female as*  
12 *described above was not identified as the correct sex on his or her birth certificate.*

13           V. *Except as otherwise provided in this section, gender-specific* [Gender-specific]  
14 terms relating to the marital relationship or familial relationships, including without limitation,  
15 "spouse," "family," "marriage," "immediate family," "dependent," "next of kin," "man," "woman,"  
16 "groom," "bride," "husband," "wife," "widow," or "widower," shall be construed to be gender-neutral  
17 for all purposes throughout New Hampshire law, whether in statute, state administrative or court  
18 rule, policy, common law, or any other source of civil state law.

19           3 New Section; Classification by Sex. Amend RSA 354-A by inserting after section 25 the  
20 following new section:

21           354-A:25-a Classification by Biological Sex.

22           I. The state of New Hampshire and all political subdivisions of the state shall adopt policies  
23 that classify the use of restrooms, locker rooms, changing areas, and sleeping quarters based on sex.

24                 (a) "Sex" means either female or male as defined by RSA 21:3 and as described by the  
25 sex listed on an individual's official birth certificate issued at or near the time of the individual's  
26 birth.

27                 (b) "Changing area" means an area designated for the primary purpose of allowing  
28 individuals to undress or change their clothing.

29                 (c) "Sleeping quarters" means an area of a dwelling unit designated for the primary  
30 purpose of allowing individuals to sleep or rest.

31           II. Nothing in this section shall be construed to prohibit an individual from entering a  
32 multiple occupancy restroom or changing area designated for use by individuals of the opposite sex if  
33 he or she enters such area in one of the following circumstances:

34                 (a) For authorized custodial, maintenance, or inspection purposes;

35                 (b) To render emergency medical assistance;

36                 (c) To address an ongoing emergency, including, but not limited to, a physical  
37 altercation; or

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1           (d) Where a parent or legal guardian accompanies a minor child for the purpose of  
2 necessary entry for the child's safety, welfare, or assistance.

3           III. Private businesses and organizations, including private schools, may adopt policies that  
4 classify the use of restrooms, locker rooms, changing areas, and sleeping quarters based on biological  
5 sex.

6           IV. Any policy adopted under this section shall not constitute discrimination based on sex,  
7 gender identity, or sexual orientation under this chapter and any other provision of law. All policies  
8 adopted under this section may include reasonable provisions for alternative single-user facilities or  
9 accommodations, at the discretion of the public or private entity.

10          4 Effective Date. This act shall take effect 60 days after its passage.