

Rep. Layon, Rock. 13
Rep. Kofalt, Hills. 32
Rep. Mazur, Hills. 44
Rep. Peternel, Carr. 6
May 13, 2026
2026-1962h
09/07

Floor Amendment to SB 498-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to children's mental health services for persons 18 years of age and younger
4 and permitting classification of individuals based on biological sex under certain
5 limited circumstances.
6

7 Amend the bill by replacing all after section 3 with the following:

8
9 4 State Commission for Human Rights; Law Against Discrimination; Purpose and Scope.
10 Amend RSA 354-A:1 to read as follows:

11 354-A:1 Title and Purposes of Chapter.

12 ***I.*** This chapter shall be known as the "Law Against Discrimination." It shall be deemed an
13 exercise of the police power of the state for the protection of the public welfare, health and peace of
14 the people of this state, and in fulfillment of the provisions of the constitution of this state
15 concerning civil rights. The general court hereby finds and declares that practices of discrimination
16 against any of its inhabitants because of age, sex, gender identity, race, creed, color, marital status,
17 familial status, physical or mental disability or national origin are a matter of state concern, that
18 such discrimination not only threatens the rights and proper privileges of its inhabitants, but
19 menaces the institutions and foundation of a free democratic state and threatens the peace, order,
20 health, safety and general welfare of the state and its inhabitants. A state agency is hereby created
21 with power to eliminate and prevent discrimination in employment, in places of public
22 accommodation and in housing accommodations because of age, sex, gender identity, race, creed,
23 color, marital status, familial status, physical or mental disability or national origin as herein
24 provided; and the commission established hereunder is hereby given general jurisdiction and power
25 for such purposes. In addition, the agencies and councils so created shall exercise their authority to
26 assure that no person be discriminated against on account of sexual orientation.

27 ***II.*** *The general court also finds that, notwithstanding New Hampshire's*
28 *fundamental commitment to treat all persons without discrimination and with equal*
29 *dignity and respect, which commitment the legislature fully accepts and strongly endorses,*
30 *there are certain limited circumstances in which classification of persons based on*
31 *biological sex is proper because such classification serves the compelling state interests of*

protecting the privacy rights and physical safety of such persons and others. The legislature finds that permitting classification of persons based upon biological sex serves this compelling state interest in the 3 circumstances described in RSA 354-A:25-a.

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

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

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

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

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

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

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

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

Floor Amendment to SB 498-FN
- Page 3 -

2026-1962h

AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire children's behavioral health association for the purpose of collecting assessments to fund payments to care management entities for the provision of childhood behavioral health services. The association is authorized to collect assessments from insurance carriers, stop loss carriers, and third-party administrators for fully insured and self-funded health plans. The assessment base would include covered lives in the state employee health plan, as well as pooled risk management programs under RSA 5-b. The funds provided for this purpose would be deposited in a dedicated fund administered by the insurance commissioner.

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