

HB 1376 - AS AMENDED BY THE SENATE

11Mar2026... 0865h

05/14/2026 1542s

05/14/2026 1938s

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 and relative to breast surgeries for minors.

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

AMENDED ANALYSIS

This bill:

I. Exempts child rearing consistent with the child's biological sex from being considered within the definitions of abused child and endangering child welfare.

II. 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.

III. Permits a physician to perform breast surgery on a minor in certain instances if the procedure is at the election of the minor in consultation with her primary care physician.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1376 - AS AMENDED BY THE SENATE

11Mar2026... 0865h

05/14/2026 1542s

05/14/2026 1938s

26-3035

12/09

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 and relative to breast surgeries for minors.

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

1 1 Definitions; Parenting Based on Biological Sex Excluded. Amend RSA 169-C:3, II to read as
2 follows:

3 II.(a) "Abused child" means any child who has been:

4 [~~(a)~~] (1) Sexually abused; or

5 [~~(b)~~] (2) Intentionally physically injured; or

6 [~~(c)~~] (3) Psychologically injured so that said child exhibits symptoms of emotional
7 problems generally recognized to result from consistent mistreatment or neglect; or

8 [~~(d)~~] (4) Physically injured by other than accidental means; or

9 [~~(e)~~] (5) Subjected, by any person, to human trafficking as defined in RSA 633:7; or

10 [~~(f)~~] (6) Subjected to an act prohibited by RSA 632-A:10-d.

11 (b) *No child shall be considered an "abused child" under this chapter for the*
12 *reason that they have been raised by their parent or guardian consistent with their*
13 *biological sex, including but not limited to referring to a child consistent with their*
14 *biological sex and making mental health or medical decisions based on the child's*
15 *biological sex. Nothing in this subparagraph shall be construed to authorize any other*
16 *acts or omissions that meet the definition of "abused child" in subparagraph II(a).*

17 2 New Section; Basis for Findings of Child Abuse; Exclusions. Amend RSA 169-C by inserting
18 after section 6-b the following new section:

19 169-C:6-c Basis for Findings of Child Abuse; Exclusion.

20 I. Parents or guardians raising a child consistent with their biological sex, referring to a
21 child consistent with their biological sex, or making mental health or medical decisions based on the
22 child's biological sex shall not constitute a basis for:

23 (a) A court order relative to removing a child from the home, as described in RSA 169-
24 C:6-b;

25 (b) Grounds for filing a petition alleging neglect or abuse of a child, as described in RSA
26 169-C:7;

27 (c) Evidence of conduct establishing the rebuttable presumption of harm defined in RSA
28 169-C:12-f;

HB 1376 - AS AMENDED BY THE SENATE

- Page 2 -

(d) Grounds for filing a petition for the termination of the parent-child relationship, as described in RSA 170-C:4; or

(e) Conditions for termination of the parent-child relationship as described in RSA 170-C:5.

II. Nothing in this section shall be construed to preclude consideration of any other acts or omissions that meet the definition of abuse or neglect of a child, or that are contrary to the child's welfare, as defined or provided for under this chapter.

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

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

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

I-a. The department or a licensed child-placing agency shall not consider an adoptive or prospective adoptive parent's refusal, unwillingness, or lack of support for enabling a child to engage in gender transition, or the parent's intent to raise a child consistent with the child's biological sex, including referring to a child consistent with the child's biological sex and making related mental health or medical decisions based on the child's biological sex, as a basis for determining that such parent is disqualified from consideration as an adoptive parent or that the home is unsuitable for adoption.

I-b. Nothing in paragraph I-a shall be construed to relieve the department of its duty to make each placement consistent with the best interests of the child as otherwise required by law. Nothing in paragraph I-a shall preclude the department from taking into account the religious or moral beliefs of a particular child, considered in relation to the religious or moral beliefs of a prospective adoptive parent when determining which placement is in the best interests of the child.

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

III. For the purposes of this section:

(a) A licensee or prospective licensee's refusal, unwillingness, or lack of support for enabling a child to engage in gender transition, or belief that a child should be raised consistent with the child's biological sex, including, but not limited to, referring to a child consistent with the child's

HB 1376 - AS AMENDED BY THE SENATE

- Page 3 -

1 biological sex and making related mental health or medical decisions based on the child's biological
2 sex, shall not constitute endangerment. Nor shall such refusal, unwillingness, lack of support, or
3 belief be the basis for the department to deny any license, renewal, or other authorization required
4 to serve as a foster parent.

5 (b) Nothing in subparagraph (a) shall be construed to relieve the department of its duty
6 to make each placement consistent with the best interests of the child as otherwise required by law.
7 Nothing in subparagraph (a) shall preclude the department from taking into account the religious or
8 moral beliefs of a particular foster child, considered in relation to the religious or moral beliefs of a
9 prospective foster parent when determining which placement is in the best interests of the child.

10 6 New Paragraph; Best Interest of the Child; Determining Factors; Exclusion. Amend RSA 461-
11 A:6 by inserting after paragraph I-a the following new paragraph:

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

19 7 Limitations on Breast Surgeries for Minors; Exceptions to Prohibition. Amend RSA 329:53,
20 II(d) and (e) to read as follows:

21 (d) The procedure is needed to correct gynecomastia and symptomatic macromastia; [or]

22 (e) Treatment of congenital deformities of the breast and/or chest wall[-]; **or**

23 ***(f) At the election of the minor in consultation with her primary care physician***
24 ***when the primary reason for the breast reduction surgery is, but not limited to,***
25 ***musculoskeletal pain, postural changes, or physical discomfort of the individual that***
26 ***restricts exercise and activity.***

27 8 Effective Date. This act shall take effect 60 days after its passage.