

Rep. Layon, Rock. 13
Rep. Kofalt, Hills. 32
Rep. Peternel, Carr. 6
Rep. Mazur, Hills. 44
March 4, 2026
2026-1054h
12/09

Floor Amendment to HB 1442-FN

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

2

3 1 Statement of Findings. The general court finds that:

4 I. Historically, society has protected females by reserving certain spaces for their exclusive
5 use and offering certain services only to women and children.

6 II. The inclusion of gender identity in the Civil Rights Act and the New Hampshire law
7 against discrimination was not intended to remove protections for females.

8 III. The following statutory changes are to be undertaken by the general court:

9 (a) Include "female" and "male" in the definitions section of New Hampshire state law,
10 using biology to determine the legal categories of female and male. To address intersex persons, the
11 language references the SRY gene which is required during fetal development to develop male
12 anatomy. To remove the need for genetic testing, those persons who do not meet the legal definition
13 of female will be considered male.

14 (b) Amend the definition of "gender-identity" to provide clarification on what is
15 considered "improper purpose" for assertion of gender identity. Accessing spaces or services offered
16 only to females on the basis of gender identity shall be defined as an improper purpose.

17 (c) All inmates shall be housed based upon sex.

18

19 Amend RSA 21:3, I-II as inserted by section 2 of the bill by replacing it with the following:

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

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

29

30 Amend the bill by replacing sections 3 and 4 with the following:

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1 3 Statutory Construction; Gender Identity Modified. Amend RSA 21:54 to read as follows:

2 21:54 Gender Identity. "Gender identity" means a person's gender-related identity, appearance,
3 or behavior, whether or not that gender-related identity, appearance, or behavior is different from
4 that traditionally associated with the person's physiology or [assigned] sex [at birth]. Gender-related
5 identity may be shown by providing evidence including, but not limited to, medical history, care or
6 treatment of the gender-related identity, consistent and uniform assertion of the gender-related
7 identity, or any other evidence that the gender-related identity is sincerely held as part of a person's
8 core identity provided, however, that gender-related identity shall not be asserted for any improper
9 purpose. ***Notwithstanding any other laws including but not limited to RSA 193, sections 38***
10 ***through 40, RSA 354-A, and RSA 354-B, it shall be considered improper purpose to assert***
11 ***that gender identity provides access to any place or service provided or offered exclusively***
12 ***to females or males.***

13 4 State Commission for Human Rights; Definitions; Gender Identity Modified. Amend RSA 354-
14 A:2, XIV-e to read as follows:

15 XIV-e. "Gender identity" means a person's gender-related identity, appearance, or behavior,
16 whether or not that gender-related identity, appearance, or behavior is different from that
17 traditionally associated with the person's physiology or [assigned] sex [at birth]. Gender-related
18 identity may be shown by providing evidence including, but not limited to, medical history, care or
19 treatment of the gender-related identity, consistent and uniform assertion of the gender-related
20 identity, or any other evidence that the gender-related identity is sincerely held as part of a person's
21 core identity provided, however, that gender-related identity shall not be asserted for any improper
22 purpose. ***Notwithstanding any other laws including but not limited to RSA 193, sections 38***
23 ***through 40, RSA 354-A, and RSA 354-B, it shall be considered improper purpose to assert***
24 ***that gender identity provides access to any place or service provided or offered exclusively***
25 ***to females or males.***

26

27 Amend RSA 189:16-b, I-III as inserted by section 5 of the bill by replacing it with the following:

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29 I. For the purposes of this section:

30 (a) "Sex" shall mean either female or male as defined by RSA 21:3.

31 (b) "Multi-user facility" shall mean any bathroom, restroom, or locker room that is
32 accessible to multiple individuals for use at the same time.

33 (c) "All-gender" shall mean any facility with access not restricted by sex.

34 II. Adoption or enforcement of a policy pursuant to this section shall not be deemed
35 discrimination under RSA 354-A or any other state law.

36

37 Amend RSA 31:103-c, I-III as inserted by section 6 of the bill by replacing it with the following:

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1 I. For the purposes of this section:

2 (a) "Sex" shall mean either female or male as defined by RSA 21:3.

3 (b) "Multi-user facility" shall mean any bathroom, restroom, or locker room that is
4 accessible to multiple individuals for use at the same time.

5 (c) "All-gender" shall mean any facility with access not restricted by sex.

6 II. Adoption or enforcement of a policy pursuant to this section shall not be deemed
7 discrimination under RSA 354-A or any other state law.

8

9 Amend RSA 354-A:17-b, I-III as inserted by section 7 of the bill by replacing it with the following:

10

11 I. For the purposes of this section:

12 (a) "Sex" shall mean either female or male as defined by RSA 21:3.

13 (b) "Multi-user facility" shall mean any bathroom, restroom, or locker room that is
14 accessible to multiple individuals for use at the same time.

15 (c) "All-gender" shall mean any facility with access not restricted by sex.

16 II. Adoption or enforcement of a policy pursuant to this section shall not be deemed
17 discrimination under RSA 354-A or any other state law.

18

19 Amend RSA 622:10-a, I(b) as inserted by section 8 of the bill by replacing it with the following:

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21 (b) "Sex" shall mean either female or male as defined by RSA 21:3.

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23 Amend the bill by deleting section 10 and renumbering the original section 11 to read as 10.

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AMENDED ANALYSIS

This bill:

- I. Modifies statutory construction of the term "gender identity".
- II. Requires bathrooms and locker rooms in public schools and municipally owned buildings to be used on the basis of sex.
- III. Permits owners and operators of places of public accommodation to restrict the use of bathrooms and locker rooms on the basis of sex.
- IV. Requires that inmates in New Hampshire correctional facilities be housed separately on the basis of their sex.
- V. Modifies the enforcement of civil rights to provide protections on the basis of gender identity only for certain purposes.