

Amendment to HB 1442-FN

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

2

3 AN ACT permitting classification of individuals based on biological sex under certain limited
4 circumstances.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 State Commission for Human Rights; Law Against Discrimination; Purpose and Scope.

9 Amend RSA 354-A:1 to read as follows:

10 354-A:1 Title and Purposes of Chapter.

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

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

1 *legislature finds that permitting classification of persons based upon biological sex serves*
2 *this compelling state interest in the 3 circumstances described in RSA 354-A:25-a.*

3 2 New Section; State Commission for Human Rights; Miscellaneous Provisions; State
4 Recognition of Biological Sex. Amend RSA 354-A by inserting after section 25 the following new
5 section:

6 354-A:25-a State Recognition of Biological Sex.

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

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

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

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

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

23 3 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1442-FN
- Page 3 -

2026-1384s

AMENDED ANALYSIS

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