

HB 1376 - AS AMENDED BY THE HOUSE

11Mar2026... 0865h

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.

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

ANALYSIS

This bill exempts child rearing consistent with the child's biological sex from being considered within the definition of abused child and child endangerment. The bill also 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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to a parent's ability to raise their child in a manner consistent with the child's biological sex.

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

1 1 New Paragraph; Definitions; Parenting Based on Biological Sex Excluded. Amend RSA 169-
2 C:3 by inserting after paragraph II the following new paragraph:

3 II-a. "Abused child" shall not include a child who has been raised by their parent or
4 guardian consistent with their biological sex, including but not limited to referring to a child
5 consistent with their biological sex and making mental health or medical decisions based on the
6 child's biological sex.

7 2 New Section; Basis for Findings of Child Abuse; Exclusions. Amend RSA 169-C by inserting
8 after section 6-b the following new section:

9 169-C:6-c Basis for Findings of Child Abuse; Exclusion. Parents or guardians raising a child
10 consistent with their biological sex, referring to a child consistent with their biological sex, or
11 making mental health or medical decisions based on the child's biological sex shall not constitute a
12 basis for:

13 I. A court order relative to removing a child from the home, as described in RSA 169-C:6-b;

14 II. Grounds for filing a petition alleging neglect or abuse of a child, as described in RSA 169-
15 C:7;

16 III. Evidence of conduct establishing the rebuttable presumption of harm defined in RSA
17 169-C:12;

18 IV. Grounds for filing a petition for the termination of the parent-child relationship, as
19 described in RSA 170-C:4; or

20 V. Conditions for termination of the parent-child relationship as described in RSA 170-C:5.

21 3 New Paragraph; Endangering Child Welfare; Exclusion Added. Amend RSA 639:3 by
22 inserting after paragraph VI the following new paragraph:

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

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1 4 New Paragraphs; Assessment for Adoptions; Best Interest of the Child; Recognition of
2 Biological Sex. Amend RSA 170-B:18 by inserting after paragraph I the following new paragraphs:

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

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

16 5 New Paragraph; Child Placing Licensing; Prohibition Against Endangerment; Exclusion.
17 Amend RSA 170-E:27 by inserting after paragraph II the following new paragraph:

18 III. For the purposes of this section:

19 (a) A licensee or prospective licensee's refusal, unwillingness, or lack of support for
20 enabling a child to engage in gender transition, or belief that a child should be raised consistent with
21 the child's biological sex, including, but not limited to, referring to a child consistent with the child's
22 biological sex and making related mental health or medical decisions based on the child's biological
23 sex, shall not constitute endangerment. Nor shall such refusal, unwillingness, lack of support, or
24 belief be the basis for the department to deny any license, renewal, or other authorization required
25 to serve as a foster parent.

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

31 6 New Paragraph; Best Interest of the Child; Determining Factors; Exclusion. Amend RSA 461-
32 A:6 by inserting after paragraph I-a the following new paragraph:

33 I-b. In determining the best interests of the child with respect parental rights and
34 responsibilities under this section, including residential responsibility, the court shall not consider
35 as an adverse factor a parent's raising a child consistent with their biological sex, including but not
36 limited to, referring to a child consistent with their biological sex and making mental health or
37 medical decisions based on the child's biological sex. This paragraph shall not be construed to limit

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1 the court from considering any other factor relevant to determining what is in the best interest of the
2 child, as provided for by law.

3 7 Effective Date. This act shall take effect 60 days after its passage.