

SB 38-FN - AS INTRODUCED

2025 SESSION

25-0197

11/09

SENATE BILL **38-FN**

AN ACT relative to state recognition of biological sex.

SPONSORS: Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. Abbas, Dist 22; Sen. Gannon, Dist 23;
Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. McGough, Dist 11; Sen. Pearl, Dist
17; Sen. Sullivan, Dist 18; Rep. Sirois, Hills. 32; Rep. Kofalt, Hills. 32; Rep.
Cordelli, Carr. 7; Rep. Pauer, Hills. 36

COMMITTEE: Judiciary

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five

AN ACT relative to state recognition of biological sex.

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

1 1 New Section; State Commission for Human Rights; Miscellaneous Provisions; State
2 Recognition of Biological Sex. Amend RSA 354-A by inserting after section 25 the following new
3 section:

4 354-A:25-a State Recognition of Biological Sex.

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

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

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

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

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

21 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 38-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to state recognition of biological sex.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill provides a definition for "biological sex" and provides that certain designations by biological sex do not constitute unlawful discrimination. The Human Rights Commission states the fiscal impact of this bill is indeterminable. The Commission indicates there is currently no way to gage the number of public interactions, trainings, or other activities that the Commission will engage in based on the proposed language

AGENCIES CONTACTED:

Human Rights Commission

[As this bill is identical to SB 562, 2024 Session, we used the same information the agencies provided at that time to prepare the above fiscal note.]