

TESTIMONY FOR SB 268 ON 4.16.25

Good morning –

My name is Lauren Irwin. I am a resident of Portsmouth NH. I am also an employment attorney with the law firm of Upton & Hatfield here in Concord and Portsmouth.

Thank you for the opportunity to allow me to speak in opposition to HB 148.

I have been an employment attorney in NH for nearly 30 years, I am also the parent of a transgendered adult child.

I oppose SB 268, because it takes away existing legal protections and rights for trans individuals.

NH's anti-discrimination statute, RSA 354-A protects our citizens from discrimination in their employment, in places of public accommodation, in housing and in public schools. The protection against discrimination applies to age, sex, sexual orientation, gender identity, race color, marital status, physical or mental disability, religious creed, or national origin.

In 2018 gender identity was specifically added to the protected classes in this law. It was done so as a bi-partisan bill signed into law by then-Governor Chris Sununu.

I've brought the statement of intent regarding the bill that added gender identity to the protections afforded by RSA 354-A.

I want to read to you from portions of the statement of intent.

It starts by saying that the bill would add gender identity to NH's existing Human Rights Act, RSA chapter 354-A, which already includes race, gender, religion, marital status and sexual orientation.

And it states that it would prohibit discrimination in employment, housing and public spaces, such as restaurants, businesses and hospitals, based on gender identity.

It was noted that the committee heard MANY CASES OF ACTUAL DISCRIMINATION from transgender individuals.

And at that time, it was supported by employment lawyers, the Human Rights Commission, and the BIA.

In addition, the committee heard support from the Chiefs of Police Association who explained that the bill explicitly says a person's gender identity cannot be asserted for an improper purpose, such as using a bathroom or locker room to commit a crime.

And finally, the statement of intent notes that the committee heard testimony regarding the high rate of preventable suicide in the transgender community – noting that “a staggering 41% of transgender respondents reported attempting suicide compared to 1.6% in the general population.

Most importantly, the statement of intent states that “A bipartisan majority of the committee believe this bill **will save lives and will lead to tolerance, acceptance, and the right to live free to all** of New Hampshire’s inhabitants, regardless of their gender identity.”

Just 7 years after the legislature enacted this important protection – on a bipartisan basis, under a Governor Sununu – SB 268 threatens to strip it away.

In NH, we want **everyone**, and including transgender individuals, to be able to work.

If a transgender individual cannot safely use a bathroom, it would be very difficult for that person to work.

As an attorney, I have represented several transgender individuals, including a physician and an engineer.

Transgender individuals in our state are productive members of the workforce – just like other employees who are protected under NH’s anti-discrimination law.

As I’m sure you all know from watching the news, there is a lot going on in the Courts relating to transgender individuals, both in state and federal courts. These issues have been litigated vigorously. No doubt, these issues are very likely to ultimately be resolved by the U.S. Supreme Court.

In my view, New Hampshire should not rush to strip away important rights.

In closing, I want to re-emphasize, that numerous employees in NH in protected categories – like gender, race, age, disability, religion, marital status, disability, and NOW gender identity, have been afforded important protections through our state’s anti-discrimination law, NH RSA 354-A.

To backpedal on those protections now, is something that I don’t think our state wants to do.

Finally, as a parent, I can tell you that my child benefitted **significantly** from a supportive school environment – they were able to thrive in an environment in which their fellow students and their teachers showed tolerance and respect. My child has grown into a wonderful and productive member of society. I can’t imagine how a law like this proposed law would have affected my child in school.

I believe that SB 268 will lead to increased discrimination and violence against trans people – who deserved the legal protections this legislature established in 2018, and who, today, deserve not to have those rights taken away.

Thank you for your time today.