

February 16, 2026

Opposition to HB1217– An act permitting classification of individuals based on biological sex under certain limited circumstances.

Dear Members of the House Judiciary Committee,

I am writing to respectfully express my opposition to HB1217 and to urge you to vote against this bill.

As a resident of New Hampshire, I value careful, transparent policymaking that protects individual rights, ensures fiscal responsibility, and reflects the will of our communities. I am concerned that HB1217 does not adequately meet these standards and could result in unintended consequences for residents across the state.

I am concerned that HB1217:

- Creates carve-outs to existing anti-discrimination protections and amends New Hampshire’s anti-discrimination law so that classifying people based on “biological sex” in bathrooms, locker rooms, sports, and detention facilities doesn’t count as unlawful discrimination. This undermines the broader purpose of anti-discrimination law by inserting exceptions for specific groups or settings.
- Doesn’t define the term “biological sex”. While the bill refers to “biological sex,” it doesn’t define precisely *how* that term is determined (chromosomes, anatomy, birth certificate, etc.). This vagueness could create confusion and inconsistent enforcement, and it may lead to invasive or discriminatory practices in order to determine someone’s sex category.
- Will be used to exclude transgender and gender-diverse people from facilities that match their gender identity by allowing sex-based classification in public and private spaces (like multi-user bathrooms or locker rooms). This could stigmatize trans residents and increase their risk of harassment or discrimination.
- Effectively permits discrimination against transgender people — for example, by making it legal for an entity to refuse access to a restroom or locker room based on assigned sex at birth rather than gender identity. This is a core concern of LGBTQ+ advocates who view the bill as rolling back civil rights protections.
- Could raise legal challenges and enforcement questions. For instance, private businesses and public institutions would need to decide how to comply without violating other laws. The lack of clarity might lead to costly litigation.
- Could discourage transgender residents from engaging in everyday activities (going to school, using public facilities, participating in sports), out of fear of being stopped, challenged, or harassed — even when current law already prohibits discrimination.
- Will expand government authority or obligations without sufficient oversight or clear limitations.
- Could create new financial or administrative burdens for taxpayers, municipalities, or local institutions.
- Lacks comprehensive impact analysis to fully understand its long-term effects.

- Does not sufficiently incorporate stakeholder feedback or public input.

New Hampshire's legislative tradition emphasizes limited government, accountability, and respect for local control. I believe this bill moves us away from those principles rather than strengthening them.

I respectfully ask you to carefully reconsider HB1217 and vote "Inexpedient to Legislate."
Thank you for your service to our state and for considering the concerns of your constituents.

Respectfully,
Kerri Murphy

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