

February 16, 2026

Opposition to HB1299 – An act permitting classification of individuals based on biological sex under certain limited circumstances and establishing that certain biological sex distinctions do not qualify as discrimination.

Dear Members of the House Judiciary Committee,

I am writing to respectfully express my strong opposition to HB1299, “An Act permitting classification of individuals based on biological sex under certain limited circumstances and establishing that certain biological sex distinctions do not qualify as discrimination.”

I urge you to vote against this bill. While the stated intent of the bill is to protect privacy and safety in certain contexts, I believe HB1299 would undermine New Hampshire’s existing civil rights protections and create harmful consequences for many of our residents.

Here are my key concerns:

- This bill is similar to HB1217, which I have provided public testimony for.
- Weakens anti-discrimination law: HB1299 explicitly allows both public and private entities to separate or exclude individuals based on “biological sex” in settings such as multi-user facilities, athletic competitions, and detention facilities, while clarifying that doing so is not unlawful discrimination. This creates carve-outs in the Law Against Discrimination and weakens protections for gender-diverse people.
- Relies on a simplistic and inflexible definition of “biological sex.” The bill defines “biological sex” solely based on the sex listed on a birth certificate. That definition fails to reflect the complexity of biology, and it excludes people whose identities or bodies do not align strictly with binary classifications. Such a narrow definition opens the door to exclusionary practices and harms people whose gender identity is legitimately recognized by medical and social experts.
- Could lead to discrimination or exclusion. By removing limitations on separating or excluding people in bathrooms, locker rooms, sports, and other settings, HB1299 would effectively permit discrimination against transgender Granite Staters. Existing privacy concerns in these contexts are often overstated and can be addressed without stripping rights from neighbors and community members.
- 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.
- Creates confusion and legal uncertainty. Institutions, employers, and schools could face confusion deciding how to comply with both existing anti-discrimination protections and

the new exceptions created by this bill. The ambiguity around definitions and enforcement raises the risk of lawsuits and increased administrative costs.

- Undermines New Hampshire's commitment to dignity and inclusion. New Hampshire's legal framework has historically protected individuals against discrimination, including on the basis of gender identity. Introducing exceptions that permit exclusion based on sex assigned at birth sends a message of reduced inclusion and could harm the wellbeing of transgender and nonbinary residents.
- 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.

For these reasons, I urge you to oppose HB1299. Instead of rolling back protections, we should uphold civil rights, promote fairness, and ensure all Granite Staters are treated with dignity and respect. Thank you for your service to our state and for considering the concerns of your constituents.

Respectfully,
Kerri Murphy

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