

HB1299 Testimony

HB1299 builds on HB1217 by defining biological sex based on the sex listed on a birth certificate issued “at or near birth.” But birth certificates are not documents people typically carry in daily life, and the bill never explains who would be allowed to ask for one, under what circumstances, or what happens if someone declines to provide it. That creates significant ambiguity. Without clear standards for enforcement, compliance risks defaulting to informal judgments based on appearance rather than documentation, which raises serious privacy concerns and opens the door to inconsistent or unequal treatment.

When a law invites people to question who belongs in a restroom without explaining how that determination is actually made, it risks encouraging a kind of informal policing. In practice, that can look like people lingering outside women’s restrooms or locker rooms, scrutinizing the bodies of women and girls — their clothing, their voices, their appearance — trying to decide whether someone is “female enough.” That isn’t privacy protection. It’s surveillance. And I would think for most women and girls, that kind of scrutiny would feel far more invasive than the hypothetical risks this bill claims to address.

A law framed as protecting privacy should not create situations where people feel pressured to disclose personal records, justify their bodies, or defend their presence in public spaces. If anything, that undermines the very privacy interests the bill says it seeks to protect.

HB1299 also expands biological-sex separation beyond bathrooms and athletics into correctional facilities and involuntary treatment settings — environments already governed by complex federal safety standards and constitutional protections. That significantly broadens the bill’s impact while leaving the same fundamental enforcement questions unanswered.

Ultimately, this bill does not clearly protect privacy or safety. What it does risk is increased scrutiny of women and girls’ bodies, inconsistent enforcement, unnecessary conflict in public spaces, and potential legal challenges for both institutions and the state. Those consequences deserve careful consideration before creating broad statutory carve-outs of this kind.

For those reasons, I respectfully urge the committee to find HB1299 inexpedient to legislate.

Respectfully,

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