



AMERICAN ATHEISTS

April 8, 2026

The Honorable Rep. Bob Lynn
Chair, House Judiciary Committee
107 North Main Street
Concord, New Hampshire 03301

Re: OPPOSE SB 459, Decreasing Safety and Privacy

Dear Chairperson Lynn and Members of the House Judiciary Committee:

American Atheists, on behalf of its constituents in New Hampshire, writes in opposition to SB 459, a bill that would ban transgender residents from using restrooms and changing facilities consistent with the gender they live every day, intensify discrimination within athletic programs, and place people within the state's prison system at risk of harm. We urge you to protect some of New Hampshire's most vulnerable populations by rejecting this bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheists are accepted as members of our nation's communities and where bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building, and work to end the stigma associated with being an atheist in America. American Atheists believes that no one's health, education, and well-being should depend on the religious beliefs of a few.

SB 459 implies that transgender individuals are to be classified by their gender assigned at birth. This cruel policy is rooted in anti-LGBTQ+ rhetoric based on a single religious perspective. Anti-LGBT+, and particularly anti-transgender, discrimination in America is largely a religious issue with no secular basis. For example, in a Pew Research Poll, 84% of white evangelical Protestants in the U.S. reported that they believe a person's gender is dictated by their sex designation at

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birth, and 61% reported that they believe American society has “gone too far” in its acceptance of transgender individuals.¹ Conversely, in this same poll, less than one-third of atheist and agnostic people reported sharing these views. In a separate study, 69% of white evangelical Protestants stated that they believe transgender people should be forced to use only the bathroom which aligns with their sex as determined at birth, while only one-in-four nonreligious Americans reported similar beliefs.² This bill is written to reflect the desires of a vocal minority and would codify their religious beliefs while disregarding the wide variety of religious and nonreligious perspectives in New Hampshire.

SB 459 is unnecessary and harms an already vulnerable population of young people. Supporters of this bill insist, without evidence, that the gender assigned at birth is necessary to ensure fairness in athletic competitions. However, by doing so, they are willing to sacrifice young people who already face a great deal of discrimination. This legislation would make transgender students far more susceptible to bullying and harassment in New Hampshire due to the state-mandated exclusion and opprobrium. The 2015 U.S. Transgender Survey described the rampant bullying and harassment that transgender students already face, concluding that:

- Fifty-four percent (54%) of those who were out or perceived as transgender in K-12 were verbally harassed;
- Twenty-four percent (24%) of those who were out or perceived as transgender in K-12 were physically attacked; and
- Seventeen percent (17%) of those who were out or perceived as transgender in left a K-12 school because the mistreatment was so bad.³

This bill stigmatizes trans kids and makes them more vulnerable to bullying and harassment. The overwhelming majority of trans kids, like most kids, do not play at elite levels. They just want to play everyday school sports and participate with their

¹ Gregory A. Smith, *Views of Transgender Issues Divide Along Religious Lines*, Pew Rsch. Ctr. (Nov. 27, 2017),

<https://www.pewresearch.org/short-reads/2017/11/27/views-of-transgender-issues-divide-along-religious-lines>.

² *Where the Public Stands on Religious Liberty vs. Nondiscrimination*, Pew Rsch. Ctr. (Sep. 28, 2016),

<https://www.pewresearch.org/religion/2016/09/28/where-the-public-stands-on-religious-liberty-vs-nondiscrimination>.

³ Sandy E. Jame, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, & Ma’ayan Anafi, *The Report of the 2015 U.S. Transgender Survey*, Nat’l Ctr. for Transgender Equality (2016).

peers. Bans like SB 459 are not in the best interest of our students. When it comes to school sports, trans kids, like other students, deserve the same chance to learn teamwork, sportsmanship, leadership, and self-discipline, and to build a sense of belonging with their peers. When we tell trans students that they cannot participate in sports with their classmates, they miss out on this important childhood experience and all the lessons it teaches. Every student deserves the opportunity to participate in sports and benefit from the lessons that come with that opportunity.

Additionally, safety and privacy in restrooms is a concern shared across New Hampshire residents. This is particularly true for students and their families. Yet, SB 459 would undermine this shared concern, as the available evidence demonstrates that restricting transgender students' access to basic facilities, including bathrooms and changing areas, actually diminishes safety. A 2019 peer-reviewed study analyzing data from more than 3,600 transgender and nonbinary students throughout the country found that more than one-third of those attending schools with restroom restrictions reported being sexually assaulted in the preceding year, and that the type of policies proposed by this bill were associated with up to 2.5 times the risk of sexual assault among transgender girls.⁴ Conversely, peer-reviewed research examining communities with transgender-inclusive policies has consistently found no evidence that such policies compromise safety or privacy for any demographic.⁵ In other words, the evidence suggests that enacting this legislation would place students in greater danger than simply maintaining existing inclusive policies.

Finally, requiring incarcerated transgender individuals to be placed in correctional facilities according to the gender noted on their birth certificate and not the gender they live in their everyday lives is both cruel and dangerous. A recent investigation found that, of nearly 5,000 transgender people detained in state prisons, *only* 15 were housed in the appropriate facilities.⁶ Failing to take adequate

⁴ Gabriel R. Murchison, Madina Agenor, Sari L. Reisner, & Ryan J. Watson, *School Restroom and Locker Room Restrictions and Sexual Assault Risk Among Transgender Youth*, 143 *Pediatrics* e20182902 (Jun. 2019), <https://doi.org/10.1542/peds.2018-2902>.

⁵ See Jody L. Herman, Andrew R. Flores, & Elana Redfield, *Safety and Privacy in Public Restrooms and Other Gendered Facilities*, U.C.L.A. School of Law (Feb. 2025), <https://williamsinstitute.law.ucla.edu/publications/safety-in-restrooms-and-facilities>.

⁶ See Kate Sosin, *Trans, Imprisoned – And Trapped*, NBC News (Feb. 26, 2020), <https://www.nbcnews.com/feature/nbc-out/transgender-women-are-nearly-always-incarcerated-men-s-putting-many-n1142436>.

steps to ensure every individual is placed in a facility which aligns with their identity places those individuals in harms' way. A 2015 study by the U.S. Department of Justice revealed that over one-third of incarcerated transgender people experienced sexual assault by staff or other prisoners, a figure which experts believe is an undercount due to unreported attacks.⁷

The ultimate goal of this bill is to force school districts, athletic programs, and state institutions throughout New Hampshire to adhere to a theologically-based definition of gender regardless of how it will affect public health and safety. SB 459's definition of biological sex is grounded in one narrow and religious viewpoint that rejects LGBTQ+ equality. Enacting this definition into law and enforcing it through private litigation undermines one of our nation's founding principles: religion and government should remain in separate spheres to ensure all Americans' religious and nonreligious beliefs are respected. We urge you to protect all New Hampshire residents by rejecting this bill.

Should you have any questions regarding American Atheists' opposition to SB 459, please contact me at vanderson@atheists.org.

Sincerely,

A handwritten signature in black ink that reads "Victoria Anderson". The signature is fluid and cursive, with the first name "Victoria" written in a larger, more prominent script than the last name "Anderson".

Victoria Anderson
State Policy Specialist
American Atheists

⁷ Bureau of Justice Statistics, *PREA Data Collection Activities, 2015*, U.S. Dep't of Justice (Jun. 2015), <https://bjs.ojp.gov/content/pub/pdf/pdca15.pdf>.