

MANCHESTER AREA HUMAN RESOURCES ASSOCIATION

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LEGAL AND LEGISLATIVE UPDATE

by

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Gender Identity Added to NH's Anti-Discrimination Laws

On May 2nd the New Hampshire State Senate passed a bill that would create legal protections for transgender people in New Hampshire. The bill (HB 1319—copy attached) would add gender identity to the state's existing anti-discrimination laws (RSA 354-A) which prohibit discrimination in employment, housing and places of public accommodation. The bill passed the state House of Representatives in March. It passed the Senate by a margin of 14-10. Governor Chris Sununu is expected to sign a bill in the coming weeks that would ban discrimination in the state based on gender identity. The law will go into effect 30 days after the Governor signs it.

Gender identity will be included in the list of protected classifications under RSA 354-A. Gender identity is defined in the bill as *“means a person’s gender-related identity, appearance, behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology, or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person’s core identity, provided, however, that gender-related identity shall not be asserted for any improper purpose.”*

The public accommodations provision of the bill drew some pushback from some lawmakers. That part of the law provides protections for transgender people to use the bathroom that corresponds with their gender identity.

Covered employers should add gender identity to their EEO/Anti-Discrimination policies and posters as well as training for staff and managers.

Once the governor signs the bill, New Hampshire will be the 21st state (as well as Puerto Rico, Guam and the District of Columbia) in the country to ban discrimination against transgender people.

Attorney Jim Reidy is a partner at Sheehan Phinney where he is the Chair of the Firm's Labor and Employment law practice group. Jim is also MAHRA's VP of Legal and Legislative Affairs.

Disclaimer

Please note: This outline is intended as general guidance and not specific legal advice. Your legal counsel should be consulted with specific questions or for advice on how to proceed with these matters.