

New Hampshire Prohibits Gender Identity Discrimination

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New Hampshire became the 20th state in the country to prohibit discrimination of all forms based upon gender identity when Governor Chris Sununu signed House Bill 1319 into law on June 8, 2018. The law goes into effect on July 8, 2018.

House Bill 1319 adds “gender identity” to the list of protected classes under the New Hampshire Law Against Discrimination, the state’s anti-discrimination statute (RSA 354-A). The Law Against Discrimination prohibits discrimination in employment, public accommodations, and housing on the basis of age, sex, race, creed, color, marital status, familial status, physical or mental disability, and national origin, among other characteristics.

Under the amended statute, “gender identity” is defined as “a person’s gender-related identity, appearance, or 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 identity” can be shown by presenting “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.”

New Hampshire joins California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Utah, Vermont, and Washington, along with Washington D.C., to include gender identity and/or gender expression in their employment anti-discrimination statutes. See examples of the various state law protections, and related training requirements, for transgender and gender non-conforming individuals in our articles, [New York State and New York City Guidance Focus on Transgender Discrimination](#), [California Adds ‘Transgender,’ ‘Gender Nonconforming Individuals’ to Sexual Harassment Prevention Training for Supervisors](#), and [Massachusetts Enacts Transgender Restroom Law](#).

It is important for New Hampshire employers to update their policies and procedures to include gender identity and gender expression and allow employees to avail themselves of the statute’s protections. Moreover, employers should address LGBTQ issues in harassment prevention trainings.

Further, it is important for employers’ human resource departments to work with a transgender employee on the gender transition plan to ensure a safe and respectful workplace for all.

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