

HB 1519-FN - AS INTRODUCED

2022 SESSION

22-2469

08/05

HOUSE BILL

1519-FN

AN ACT defining "religious belief" and protecting it from discrimination.

SPONSORS: Rep. Foster, Hills. 5; Rep. Pauer, Hills. 26; Rep. G. Sanborn, Graf. 6; Rep. Deshaies, Carr. 6; Rep. Spillane, Rock. 2; Rep. Ammon, Hills. 40; Rep. Edwards, Rock. 4; Rep. T. Lekas, Hills. 37; Rep. Rollins, Sull. 6

COMMITTEE: Judiciary

ANALYSIS

This bill defines "religious belief" and protects it from discrimination.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT defining "religious belief" and protecting it from discrimination.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Religious Belief. Amend RSA 354-A:2 by inserting after paragraph XIV-e the
2 following new paragraph:

3 XIV-f. "Religious belief" means spiritual worship in the manner and season most agreeable
4 to the dictates of an individual's own conscience.

5 2 State Commission for Human Rights; Unlawful Discriminatory Practices in Public
6 Accommodations. Amend RSA 354-A:17 to read as follows:

7 354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful
8 discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent,
9 agent or employee of any place of public accommodation, because of the age, sex, gender identity,
10 race, creed, **religious belief**, color, marital status, physical or mental disability or national origin of
11 any person, directly or indirectly, to refuse, withhold from or deny to such person any of the
12 accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish,
13 circulate, issue, display, post or mail any written or printed communication, notice or advertisement
14 to the effect that any of the accommodations, advantages, facilities and privileges of any such place
15 shall be refused, withheld from or denied to any person on account of age, sex, gender identity, race,
16 creed, **religious belief**, color, marital status, physical or mental disability or national origin; or that
17 the patronage or custom thereat of any person belonging to or purporting to be of any particular age,
18 sex, gender identity, race, creed, **religious belief**, color, marital status, physical or mental disability
19 or national origin is unwelcome, objectionable or acceptable, desired or solicited. In addition, no
20 person shall be denied the benefit of the rights afforded by this section on account of that person's
21 sexual orientation.

22 3 Department of Administrative Services; Division of Personnel. Amend RSA 21-I:42, XVI to
23 read as follows:

24 XVI. Developing and implementing an equal employment opportunity program that will
25 ensure the employment of all qualified people regardless of age, sex, gender identity, race, color,
26 sexual orientation, ethnic background, **religious belief**, marital status, or physical or mental
27 disability. This program shall include a review and revision of the job classification process and
28 testing process to ensure that they are free from either conscious or inadvertent bias.

29 4 Department of Administrative Services; Classified Employees; Appeals. Amend RSA 21-I:58, I
30 to read as follows:

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I. Any permanent employee who is affected by any application of the personnel rules, except for those rules enumerated in RSA 21-I:46, I and the application of rules in classification decisions appealable under RSA 21-I:57, may appeal to the personnel appeals board within 15 calendar days of the action giving rise to the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative proceedings in RSA 541-A. If the personnel appeals board finds that the action complained of was taken by the appointing authority for any reason related to politics, religion, **religious belief**, age, sex, gender identity, race, color, ethnic background, marital status, or disabling condition, or on account of the person's sexual orientation, or was taken in violation of a statute or of rules adopted by the director, the employee shall be reinstated to the employee's former position or a position of like seniority, status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall be equal to the salary loss suffered during the period of denied compensation less any amount of compensation earned or benefits received from any other source during the period. "Any other source" shall not include compensation earned from continued casual employment during the period if the employee held the position of casual employment prior to the period, except to the extent that the number of hours worked in such casual employment increases during the period. In all cases, the personnel appeals board may reinstate an employee or otherwise change or modify any order of the appointing authority, or make such other order as it may deem just.

5 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21, XVI to read as follows:

XVI. The patient shall not be denied appropriate care on the basis of race, religion, **religious belief**, color, national origin, sex, gender identity, age, disability, marital status, or source of payment, nor shall any such care be denied on account of the patient's sexual orientation.

6 Residential Care and Health Facility; Patients' Bill of Rights. Amend RSA 151:21-b, II(b) to read as follows:

(b) Receive appropriate and professional care without discrimination based on race, color, national origin, religion, **religious belief**, sex, gender identity, disability, or age, nor shall any such care be denied on account of the patient's sexual orientation.

7 Civil Rights Act; Enforcement. Amend RSA 354-B:1, I to read as follows:

I. All persons have the right to engage in lawful activities and to exercise and enjoy the rights secured by the United States and New Hampshire Constitutions and the laws of the United States and New Hampshire without being subject to actual or threatened physical force or violence against them or any other person or by actual or threatened damage to or trespass on property when such actual or threatened conduct is motivated by race, color, religion, **religious belief**, national origin, ancestry, sexual orientation, sex, gender identity, or disability. "Threatened physical force" and "threatened damage to or trespass on property" is a communication, by physical conduct or by

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1 declaration, of an intent to inflict harm on a person or a person's property by some unlawful act with
2 a purpose to terrorize or coerce.

3 8 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(f) to read as follows:

4 (f) Was substantially motivated to commit the crime because of hostility towards the
5 victim's religion, race, creed, **religious belief**, sexual orientation as defined in RSA 21:49, national
6 origin, sex, or gender identity as defined in RSA 21:53;

7 9 Franchising and Regulation of Cable Television Systems; Rights of Individuals. Amend RSA
8 53-C:3-g to read as follows:

9 53-C:3-g Rights of Individuals. No cable television system operator shall deny service, deny
10 access, or otherwise discriminate against subscribers, channel users, or any other citizens on the
11 basis of age, race, religion, **religious belief**, sex, gender identity, sexual orientation, physical
12 disability, or country of natural origin.

13 10 New Hampshire Mental Health Services System; Discrimination Prohibited. Amend RSA
14 135-C:13 to read as follows:

15 135-C:13 Discrimination Prohibited; Eligibility for Services. Every severely mentally disabled
16 person shall be eligible for admission to the state mental health services system, and no such person
17 shall be denied services because of race, color or religion, **religious belief**, sex, gender identity, or
18 inability to pay. Eligible persons shall include formerly severely mentally disabled persons who
19 without continued services would probably become severely mentally disabled again. Each client
20 has a right to adequate and humane treatment provided in accordance with generally accepted
21 clinical and professional standards. The treatment shall include such psychological, psychiatric,
22 habilitative, rehabilitative, vocational and case management services which are necessary and
23 appropriate to bring about an improvement, when possible, in the client's condition and which are
24 available within the state mental health services system. If necessary services are not available,
25 each agency responsible for provision of such services shall notify the department of the need for
26 them, and the department shall utilize such information for budgetary planning purposes. The
27 treatment may include housing and such other services as the department may elect to provide to
28 severely mentally disabled persons. Eligibility for services in the mental health system for persons
29 under 21 years of age shall be determined after consideration of the services provided under RSA
30 186-C, RSA 169-B, RSA 169-C, RSA 169-D, or any other law. The commissioner shall adopt rules,
31 pursuant to RSA 541-A, relative to the eligibility of severely mentally disabled persons to receive
32 state services and the service guarantees for clients in the state system.

33 11 New Hampshire Mental Health Services System; Fundamental Rights. Amend RSA 135-
34 C:56, IV to read as follows:

35 IV. No person receiving mental health services shall be discriminated against in any
36 manner because of race, color, sex, gender identity, sexual orientation, religion, **religious belief**,
37 national origin, age, disability, or degree of disability.

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1 12 New Hampshire Employment Program and Family Assistance Program; Administrative
2 Duties; Rulemaking. Amend RSA 167:83, III(e) to read as follows:

3 (e) To not be discriminated against because of gender, race, creed, color, sex, gender
4 identity, sexual orientation, age, disability, political affiliation or beliefs, religion, ***religious belief***,
5 or national origin.

6 13 Loan Corporations; Administration of Loans; No Discrimination. Amend RSA 195-E:14, I to
7 read as follows:

8 I. The foundation, a qualified educational institution and a loan corporation shall have the
9 full power and authority and be subject to all rights, responsibilities and liabilities for the
10 administration of a loan program and for the distribution and collection of loans to qualified students
11 or their parents, including the determination of who is eligible to receive loans, the amounts of the
12 loans, repayment schedules and interest rates to be charged; provided that the terms are in
13 accordance with law and do not discriminate against any person on account of race, creed, ***religious***
14 ***belief***, national origin, sex, gender identity, sexual orientation, or age. In the case of student loans
15 made to eligible students or the parents of such students who attend educational institutions that
16 are not qualified educational institutions, the foundation shall have primary responsibility for the
17 administration of such portion of the loan program and the servicing of such loans; provided,
18 however, that this sentence shall not prohibit the foundation from contracting with another entity
19 for assistance in such administration and servicing as agent for the foundation.

20 14 Housing Finance Authority; Definitions. Amend RSA 204-C:1, X to read as follows:

21 X. "Eligible persons and families" shall mean a person or persons, and families of 2 or more
22 persons, irrespective of race, creed, ***religious belief***, national origin, sex, or gender identity,
23 determined by the authority to require assistance under this chapter on account of insufficient
24 personal or family income taking into consideration, without limitation, such factors as follows: (a)
25 the amount of the total income of such persons and families available for housing needs; (b) the size
26 of the family; (c) the cost and condition of housing facilities available; (d) the ability of such persons
27 and families to compete successfully in the normal private housing market and to pay the amounts
28 at which private enterprise is providing decent, safe and sanitary housing; and (e) if appropriate,
29 standards established for various federal programs determining eligibility based on income of such
30 persons and families.

31 15 Dog and Horse Racing Employees, Elections. Amend RSA 273-C:10, VI(b) to read as follows:

32 (b) The board shall decertify any employee organization which is found in a judicial
33 proceeding to discriminate with regard to membership, or with regard to the conditions thereof,
34 because of age, sex, gender identity, sexual orientation, race, color, creed, ***religious belief***, marital
35 status or national origin; or has systematically failed to allow its membership equal participation in
36 the affairs of the employee organization.

1 16 Consumer Guaranty Contracts; Prohibited Acts and Terms. Amend RSA 415-C:7, I(h) to
2 read as follows:

3 (h) Unfairly discriminate based solely on age, place or area of residence, race, color,
4 creed, national origin, ancestry, marital or civil union status, lawful occupation including military
5 service, sex, gender identity, sexual orientation, religion, **religious belief**, or blindness or other
6 disability.

7 17 Preferred Provider Agreements; Discrimination Prohibited. Amend RSA 420-C:5 to read as
8 follows:

9 420-C:5 Discrimination Prohibited. No health care insurer shall discriminate against any
10 provider on the basis of religion, **religious belief**, race, color, national origin, age, sex, gender
11 identity, sexual orientation, or marital status. Reasonable terms and conditions including, but not
12 limited to, those based on economic or geographic considerations, certain affiliations, or professional
13 privileges shall not be prohibited under this section.

14 18 Jurors; Prohibition of Discrimination. Amend RSA 500-A:4 to read as follows:

15 500-A:4 Prohibition of Discrimination. A citizen of this state shall not be excluded from jury
16 service on account of race, color, religion, **religious belief**, sex, gender identity, national origin or
17 economic status.

18 19 Unlawful Discriminatory Practices. Amend RSA 354-A:7, III to read as follows:

19 III. For any employer or employment agency to print or circulate or to cause to be printed or
20 circulated any statement, advertisement or publication, or to use any form of application for
21 employment or to make any inquiry or record in connection with employment, which expresses,
22 directly or indirectly, any limitation, specification or discrimination as to age, sex, gender identity,
23 race, color, marital status, physical or mental disability, religious creed, **religious belief**, or
24 national origin or any intent to make any such limitation, specification or discrimination in any way
25 on the ground of age, sex, gender identity, race, color, marital status, physical or mental disability,
26 religious creed, **religious belief**, or national origin, unless based upon a bona fide occupational
27 qualification; provided, however, that nothing in this chapter shall limit an employer after the offer
28 of hire of an individual from inquiring into and keeping records of any existing or pre-existing
29 physical or mental conditions. In addition, no person shall be denied the benefit of the rights
30 afforded by this paragraph on account of that person's sexual orientation.

31 20 Effective Date. This act shall take effect 60 days after its passage.

**HB 1519-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT defining "religious belief" and protecting it from discrimination.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

METHODOLOGY:

This bill defines "religious belief" and protects it from discrimination in various State statutes. These statutes include provisions for possible complaints, investigations, hearings, administrative fines, appeals to the superior court, civil actions, misdemeanors and extended terms of imprisonment. There is no method to determine how many, if any, actions would be brought as a result of the changes contained in this bill to determine the fiscal impact on State expenditures.

The Human Rights Commission indicates this bill would expand RSA 354-A to include a person's religious belief as a protected class for anti-discrimination protections regarding public accommodations. The Commission states the fiscal impact is indeterminable because it is unknown how many new cases may result from the bill. Therefore, the Commission has no information at present to determine if additional resources or staff will be needed.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Human Rights Commission