

HB 359 - AS INTRODUCED

2025 SESSION

25-0393

11/08

HOUSE BILL **359**

AN ACT prohibiting denial of banking and insurance services based on any factor that is not quantitative, impartial, and risk-based as measured by an objective standard.

SPONSORS: Rep. Corcoran, Hills. 28; Rep. Belcher, Carr. 4; Rep. Berry, Hills. 44; Rep. Tom Mannion, Hills. 1

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires that financial institutions and insurers use objective information when providing banking services and prohibits those institutions from denying or canceling services based on certain personally held beliefs.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Five

AN ACT prohibiting denial of banking and insurance services based on any factor that is not quantitative, impartial, and risk-based as measured by an objective standard.

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

1 1 New Section; Anti-Discrimination; Financial Institutions. Amend RSA 383-A by inserting
2 after section 383-A:5-511-a the following new section:

3 383-A:5-511-b Denial or Withholding of Financial Services.

4 I. In this section, "financial institution" means a state or national bank, a savings and loan
5 association, savings bank, credit union, industrial loan and thrift company, or mortgage lender.

6 II. Financial institutions shall make determinations about the provision or denial of services
7 based on an analysis of risk factors unique to each current or prospective customer and shall not
8 engage in a practice described in paragraph III. This paragraph does not restrict a financial
9 institution that claims a religious purpose from making such determinations based on the current or
10 prospective customer's religious beliefs, religious exercise, or religious affiliations.

11 III. A financial institution shall not deny or cancel its services to a person, or otherwise
12 discriminate against a person in making available such services or in the terms or conditions of such
13 services, on the basis of any of the following:

14 (a) The person's political opinions, speech, or affiliations.

15 (b) Except as provided in paragraph II, the person's religious beliefs, religious exercise,
16 or religious affiliations.

17 (c) Any factor if it is not a quantitative, impartial, and risk-based standard, including
18 any such factor related to the person's business sector.

19 (d) The use of a rating, scoring, analysis, tabulation, or action that considers a social
20 credit score based on factors including:

21 (1) The person's political opinions, speech, or affiliations;

22 (2) Except as provided in paragraph II, the person's religious beliefs, religious
23 exercise, or religious affiliations;

24 (3) The person's lawful ownership of a firearm;

25 (4) The person's engagement in the lawful manufacture, distribution, sale, purchase,
26 or use of firearms or ammunition;

27 (5) The person's engagement in the exploration, production, utilization,
28 transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture;

29 (6) The person's support of the state or federal government in combating illegal
30 immigration, drug trafficking, or human trafficking;

(7) The person's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described in this paragraph; or

(8) The person's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such person is in compliance with applicable state or federal law:

(A) Environmental standards, including emissions standards, benchmarks, requirements, or disclosures;

(B) Social governance standards, benchmarks, or requirements, including environmental or social justice;

(C) Corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under RSA 354-A:7; or

(D) Policies or procedures requiring or encouraging employee participation in social justice programming, including diversity, equity, or inclusion training.

IV. All applicable remedies under this chapter shall be available to an aggrieved party. Additionally, a violation of this section constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies provided under RSA 358-A.

2 New Paragraphs; Prohibited Denials and Cancellation of Insurance. Amend RSA 417:4 by inserting after paragraph XXIII the following new paragraph:

XXIV. Notwithstanding any state or federal provisions to the contrary:

(a) Insurers shall make determinations about the provision of services based on an analysis of sound underwriting and actuarial principles related to actual or reasonably anticipated loss experience unique to each current or prospective customer and shall not engage in a practice described in subparagraph (b). This subparagraph does not restrict an insurer that claims a religious purpose from making such determinations based on the current or prospective customer's religious beliefs, religious exercise, or religious affiliations.

(b) An insurer shall not deny or cancel its services to a person, or otherwise discriminate against a person in making available such services or in the terms or conditions of such services, on the basis of:

(1) The person's political opinions, speech, or affiliations;

(2) Except as provided in subparagraph (a), the person's religious beliefs, religious exercise, or religious affiliations;

(3) Any factor if it is not a quantitative, impartial, and risk-based standard; or

(4) The use of a rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including:

(A) The person's political opinions, speech, or affiliations;

(B) Except as provided in subsection (a), the person's religious beliefs, religious exercise, or religious affiliations;

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1 (C) The person's lawful ownership of a firearm;

2 (D) The person's engagement in the lawful manufacture, distribution, sale,
3 purchase, or use of firearms or ammunition;

4 (E) The person's engagement in the exploration, production, utilization,
5 transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture;

6 (F) The person's support of the state or federal government in combating illegal
7 immigration, drug trafficking, or human trafficking;

8 (G) The person's engagement with, facilitation of, employment by, support of,
9 business relationship with, representation of, or advocacy for any person described in this
10 subsection; or

11 (H) The person's failure to meet or commit to meet, or expected failure to meet,
12 any of the following as long as such person is in compliance with applicable state or federal law:

13 (i) Environmental standards, including emissions standards, benchmarks,
14 requirements, or disclosures;

15 (ii) Social governance standards, benchmarks, or requirements, including
16 environmental or social justice;

17 (iii) Corporate board or company employment composition standards,
18 benchmarks, requirements, or disclosures based on characteristics protected under RSA 354-A:7; or

19 (iv) Policies or procedures requiring or encouraging employee participation
20 in social justice programming, including diversity, equity, or inclusion training.

21 (c) All applicable remedies under this chapter shall be available to an aggrieved party.
22 Additionally, a violation of this section constitutes an unfair or deceptive act or practice affecting
23 trade or commerce and is subject to the penalties and remedies provided under RSA 358-A.

24 3 Effective Date. This act shall take effect 60 days after its passage.