

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

1 Granite Place South  
Concord, NH 03301

JOHN M. FORMELLA  
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**MEMORANDUM**

**TO:** New Hampshire Political Subdivisions  
**FROM:** New Hampshire Department of Justice ([DEIContractReview@doj.nh.gov](mailto:DEIContractReview@doj.nh.gov))  
**RE:** Review of Contracts for Prohibited DEI Related Provisions  
**DATE:** January 8, 2026

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As part of House Bill 2 during the 2025 session, the legislature created a new subdivision of RSA Chapter 21-I titled "Prohibition on Diversity, Equity, and Inclusion." This new subdivision is codified from RSA 21-I:112 to RSA 21-I:116. It prohibits all public entities, including political subdivisions, from implementing, promoting, or otherwise engaging in any "DEI-related initiatives, programs, training, or policies." Such policies include programs that "classif[y] individuals" based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin "for the purpose of achieving demographic outcomes," "implicit bias training," "DEI assessments," "critical race theory," or "race-based hiring, promotion, or contracting preferences."

RSA 21-I:116 requires the Department of Justice to establish a process for all political subdivisions, including counties, cities, towns, village districts, and unincorporated places<sup>1</sup> to review their existing contracts for the "presence of DEI-related provisions." In order to comply with the law, each political subdivision should carefully review this memorandum and the enclosed form.

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<sup>1</sup> Although the definition of "political subdivision" includes school districts, new provisions of RSA Chapter 186 specifically require school districts to make similar reports to the Department of Education.

To guide the statutorily-required review, the Department of Justice construes prohibited DEI-related provisions to include the following: (1) implicit bias training; (2) DEI assessments; (3) critical race theory; or (4) any other provision that classifies individuals based upon age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin **and** has a primary purpose of achieving demographic outcomes. Achieving demographic outcomes means that the contracting provision or program promote one characteristic over another and is not designed to treat individuals equally under the law. If the provision or program treats individuals equally under the law, for example anti-discrimination provisions and programs or provisions that ensure a program is available to all, do not constitute DEI for the purposes of this law. Provisions or programs that require accommodating people with disabilities or of differing religious backgrounds also do not constitute DEI for the purposes of this law because state and federal law require providing reasonable accommodations to people with disabilities or of differing religious backgrounds to facilitate their equal treatment under the law.

To facilitate this review, the Department of Justice has included with this memorandum a form that all political subdivisions are requested to fill out and return to the Department of Justice. The form asks that the political subdivision certify that the political subdivision reviewed its existing contracts for the presence of DEI-related provisions. All political subdivisions must certify that they have reviewed their existing contracts for the presence of DEI-related provisions no later than February 28, 2026.

**Please certify compliance by either returning certification forms or otherwise attesting the review has been completed to: [DEIContractReview@doj.nh.gov](mailto:DEIContractReview@doj.nh.gov). You may also email this address with questions regarding these requirements or the certification process.**

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**Political Subdivision Certification of Compliance with RSA 21-I:116**

Consistent with RSA 21-I:116, all political subdivisions must review their existing contracts for prohibited DEI-related provisions and certify that they have or have not done so to the Department of Justice. To facilitate this review, the Department is providing this form. Please fill out the information below, and, by signing, dating, and returning this form to the Department of Justice, certify your subdivision has reviewed its existing contracts for prohibited DEI-related provisions.

**Political Subdivision Name:** \_\_\_\_\_

**Political Subdivision Address:** \_\_\_\_\_

\_\_\_\_\_

**Certifying Official's Name:** \_\_\_\_\_

**Certifying Official Title:** \_\_\_\_\_

By signing this document, I hereby certify that the above listed political subdivision **has** reviewed its existing contracts for prohibited DEI-related provisions. Prohibited DEI-related provisions include the following: (1) implicit bias training; (2) DEI assessments; (3) critical race theory; or (4) any other provision that classifies individuals based upon age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin and has a primary purpose of achieving demographic outcomes. Prohibited DEI-related provisions do not include, among other things, anti-discrimination provisions and programs or provisions that ensure a program is available to all.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

## Bonenfant, Janice

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**From:** DOJ: DEI Contract Review <DEIContractReview@doj.nh.gov>  
**Sent:** Thursday, January 8, 2026 5:09 PM  
**To:** DOJ: DEI Contract Review  
**Subject:** Review of Contracts for Prohibited DEI Related Provisions  
**Attachments:** DEI-Contract Review Form.pdf; DEI Contract Review Guidance.pdf

**[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]**

To All Municipal Town and City Clerks:

As part of House Bill 2 during the 2025 session, the legislature created a new subdivision of RSA Chapter 21-I titled "Prohibition on Diversity, Equity, and Inclusion." This new subdivision is codified from RSA 21-I:112 to RSA 21-I:116. It prohibits all public entities, including political subdivisions, from implementing, promoting, or otherwise engaging in any "DEI-related initiatives, programs, training, or policies." Such policies include programs that "classif[y] individuals" based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin "for the purpose of achieving demographic outcomes," "implicit bias training," "DEI assessments," "critical race theory," or "race-based hiring, promotion, or contracting preferences."

RSA 21-I:116 requires the Department of Justice to establish a process for all political subdivisions, including counties, cities, towns, village districts, and unincorporated places to review their existing contracts for the "presence of DEI-related provisions." In order to comply with the law, each political subdivision should carefully review the enclosed memorandum and form and respond by February 28, 2026.

Thank you for your attention to this matter. Any questions may be directed to [DEIContractReview@doj.nh.gov](mailto:DEIContractReview@doj.nh.gov).