

Support SB 399 - Prevent the Government from Controlling Private Healthcare Decisions

Bill Summary: SB 399 would repeal RSA 329:43 through 329:50 – the so-called “fetal health protection act.” Under the act, abortions are banned at or after 24 weeks, with limited exceptions for the life of the pregnant person or serious risk of substantial and irreversible impairment of a major bodily function. The act also requires an ultrasound prior to all abortion care - at all stages of pregnancy. In addition, the act subjects abortion providers to both criminal and civil liability for providing abortion care to their patients.

No one should be forced to carry a pregnancy against their will. Current New Hampshire law denies Granite Staters their right to decide for themselves whether or not to end a pregnancy. When it comes to the most personal decisions in life — such as preventing or ending a pregnancy or having a child — it should be up to the pregnant person, free from punishment, judgment, or political interference.

Current law deputizes people unconnected with an abortion to sue health care providers. The civil remedies section of the abortion ban allows the spouse or parent(s) of a person who has an abortion outside of the ban to sue the health care provider who performed the abortion for civil damages. In reality, this means that an abusive spouse or estranged parents have legal standing to sue a medical provider.

This legislation places both medical providers and their patients at risk. It imposes potential sanctions on abortion-providing doctors unless the procedure is intended to prevent death or serious risk of substantial and irreversible impairment of a major bodily function. Because there is no clear, universal definition of the point at which a pregnant person’s life becomes endangered, even when a physician is certain that an abortion or another intervention which poses a threat to a pregnancy is in the patient’s best interest, the risk of prosecution will incentivize waiting to act until the patient’s symptoms become demonstrably life-threatening. The threat of criminal and/or civil liability directly conflicts with a doctor’s ability to effectively treat a patient needing medical care.

The vast majority of Granite Staters support safe, legal abortion. Sixty-six percent of Granite Staters support keeping abortion legal in all/most cases, rejecting the idea that bodies are public property to be regulated by government officials.ⁱ In fact, only three states have a higher percentage of residents who support safe, legal abortion access.ⁱⁱ As this polling makes clear, Granite Staters don’t appreciate government intervention into their private health care decisions.

The New Hampshire Legislature should focus on the pressing health care needs of Granite Staters. The number of new COVID cases and hospitalizations in New Hampshire are at an all time high.ⁱⁱⁱ In the past 12 months, the number of ICU beds being used by COVID-19 patients has increased by 135 percent.^{iv} New Hampshire is one of four states that has less than 10% remaining capacity in their ICUs.^v Nearly one in four New Hampshire hospitals are experiencing a critical staffing shortage.^{vi} Instead of expanding the government’s control of private health care decisions, legislators should be focused on the acute needs of medical providers in New Hampshire to combat COVID-19.

Support SB 399 - Protect the health, safety, and privacy of Granite Staters

ⁱ Jeff Diamant & Aleksandra, *Do state laws on abortion reflect public opinion?*, Pew Research Center, Jan. 21, 2020, available at <https://www.pewresearch.org/fact-tank/2020/01/21/do-state-laws-on-abortion-reflect-public-opinion/>.

ⁱⁱ Jeff Diamant & Aleksandra, *Do state laws on abortion reflect public opinion?*, Pew Research Center, Jan. 21, 2020, available at <https://www.pewresearch.org/fact-tank/2020/01/21/do-state-laws-on-abortion-reflect-public-opinion/>.

ⁱⁱⁱ Johnny Bassett, *New Hampshire Covid-19 numbers again hit all-time highs: Cases surge across the state as Omicron takes hold*, Granite State News Collaborative, Jan. 13, 2022, available at <https://www.nhbr.com/new-hampshire-covid-19-numbers-again-hit-all-time-highs/>.

^{iv} Todd Bookman & Casey McDermott, "A constant tsunami": N.H.'s health care workers at the epicenter of COVID surge, New Hampshire Public Radio, Dec. 14, 2021, available at <https://www.nhpr.org/nh-news/2021-12-13/nh-catholic-medical-center-manchester-covid>.

^v Travis Caldwell & Jason Hanna, *19 states have fewer than 15% of ICU beds left as health care staffing shortages complicate care*, CNN, Jan. 14, 2022, available at <https://www.cnn.com/2022/01/13/health/us-coronavirus-thursday/index.html>.

^{vi} Todd Bookman & Casey McDermott, "A constant tsunami": N.H.'s health care workers at the epicenter of COVID surge, New Hampshire Public Radio, Dec. 14, 2021, available at <https://www.nhpr.org/nh-news/2021-12-13/nh-catholic-medical-center-manchester-covid>.