

Support HB 1673 - Prevent the Government from Controlling Private Healthcare Decisions

Bill Summary: HB 1673 would repeal RSA 329:43 through 329:50 – the so-called “fetal health protection act.” Under RSA 329:43 through 329:50:

- 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.
- An ultrasound is required prior to all abortion care - at all stages of pregnancy.
- Abortion providers can face 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. Over two thousand Granite Staters have died from COVID-19.ⁱⁱⁱ Over 285,000 Granite Staters have had COVID-19.^{iv} At least 181 people are currently hospitalized in New Hampshire with COVID-19.^v New Hampshire has 13 percent remaining capacity in their ICUs.^{vi} Nearly one in four New Hampshire hospitals are experiencing a critical staffing shortage.^{vii} 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 HB 1673 - 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 See, New Hampshire COVID-19 Response, Dashboard, available at <https://www.covid19.nh.gov/dashboard> (as of February 6, 2022 there have been 2,282 deaths).

^{iv} See, New Hampshire COVID-19 Response, Dashboard, available at <https://www.covid19.nh.gov/dashboard> (as of February 8, 2022 there have been 285,863 cases).

^v See, New Hampshire COVID-19 Response, Dashboard, available at <https://www.covid19.nh.gov/dashboard> (181 confirmed hospital cases and 9 suspected hospital cases).

^{vi} See, New Hampshire COVID-19 Response, Dashboard, available at <https://www.covid19.nh.gov/dashboard> (New Hampshire has a 7-day moving average of 13.3 percent).

^{vii} 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>.