

## **Oppose HB 582 – Protect the Privacy of Granite Staters’ Health Care Decisions**

**Bill Summary:** HB 582 would require the department of health and human services to publish an annual report consisting of an aggregate statistical summary of all abortions performed in New Hampshire.

**This legislation arbitrarily targets abortion records.** The Secretary of State's Division of Vital Records Administration (DVRA) collects data and copies of birth, marriage, civil union, divorce, civil union dissolution, and death certificates.<sup>i</sup> Despite the fact “that abortions that are provided in the United States are safe and effective,” according to a landmark study published in the National Academies of Sciences, Engineering and Medicine,<sup>ii</sup> this legislation would single out abortion as the only medical procedure designated for data collection by the DVRA. This legislation is yet another attempt to place politicians between Granite Staters and their decision on whether or not to end a pregnancy.

**This legislation threatens patient privacy.** Under this proposal, healthcare providers must submit detailed individualized (as opposed to aggregate) reports on each patient’s medical procedure. Despite assigning patients and providers designated identification numbers, collecting this data as individualized—as opposed to aggregated at the provider level—makes it possible to re-identify patients. In addition, as we all know, successful cyber-attacks on highly secure government agencies are all too common.<sup>iii</sup> This leaves some Granite Staters’ personal medical decisions unnecessarily at risk of disclosure. In 2016, The New Hampshire Department of Health and Human Services has already experienced data breaches of personal medical information due to hacking, affecting up to 15,000 individuals. Compromised information included social security numbers, addresses, and Medicaid identification numbers.<sup>iv</sup> Other states such as Massachusetts only collect information at an aggregate provider level,<sup>v</sup> while Vermont<sup>vi</sup> does not require data collection about the patient.<sup>vii</sup>

**The New Hampshire Legislature should focus on the pressing health care needs of Granite Staters.** New Hampshire ranks last out of its New England counterparts in overall quality of healthcare, measured through cost, accessibility, and health outcomes.<sup>viii</sup> Moreover, the state ranks 24<sup>th</sup> nationwide in cost of care.<sup>ix</sup> This legislation would cost Granite State taxpayers around \$25,000 to \$50,000 for “Vital Records Improvement Funds” and between \$133,000 and \$141,000 annually, according to the bill’s fiscal note.<sup>x</sup> At a time when “nearly 100,000 Granite Staters live in poverty,” according to the NH Fiscal Policy Network,<sup>xi</sup> legislators should prioritize the wellbeing of New Hampshire’s most vulnerable rather than a politically motivated government database.

**The vast majority of Granite Staters support safe, legal abortion.** Seventy-two percent of polled Granite Staters identified as pro-choice in 2022<sup>xii</sup>, while data from 2021 shows sixty-six percent support keeping abortion legal in all/most cases, rejecting the idea that bodies are public property to be regulated by government officials.<sup>xiii</sup> In fact, only three states have a higher percentage of residents who support safe, legal abortion access.<sup>xiv</sup> As this polling makes clear, Granite Staters don’t appreciate government intervention into their private health care decisions.

## **Oppose HB 582 – Don’t Play Politics with Granite Staters’ Healthcare Decisions**

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- <sup>i</sup> See, New Hampshire Vital Records Information Network, [https://nhvriplus.sos.nh.gov/nhvriplus/main\\_portal\\_land.html](https://nhvriplus.sos.nh.gov/nhvriplus/main_portal_land.html).
- <sup>ii</sup> Alison Kodjak, *Landmark Report Concludes Abortion In U.S. Is Safe*, NPR, March 16, 2018, available at <https://www.npr.org/sections/health-shots/2018/03/16/593447727/landmark-report-concludes-abortion-is-safe>.
- <sup>iii</sup> See, e.g., Center for Strategic and International Studies, *Significant Cyber Incidents Since 2006*, available at [https://csis-website-prod.s3.amazonaws.com/s3fs-public/220104\\_Significant\\_Cyber\\_Events.pdf?dLSQUtb9qiFpttFI7FcBmA9IKZaNPUib](https://csis-website-prod.s3.amazonaws.com/s3fs-public/220104_Significant_Cyber_Events.pdf?dLSQUtb9qiFpttFI7FcBmA9IKZaNPUib).
- <sup>iv</sup> Jessica Davis, *Breach at New Hampshire DHHS after data of 15,000 patients is posted on social media*, Healthcare IT News, Dec. 29, 2016, available at <https://www.healthcareitnews.com/news/breach-new-hampshire-dhhs-after-data-15000-patients-posted-social-media>
- <sup>v</sup> 112 Mass. § 12Q, available at <https://www.mass.gov/info-details/mass-general-laws-c112-ss-12q>
- <sup>vi</sup> 18 V.S.A. § 5222, available at [https://legislature.vermont.gov/statutes/section/18/107/05222#:~:text=%C2%A7%205222.&text=\(2\)%20All%20the%20rapeutic%20or%20induced,not%20required%20to%20be%20reported](https://legislature.vermont.gov/statutes/section/18/107/05222#:~:text=%C2%A7%205222.&text=(2)%20All%20the%20rapeutic%20or%20induced,not%20required%20to%20be%20reported).
- <sup>vii</sup> Guttmacher Institute, *Abortion Reporting Requirements*, Jan. 1, 2023, available at <https://www.guttmacher.org/state-policy/explore/abortion-reporting-requirements>
- <sup>viii</sup> Adam McCann, *The Best & Worst States for Health Care*, WalletHub, Aug 1, 2022, available at <https://wallethub.com/edu/states-with-best-health-care/23457>
- <sup>ix</sup> Delphine Luneau, *New Hampshire health system rates well compared to rest of U.S., but concerns remain*, The Center Square, Sep 6, 2018, available at [https://www.thecentersquare.com/new\\_hampshire/new-hampshire-health-system-rates-well-compared-to-rest-of-u-s-but-cost-concerns/article\\_0e69a8b0-af7c-11e8-8645-d301b6a961fb.html](https://www.thecentersquare.com/new_hampshire/new-hampshire-health-system-rates-well-compared-to-rest-of-u-s-but-cost-concerns/article_0e69a8b0-af7c-11e8-8645-d301b6a961fb.html)
- <sup>x</sup> See HB 582-FN, available at [https://www.gencourt.state.nh.us/bill\\_status/billinfo.aspx?id=442&inflect=2](https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=442&inflect=2)
- <sup>xi</sup> New Hampshire Fiscal Policy Institute, *Income & Poverty*, available at <https://nhfpi.org/topic/income-poverty/>.
- <sup>xii</sup> Neil Levesque, *A Survey of Registered New Hampshire Voters, August 9-11, 2022*, New Hampshire Institute of Politics, Saint Anselm College, available at, [https://www.anselm.edu/sites/default/files/Documents/NHIOP/Polls/SACSC\\_NHSW\\_0822\\_Book1.pdf](https://www.anselm.edu/sites/default/files/Documents/NHIOP/Polls/SACSC_NHSW_0822_Book1.pdf)
- <sup>xiii</sup> 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/>.
- <sup>xiv</sup> 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/>.