

Oppose HB 1541 - Prevent the Government from Controlling Granite Staters' Private Healthcare Decisions

Bill Summary: HB 1541 would prevent doctors from exercising their best medical judgment when providing abortions after 15 weeks gestation under threat of criminal liability and medical malpractice. Moreover, the bill imposes unwarranted restrictions on reproductive healthcare in the state by requiring that abortions performed after 15 weeks be in a hospital and in the presence of a second physician.

HB 1541 would impose harmful restrictions on abortion care in New Hampshire that are neither warranted nor rooted in medical accuracy. Requiring any abortion after 15 weeks to take place in a hospital setting singles out abortion providers to burdensome regulations that are not reflected in other medical practices. In doing so, HB 1541 reflects a growing trend in state legislatures: the targeted regulation of abortion providers, or “TRAP” laws.ⁱ This bill targets reproductive health care providers and would make accessing care at these health centers impossible for patients after 15 weeks. Further, the bill’s requirement that two physicians be present is another excessive regulation that demonstrates a lack of trust in doctors. Rather than relying on their training and expertise, doctors would have to take direction from politicians to avoid criminal liability. We know that doctors are already bound by medical ethics when making decisions about how to best provide care and that infanticide is already illegal at the federal level; HB 1541 would only make it more difficult for doctors to provide compassionate care and serves to further malign those providing or seeking an abortion. Across the country, abortion has been banned or restricted in more than 20 states.ⁱⁱ With abortion becoming increasingly out of reach, pregnant people are facing extreme difficulties accessing care; recent data shows 1 in 5 women are now traveling out of state for abortion care.ⁱⁱⁱ

The penalties providers face for failing to meet HB 1541’s standards are draconian and create an unnecessary barrier to abortion access. HB 1541 subjects providers to New Hampshire’s “state laws governing homicide, manslaughter, and civil liability for wrongful death and medical malpractice” if they fail to meet the requirements of the bill. The penalties in HB 1541 are so severe that providers may, out of an abundance of caution, act against their best medical judgement to avoid criminalization; as a result, physicians may feel cornered into limiting care for the pregnant person. It is shameful to put doctors in a web of complicated abortion restrictions as they seek to put the health of their patients first. Abortion is an extremely safe component of comprehensive reproductive health care, not a criminal activity. This bill would only limit qualified medical professionals from providing safe, legal abortions. According to the Journal of Family Medicine, laws that directly criminalize abortion providers “discourage both capable providers and future clinicians from pursuing the practice of abortion care. And, by dissuading providers, these laws further limit patients’ access to comprehensive reproductive health care in a system that is already severely strained.”^{iv} Physicians in New Hampshire agree; in 2021, when the state’s abortion ban was introduced, we heard medical doctors express criminal penalties “disincentivize” providers to work in the state and evoke “fear they cannot offer care.”^v Moreover, the criminalization of abortion care is another way in which our criminal legal system is being wielded to control the bodies and futures of people who are disproportionately Black, Brown and low-income.^{vi}

Legislation like this has shown itself to be unpopular with voters. Recent polling shows 87 percent of Granite Staters support reproductive freedom.^{vii} In fact, only three states have a higher percentage of residents who support safe, legal abortion access;^{viii} rejecting the idea that bodies are public property to be regulated by government officials. As this polling makes clear, Granite Staters don’t appreciate government intervention into their private health care decisions. Legislators should vote decisively against this bill and uphold New Hampshire’s longstanding commitment to individual freedom and the right to privacy.

Last Updated January 9, 2024

Oppose HB 1541 - Don't Interfere with a Doctor's Ability to Provide the Most Appropriate Care

ⁱ Center for Reproductive Rights, *Targeted Regulation of Abortion Providers (TRAP)*, Aug 2015, available at <https://reproductiverights.org/targeted-regulation-of-abortion-providers-trap/>

ⁱⁱ Guttmacher Institute, *Interactive Map: US Abortion Policies and Access After Roe*, 2022, available at [Interactive Map: US Abortion Policies and Access After Roe | Guttmacher Institute](#)

ⁱⁱⁱ Guttmacher Institute, *New Data Show that Interstate Travel for Abortion Care in the United States Has Doubled Since 2020*, Dec 2023, available at <https://www.guttmacher.org/news-release/2023/new-data-show-interstate-travel-abortion-care-united-states-has-doubled-2020>

^{iv} Narayana, Sumathi, et al. "Family doctors and the criminalization of abortion care." *Family medicine* 51.10 (2019): 803-805., available at <https://journals.stfm.org/familymedicine/2019/november-december/gold-2019-0310/>

^v Todd Bookman, *How Abortion Access Will change if N.H. Lawmakers Pass Restrictions*, June 22, 2021, New Hampshire Public Radio, available at <https://www.nhpr.org/nh-news/2021-06-22/how-abortion-access-will-change-in-n-h-if-lawmakers-pass-restrictions>

^{vi} CUNY School of Law, Human Rights & Gender Clinic, et al., *Criminalization and Punishment for Abortion, Stillbirth, Miscarriage, and Adverse Pregnancy Outcomes*, Sept. 2023, available at [Microsoft Word - 2023_Clinic_HRJG_REPORT-U.S. Criminalization of Abortion and Pregnancy Outcomes-final.docx \(cuny.edu\)](#)

^{vii} Breakthrough Campaigns, *Memo: Amplify Poll Results Show Want State Leaders to Protect Their Reproductive Rights and Abortion Influenced Midterms*, available at [Amplify Abortion Polling Memo.pdf -](#)

^{viii} 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/>.