

Support SB 461 –The Legislature Needs to Take Action to Affirm Abortion Rights in the Granite State

Bill Summary: SB 461 would repeal RSA 329:49, which states, “Nothing in this subdivision shall be construed as creating or recognizing a right to abortion.” Although this legislation would not change any current restrictions on abortion in the Granite State, it would take a pivotal first step to establish an affirmative right to abortion in New Hampshire.

Abortion is essential health care and a human right. According to the American College of Obstetricians and Gynecologists, abortion is “an essential component of women’s health care.”ⁱ Politicians should not interfere with an individual’s ability to make their own private health care decisions. Elected officials do not have the expertise to make these decisions, only health professionals and patients do. The current law in New Hampshire which expresses there is *no right* to an abortion undermines trust in our state’s medical providers and trust in individuals to make critical, life-altering decisions about whether or not to have a child; it also leaves Granite Staters completely unprotected from future attacks on reproductive health care. Abortion is an extremely safe component of comprehensive reproductive health care. Various physician advocacy organizations, such as the American Medical Association, attest that “restricting abortion is an act of government intrusion into medicine.”ⁱⁱ Legislators should effect policy that adheres to what public health experts recommend; passing SB 461 is a step in closer to doing just that.

After the fall of *Roe*, it is up to the states to protect the right to abortion. Since the *Dobbs* decision to overturn the *Roe* and *Casey* rulings, state politicians are now responsible for protecting our right to reproductive health care. Since the devastating ruling in 2022, 20 states have banned or restricted abortionⁱⁱⁱ and 25 million people have lost access to abortion in their home state,^{iv} including 1 in 3 American women of reproductive age.^v It is long overdue that New Hampshire pass protections amidst a national landscape of uncertainty and fear; SB 461 offers an excellent first step to enshrine the right to abortion by removing language that would undermine affirmative protections once they are made into law. Other states such as California and Michigan, have established a clear, affirmative right to abortion.^{vi} New Hampshire must take the step of removing this obstructive language to provide clarity in the law and pass other proactive legislation that would clearly establish the right to abortion in the state.

The vast majority of Granite Staters support safe, legal abortion. It is time we protect it. Eighty-seven percent of polled Granite Staters identified as pro-choice in 2022,^{vii} demonstrating a clear rejection of the idea that bodies are public property to be regulated by government officials. In fact, only three states have a higher percentage of residents who support safe, legal abortion access.^{viii} As this polling makes clear, Granite Staters do not appreciate government intervention into their private health care decisions.

The time to take proactive measures in support of reproductive rights has never been more critical. The ability to access abortion is essential to a person's health, well-being, dignity, and individual freedom. With no federal constitutional protections in place, New Hampshire must take action to protect the right to abortion. By passing SB 461, Legislators will have a clearer path forward on enshrining reproductive freedom as a clearly established, affirmative right.

Support SB 461 – It is Long Overdue the Legislature Take Action to Affirm Abortion Rights

ⁱ The American College of Obstetricians and Gynecologists, *Abortion Access Fact Sheet*, 2023, available at, https://www.acog.org/advocacy/facts-are-important/abortion-is-health_care

ⁱⁱ Jack Resneck, M.D. President of the American Medical Association, *Press Release: Ruling an egregious allowance of government intrusion into medicine*, The American Medical Association, June 2022, available at <https://www.ama-assn.org/press-center/press-releases/ruling-egregious-allowance-government-intrusion-medicine>

ⁱⁱⁱ 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](#)

^{iv} Planned Parenthood Action Fund, *REPORT: 25 Million Women At Risk Of Losing Abortion Access Due to Kavanaugh*, n.d., available at <https://www.plannedparenthoodaction.org/issues/abortion/state-of-emergency/25-million-women-risk-losing-abortion-access-if-brett-kavanaugh-confirmed>

^v Katie Shepherd, Rachel Rouben, Caroline Kitchener, *1 in 3 American women have already lost abortion access. More restrictive laws are coming*, August 2022, The Washington Post, available at <https://www.washingtonpost.com/nation/2022/08/22/more-trigger-bans-loom-1-3-women-lose-most-abortion-access-post-roe/>

^{vi} Center for Reproductive Rights, *After Roe Fell: Abortion Laws by State*, 2023, available at <https://reproductiverights.org/maps/abortion-laws-by-state/>

^{vii} Breakthrough Campaigns, *Memo: Amplify NH Poll Results Show Want State Leaders to Protect Their Reproductive Rights and Abortion Influenced Midterms*, 2023 [Abortion Polling Memo.pdf](#) -

^{viii} 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