



# New Hampshire | RANKING 36

New Hampshire allows abortions to be performed after viability, does not protect children born alive during attempted abortions, and does not maintain any informed consent or parental notification requirements. Moreover, it is one of only four states that do not protect the conscience rights of healthcare professionals, and one of only three states that does not have an abortion reporting system.

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## ABORTION

- New Hampshire law allows abortions after viability, even in cases where the mother's life or health is not endangered.
- New Hampshire prohibits partial-birth abortion from viability.
- A physician may not perform an abortion on an unemancipated minor under the age of 18 until at least 48 hours after written notice has been delivered to one parent, except when there is a medical emergency or when the minor obtains a court order.
- New Hampshire follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- New Hampshire enacted a measure creating a "buffer zone" around abortion clinics, hampering the First Amendment speech rights of sidewalk counselors seeking to offer assistance to women entering or leaving abortion facilities. However, following litigation, the law is not being enforced.

## LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- New Hampshire law does not affirmatively protect infants born alive during botched abortions.
- New Hampshire criminalizes the killing of an unborn child outside the context of abortion, when the child has attained 20 weeks or more gestation. It also provides that an attack on a pregnant woman which results in a stillbirth or miscarriage is a criminal assault.
- It allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- New Hampshire has a "Baby Moses" law, establishing a safe haven for mothers to legally leave their infants at designated places and ensuring the infants receive appropriate care and protection.
- New Hampshire has approved stillbirth certificates from 20 weeks' gestation.

## BIOETHICS LAWS

- New Hampshire does not ban human cloning, destructive embryo research, or fetal experimentation.
- It does not promote ethical forms of research.

- New Hampshire has enacted regulations applicable to practitioners and participants in assisted reproductive technologies.

## **PATIENT PROTECTION LAWS**

- In New Hampshire, assisting suicide is a felony.

## **HEALTHCARE FREEDOM OF CONSCIENCE**

### **PARTICIPATION IN ABORTION AND CONTRACEPTION**

- New Hampshire currently provides no protection for the freedom of conscience of healthcare providers.
- New Hampshire law requires group or blanket health insurance policies issued or renewed by insurers, health service corporations, and health maintenance organizations to provide coverage for contraceptives if they otherwise provide coverage for outpatient services or other prescription drugs. The law contains no conscience exemptions for religious or other employers with ethical or moral objections to contraception.

### **PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE**

- New Hampshire currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, and other forms of medical research that violate a provider's moral or religious beliefs.

## **WHAT HAPPENS AFTER *ROE* IS OVERTURNED?**

- Abortion will be legal throughout pregnancy.

# RECOMMENDATIONS FOR NEW HAMPSHIRE

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## WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
  - Women's Right to Know Act with reflection period
  - Coercive Abuse Against Mothers Prevention Act
  - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
  - Drug-Induced Abortion Information and Reporting Act
  - Parental Consent for Abortion Act
  - Parental Involvement Enhancement Act
  - Child Protection Act
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## INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
  - Prenatal Nondiscrimination Act
  - Perinatal Hospice Information Act
  - Born-Alive Infant Protection Act
  - Unborn Infants Wrongful Death Act (for a pre-viable child)
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## PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
  - Charlie Gard Act (formerly the Life Sustaining Care Act)
  - Pain Management Education Act
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## ADDITIONAL PRIORITIES

### ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

### LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act
- Pregnant Woman's Protection Act

### BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

### HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act