

CHAPTER 119
HB 1609-FN - FINAL VERSION

31Mar2022... 1209h

2022 SESSION

22-2099
05/10

HOUSE BILL

1609-FN

AN ACT relative to certain provisions of the fetal life protection act requiring an ultrasound examination.

SPONSORS: Rep. Wolf, Merr. 5; Rep. Deshaies, Carr. 6; Rep. Allard, Merr. 21; Rep. Graham, Hills. 7; Rep. Ham, Graf. 5; Rep. Depalma IV, Graf. 1

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill provides an exception from the prohibition on abortion after 24 weeks in cases of fetal abnormalities incompatible with life and construes the ultrasound requirement for purposes of determining the gestational age of the fetus.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to certain provisions of the fetal life protection act requiring an ultrasound examination.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 119:1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA
2 329:44, I and II to read as follows:

3 I. Except in the case of a medical emergency as specifically defined in paragraph III, no abortion
4 shall be performed, induced, or attempted by any health care provider unless a health care provider has
5 first made a determination of the probable gestational age of the fetus. In making such a determination,
6 the health care provider shall make such inquiries of the pregnant woman and perform or cause to be
7 performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care
8 provider in the community, knowledgeable about the medical facts and conditions of both the woman and
9 the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis
10 with respect to gestational age, provided, however, that the health care provider shall conduct an obstetric
11 ultrasound examination of the patient for the purpose of making the determination. ***This paragraph shall***
12 ***be construed to require the performance of an ultrasound only if the provider either knows that the fetus***
13 ***has a gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a***
14 ***gestational age of at least 24 weeks.***

15 II. Except in ***the case of fetal abnormalities incompatible with life, or*** a medical emergency as
16 specifically defined in paragraph III, no health care provider shall knowingly perform, induce, or attempt to
17 perform an abortion upon a pregnant woman when the probable gestational age of her fetus has been
18 determined to be at least 24 weeks or in the absence of a determination by a health care provider
19 pursuant to paragraph I as to the fetus' probable gestational age.

20 119:2 Effective Date. This act shall take effect upon its passage.

Approved: May 27, 2022
Effective Date: May 27, 2022

