

SB 573-FN - AS INTRODUCED

2024 SESSION

24-3117

12/06

SENATE BILL

573-FN

AN ACT

relative to parental consent for medical care.

SPONSORS:

Sen. Ward, Dist 8; Sen. Gannon, Dist 23; Sen. Gray, Dist 6; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Sen. Birdsell, Dist 19; Sen. Murphy, Dist 16; Rep. Kofalt, Hills. 32; Rep. Sellers, Graf. 18; Rep. Peternel, Carr. 6; Rep. Seidel, Hills. 29

COMMITTEE:

Judiciary

ANALYSIS

This bill requires any person, private entity, government entity, or any employee or agent of any private or government entity obtain the consent of a parent of a child before performing or asking to perform various medical care interventions on the child.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to parental consent for medical care.

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

1 1 New Chapter; Parental Consent to Medical and Mental Health Care. Amend RSA by inserting
2 after chapter 170:H the following new chapter:

3 CHAPTER 170:I

4 PARENTAL CONSENT TO MEDICAL AND MENTAL HEALTH CARE

5 170-I:1 Parental Consent to Medical and Mental Health Care Required. Except as otherwise
6 provided by statute or court order, a person, private entity, government entity, or any employee or
7 agent of any private or government entity must obtain the consent of a parent of a child before
8 taking any of the following actions:

9 I. Soliciting to perform, arranging for the performance of, or performing surgical procedures
10 upon a child;

11 II. Soliciting to perform, arranging for the performance of, or performing a physical or
12 medical examination upon a child;

13 III. Prescribing or dispensing any prescription drug or medication to a child; or

14 IV. Soliciting to perform, arranging for the performance of, or performing mental health
15 practice, as defined in RSA 330-A:2, VI, on a child.

16 170-I:2 Parental Consent to Medical Care; Limitations. The provisions of this section do not
17 apply to an abortion, which shall be governed by RSA 132:32-36. This chapter shall not apply if:

18 I. A parent of the child has given a blanket consent authorizing the person or entity to
19 perform an activity listed in 170-I:1; or

20 II. It has been reasonably determined by the person or entity that either of the following
21 conditions is true:

22 (a) it is necessary to perform an activity listed in RSA 170-I:1 in order to prevent the
23 child's death or imminent, irreversible physical injury to the child; or

24 (b) a parent of the child cannot be located or contacted after a reasonably diligent effort.

25 170-I:3 Parental Consent to Medical Care; Civil Action.

26 I. A parent may bring suit for any violation of this chapter and may raise this chapter as a
27 defense in any judicial or administrative proceeding without regard to whether the proceeding is
28 brought by or in the name of the government, any private person, or any other party.

29 II. A parent who successfully asserts a claim or defense under this chapter may recover
30 declaratory relief, injunctive relief, compensatory damages, reasonable attorneys' fees and costs, and
31 any other appropriate relief.

1 III. A government entity shall indemnify its employees for any liability incurred by the
2 employee and for any judgment entered against the employee for claims arising under this section;
3 provided however that a government entity does not have to indemnify an employee if the employee
4 was convicted of a criminal violation for the conduct from which the claim arises.

5 2 Effective Date. This act shall take effect 60 days after its passage.

SB 573-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to parental consent for medical care.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill requires any person or public or private entity to obtain the consent of a parent before performing medical procedures and/or evaluations on, or prescribing medication to, a child. The bill creates a private right of action by allowing parents to bring suit for any violation of the newly-established chapter. While there is no way of knowing how many cases might be brought as a result of the bill, the Judicial Branch has provided the following cost estimates for individual civil cases:

Judicial Branch Average Cost	FY 2024	FY 2025
Superior Court Complex Civil Case	\$1,320.96	\$1,347.38
Superior Court Routine Civil Case	\$493.64	\$503.51

There may also be an indeterminable cost for any state or local government entity that serves as a defendant in the civil suits permitted by the bill.

AGENCIES CONTACTED:

Judicial Branch