

SB 573-FN - AS AMENDED BY THE SENATE

03/21/2024 1130s

2024 SESSION

24-3117

12/06

SENATE BILL

***573-FN***

AN ACT

establishing a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire.

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

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AMENDED ANALYSIS

This bill establishes a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    establishing a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire.

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

1            1 Committee Established. There is established a committee to study consent and confidentiality  
2 laws applicable to adolescent and young adult health care in New Hampshire.

3            2 Membership and Compensation.

4            I. The members of the committee shall be as follows:

5                    (a) Two members of the senate appointed by the president of the senate, including one  
6 member from the majority and one member from the minority.

7                    (b) Three members of the house of representatives, appointed by the speaker of the  
8 house of representatives.

9            II. Members of the committee shall receive mileage at the legislative rate when attending to  
10 the duties of the committee.

11           3 Duties. The committee shall:

12                   I. Review current New Hampshire health care consent laws, including circumstances where  
13 parental consent is not required by law;

14                   II. Review New Hampshire confidentiality laws and identify what protections exist for  
15 health care information for minors in New Hampshire;

16                   III. Solicit testimony from any person or organization with relevant information or  
17 expertise; and

18                   IV. Assess whether any areas of health care in New Hampshire are not currently covered  
19 under existing parental consent laws and do not currently fall under existing New Hampshire or  
20 Federal law exemptions to parental consent for medical care.

21           4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
22 among the members. The first meeting of the committee shall be called by the first-named senate  
23 member. The first meeting of the committee shall be held within 30 days of the effective date of this  
24 section. Three members of the committee shall constitute a quorum.

25           5 Report. The committee shall report its findings and any recommendations for proposed  
26 legislation to the president of the senate, the speaker of the house of representatives, the senate  
27 clerk, the house clerk, the governor,    and the state library on or before November 1, 2024.

28           6 Effective Date. This act shall take effect upon 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
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations</b>	\$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
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$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