

SB 181-FN - AS INTRODUCED

2023 SESSION

23-0770

05/04

SENATE BILL ***181-FN***

AN ACT relative to access to abortion care.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Fenton, Dist 10; Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Sen. Prentiss, Dist 5; Rep. Ebel, Merr. 7; Rep. Weber, Ches. 5; Rep. Simpson, Rock. 33; Rep. M. Murray, Hills. 37; Rep. Wilhelm, Hills. 40

COMMITTEE: Judiciary

ANALYSIS

This bill provides that, with limited statutory exception, the state shall not restrict or interfere with an individual's decision to terminate a pregnancy and establishes a private right of action for violation of the chapter.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to access to abortion care.

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

1 1 New Chapter; Access to Abortion Care. Amend RSA by inserting after chapter 132-A the
2 following new chapter:

3 CHAPTER 132-B

4 ACCESS TO ABORTION CARE

5 132-B:1 Access to Abortion Care.

6 I. It shall be the public policy of New Hampshire that, because it is vital to the equality and
7 liberty of all individuals, the state shall not restrict or interfere with an individual's exercise of their
8 private decision to terminate a pregnancy except as provided in RSA 329:43 through RSA 329:50 and
9 RSA 132:32 through RSA 132:36.

10 II. Enforcement.

11 (a) An individual injured as a result of a violation of this chapter shall have a private
12 right of action in superior court against the state for injunctive relief arising from the violation.

13 (b) In addition to any injunctive relief awarded, the court may award costs and
14 reasonable attorney's fees to an injured person who prevails in an action brought under this chapter.

15 2 Effective Date. This act shall take effect upon its passage.

**SB 181-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to access to abortion care.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill provides that, with limited statutory exception, the state shall not restrict or interfere with an individual's decision to terminate a pregnancy and establishes a private right of action for violation of the chapter.

The Judicial Branch indicates the fiscal impact on the Branch is indeterminable. The bill would create a new chapter, RSA 132-B, which would prohibit the State from restricting or interfering with an individual's decision to terminate a pregnancy except as otherwise provided in statute. The bill would authorize a new civil cause of action in Superior Court for an individual who is injured or to seek an injunction as a result of a violation of RSA 132-B. The Branch assumes this would result in an increase in the number of cases filed in Superior Court, but it is unable to determine how many additional cases would be filed.

AGENCIES CONTACTED:

Judicial Branch