

HB 299-FN - AS INTRODUCED

2023 SESSION

23-0494

04/10

HOUSE BILL

299-FN

AN ACT prohibiting discrimination in medical care.

SPONSORS: Rep. Belcher, Carr. 4; Rep. Seidel, Hills. 29

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill revises the prohibition against discrimination in medical treatment contained in the patient's bill of rights to prohibit denial of appropriate care or medical resources on the basis of race or skin tone, sexuality or sexual preference, sex, or any intersectional characteristic, or to prioritize any care or resource on the basis of alleged historical racial, sexuality or sexual preference, sex, or any intersectional group discrimination. The bill also creates a private cause of action for any person so aggrieved.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT prohibiting discrimination in medical care.

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

1 1 Patients' Bill of Rights; Discrimination in Medical Care. RSA 151:21, XVI is repealed and
2 reenacted to read as follows:

3 XVI. The patient shall not be denied appropriate care on the basis of age, sex, gender
4 identity, sexual orientation, race, color, marital status, familial status, disability, religion, national
5 origin, source of income, source of payment, or profession. The patient shall not be denied
6 appropriate care, nor shall any medical resource be rationed, on the basis of race or skin tone,
7 sexuality or sexual preference, sex, or any intersectional characteristic, or to prioritize any care or
8 resource on the basis of alleged historical racial, sexuality or sexual preference, sex, or any
9 intersectional group discrimination,

10 2 New Paragraph; Patients' Bill of Rights; Private Cause of Action for Discrimination in Medical
11 Treatment. Amend RSA 151:21 by inserting after paragraph XVI the following new paragraph:

12 XVI-a. In addition to the protections afforded to a patient under paragraph XVI, there shall
13 be a private cause of action, which may be filed in the superior court in the county in which the
14 aggrieved party resides, against any provider, employer, health care entity, certification or licensing
15 organization, college or university which discriminates, promulgates treatment protocols which
16 discriminate, instructs professional persons to discriminate, or certifies or licenses any medical
17 provider on the basis of affirming any act of discrimination in violation of paragraph XVI.

18 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 299-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT prohibiting discrimination in medical 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	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

METHODOLOGY:

This bill creates a private cause of action against entities that deny medical care in violation of RSA 151:21, XVI. The Judicial Branch states that it is unable to determine how many, if any, additional civil actions will be filed as a result of a bill. The fiscal impact is therefore indeterminable.

It is assumed any fiscal impact, if any, would not occur until FY 2024.

AGENCIES CONTACTED:

Judicial Branch