

Committee Report

REGULAR CALENDAR

March 4, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Judiciary to which
was referred HB 1640-FN,**

**AN ACT relative to parental notification prior to
abortion. Having considered the same, report the same
with the following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Sandra Keans

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 1640-FN
Title:	relative to parental notification prior to abortion.
Date:	March 4, 2020
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill removes the judicial bypass provision of the law, such that all minors would be forced to notify their parents without exception, even if notification would be harmful or dangerous to the minor. New Hampshire has a law that requires parental notification before a minor can obtain an abortion. This law includes a judicial bypass system, such that if a pregnant minor is unable to notify her parents, often for safety concerns, there is a system set up where she can appear before a judge who will decide if she is mature enough to make the decision to have an abortion. In 1979, the U.S. Supreme Court ruled that parents cannot have veto power over a minor's constitutional right to abortion, and if states are going to require parental involvement, then there must be a waiver process available to minors who do not or cannot involve a parent in their abortion decision. In *Planned Parenthood v. Casey*, the Supreme Court was clear that a statute that will have the practical effect of giving someone else a veto over a person's abortion decision is an undue burden and must be struck down as unconstitutional. Young women who have a supportive relationship with parents are likely to consult them about an abortion decision, but not all young people are fortunate to have a healthy relationship with parents. For those who do not share it with parents, there is usually a good reason. In New Hampshire, our experience has been that almost no young women have utilized the judicial bypass, but it has been essential to protect the young women in the few remaining cases.

Vote 13-6.

Rep. Sandra Keans
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

HB 1640-FN, relative to parental notification prior to abortion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Sandra Keans for the **Majority** of Judiciary. This bill removes the judicial bypass provision of the law, such that all minors would be forced to notify their parents without exception, even if notification would be harmful or dangerous to the minor. New Hampshire has a law that requires parental notification before a minor can obtain an abortion. This law includes a judicial bypass system, such that if a pregnant minor is unable to notify her parents, often for safety concerns, there is a system set up where she can appear before a judge who will decide if she is mature enough to make the decision to have an abortion. In 1979, the U.S. Supreme Court ruled that parents cannot have veto power over a minor's constitutional right to abortion, and if states are going to require parental involvement, then there must be a waiver process available to minors who do not or cannot involve a parent in their abortion decision. In *Planned Parenthood v. Casey*, the Supreme Court was clear that a statute that will have the practical effect of giving someone else a veto over a person's abortion decision is an undue burden and must be struck down as unconstitutional. Young women who have a supportive relationship with parents are likely to consult them about an abortion decision, but not all young people are fortunate to have a healthy relationship with parents. For those who do not share it with parents, there is usually a good reason. In New Hampshire, our experience has been that almost no young women have utilized the judicial bypass, but it has been essential to protect the young women in the few remaining cases. **Vote 13-6.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 4, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Judiciary to which
was referred HB 1640-FN,**

**AN ACT relative to parental notification prior to
abortion. Having considered the same, and being
unable to agree with the Majority, report with the
recommendation that the bill OUGHT TO PASS.**

Rep. Kurt Wuelper

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 1640-FN
Title:	relative to parental notification prior to abortion.
Date:	March 4, 2020
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority believes that a pregnant teen needs the support of her parents more when she has an unintended pregnancy than at any other time in her life, and parents are far more likely to be loving and caring than even teens in troubled households believe. We believe that the law should protect both the mother and her child. We think parents have moral, legal, financial, and natural rights to care for their child, but are hindered in that when denied any chance to even know when their daughter has an invasive medical procedure. We think the judicial bypass hurts far more women than it helps and should be repealed.

Rep. Kurt Wuelper
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Judiciary

HB 1640-FN, relative to parental notification prior to abortion. **OUGHT TO PASS.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority believes that a pregnant teen needs the support of her parents more when she has an unintended pregnancy than at any other time in her life, and parents are far more likely to be loving and caring than even teens in troubled households believe. We believe that the law should protect both the mother and her child. We think parents have moral, legal, financial, and natural rights to care for their child, but are hindered in that when denied any chance to even know when their daughter has an invasive medical procedure. We think the judicial bypass hurts far more women than it helps and should be repealed.

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

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COMMITTEE:

Judiciary

BILL NUMBER:

HB 1640

TITLE:

relation to parental notification
prior to abortion

DATE:

3-4-20

CONSENT CALENDAR:

YES

NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Multiple horizontal lines for writing the statement of intent.

OK

COMMITTEE VOTE:

13-6

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep.

Margaret Smith

For the Committee

HB 1640: This bill removes the judicial bypass provision of the law, such that all minors would be forced to notify their parents without exception, even if notification would be harmful or dangerous to the minor. New Hampshire has a law that requires parental notification before a minor can obtain an abortion. This law includes a judicial bypass system, such that if a pregnant minor is unable to notify her parents (often for safety concerns), there is a system set up where she can appear before a judge who will decide if she is mature enough to make the decision to have an abortion. In 1979 the U.S. Supreme Court ruled that parents cannot have veto power over a minor's constitutional right to abortion, and if states are going to require parental involvement, then there must be a waiver process available to minors who do not or cannot involve a parent in their abortion decision. In *Planned Parenthood v. Casey*, the Supreme Court was clear that a statute that will have the practical effect of giving someone else a veto over a person's abortion decision is an undue burden and must be struck down as unconstitutional. Young women who have a supportive relationship with parents are likely to consult them about an abortion decision, but not all young people are fortunate to have a healthy relationship with parents. For those who do not share it with parents, there is usually a good reason. In New Hampshire, our experience has been that almost no young women have utilized the judicial bypass, but it has been essential to protect the young woman in the few remaining cases.

MINORITY REPORT

COMMITTEE: _____

BILL NUMBER: HB 1640

TITLE: _____

DATE: _____

CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

E-mailed 3-4-20

COMMITTEE VOTE: _____

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File

Rep. [Signature]

For the Minority

Nancy Cossette

From: Kurt Wuelper
Sent: Wednesday, March 04, 2020 3:49 PM
To: Marjorie Smith; Nancy Cossette
Cc: Werner Horn
Subject: HB 1640-FN minority report

The minority believes that a pregnant teen needs the support of her parents more when she has an unintended pregnancy than at any other time in her life, and parents are far more likely to be loving and caring than even teens in troubled households believe. We believe that the law should protect both the mother and her child. We think parents have moral, legal, financial, and natural rights to care for their child, but are hindered in that when denied any chance to even know when their daughter has an invasive medical procedure. We think the judicial bypass hurts far more women than it helps and should be repealed. *ge*

The purpose of government is to protect life,
Rep Kurt Wuelper

*OK
mks*

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1640-FN

BILL TITLE: relative to parental notification prior to abortion.

DATE: March 10, 2020

LOB ROOM: 208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Keans

Seconded by Rep. Berch

Vote: 13-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1640-FN

BILL TITLE: relative to parental notification prior to abortion.

DATE: 3-4-20

LOB ROOM: 208

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. KEANS Seconded by Rep. Berch Vote: 13-6

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES NO

Minority Report? Yes _____ No If yes, author, Rep: Wuelper Motion OTP

Respectfully submitted: Kurt Wuelper
Rep Kurt Wuelper, Clerk



2020 SESSION

Judiciary

Bill #: HB 1640 Motion: FTL AM #: _____ Exec Session Date: 3-4-20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Smith, Marjorie K. Chairman	12 13		
Keans, Sandra B. Vice Chairman	1		
Berch, Paul S.	2		
Horrigan, Timothy O.	3		
Woodbury, David	4		
Altschiller, Debra	5		
DiLorenzo, Charlotte I.	6		
Burroughs, Anita D.	7		
Chase, Wendy	8		
Kenney, Cam E.	9		
Langley, Diane M.	10		
Stevens, Deb	11		
Topper, Gary S.		1	
Sylvia, Michael J.		2	
Vuelper, Kurt F. Clerk		3	
Gordon, Edward M.	12	4	
Sanvrin, Jason A.		5	
Griffin, Barbara J.	_____		
McLean, Mark		6	
Alexander, Joe H.		7	
TOTAL VOTE:	12 13	4 6	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1640-FN

BILL TITLE: relative to parental notification prior to abortion.

DATE: January 29, 2020

LOB ROOM: 208

Time Public Hearing Called to Order: 11:00

Time Adjourned: 11:45

Committee Members: Reps. M. Smith, Keans, Wuelper, Berch, Horrigan, Woodbury, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Langley, Stevens, Hopper, Sylvia, Gordon, Janvrin, B. Griffin, McLean and Alexander Jr.

Bill Sponsors:

Rep. Horn

Rep. Fowler

Sen. Giuda

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Rep Horn- Presents bill. When an invasive medical procedure is performed on a child it is innervating parents be involved.
2. Jennifer Frizzell, NH Womens Foundation-Opposes
3. Rep Walter Stapleton- Supports- Family involvement essential
4. Dr. Og Young- Opposes- Young people afraid to tell parents
5. Elizabeth Broduer- Supports- Killing child is never in interest of mother
6. Amy Kaufmann- Opposes- Puts minor in danger
7. Charlotte Antal- Supports
8. Kathleen Vidunis- Opposes-Risk to minors
9. Darlene Pawlik- Supports
10. Melissa May-Parents and Grandparents have right to know
11. Noella Olsen- We should work for both mother and child
12. Dr. Ellen Joyce- Opposes- ACOG
13. Rep Kath Prudhomme-O'Brien- Supports
14. Doug Marino- Opposes- Young people need protection.
15. Sabrina Dunlap-PPNNE- Opposes
16. Dan Itse- Supports
17. Lucy Karl- Opposes
18. Rep David Love- Supports
19. Jeanne Hruska-ACLU- Opposes-Unconstitutional

1. Horn-Repeal of Judicial Waner will ensure the child has help/support of their family. It protects their parental rights/responsibilities to care for their child.

Q. Griffin-Are you questioning Judicial decisions?

A. No. We have legislation saying it is imperative for parents to be informed and law should not interfere with their decisions.

2. Frizzell- The current law is the result of a process that included laws declared unconstitutional and charges that lead to this law.
3. Stapleton- The right of parents to protect their children is paramount.
4. Young- Many young women state they fear being thrown out of the house or even physical violence if they tell parents.
5. Breuder-Parents have to deal with the costs-physical, emotional and economic from the child's decisions to abort. Abortion is never in the best interest of the child or mother.
6. Kaufmann- Minors have lots of reasons not to tell parents and this law protects them. .

7. Antal- She grieves for women that have abortions and we should provide better alternatives.

Q. Horrigan- was the example you gave a minor?

A. Junior in college - 19 yrs old or so.

8. Vidunis- I handle care where a young male was severely beaten for getting another teen pregnant in a case where the pregnant mother had to be removed from the home.

Q. Chase- What age are we talking about?

A. Under 18

9. I knew girls like myself prostituted during our teen years and if parents had to be notified their forced abortions could have been prevented. and their bondage ended.

11. Olsen- I was coerced into an abortion. I am concerned about young women being trafficked. Even with hostile parents there is likely others in the family who would support the mother.

12. Jaye-Per Guttmacher institute, many teens fear their parents response to unplanned pregnancy. We need to bypass for these.

13. O'Brien- I was raped as a teen and had an abortion. It could have been much better if my parents had been told.

*15. Dunlap-See Written

16. Itse- We have no judicial bypass for marriage and should have none for abortion. If we expect parents to care for their children, parents must know what they have to deal with.

17. Karl- Judges only grant bypass when safety of minor is involved.

18. Love- My teen sister had an abortion and it started her into drug and alcohol abuse. She died at age 22 as a direct result of her abortion. She was afraid of her father but a year later he was supportive of her pregnancy and that child was born.

*19. Hruska-Typically less than a half dozen bypass cases in NH in a year. Need to keep that option for those who need it.

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1640-FN

BILL TITLE: relative to parental notification prior to abortion.

DATE:

January 29, 2020

ROOM: 208

Time Public Hearing Called to Order: 11:00

Time Adjourned: 11:45

(please circle if present)

Committee Members: Reps. M. Smith, Keans, Wuelper, Berch, Horrigan, Woodbury, Altschiller, DiLorenzo, Burroughs, Chase, Kenney, Langley, Stevens, Hopper, Sylvia, Gordon, Janvrin, B. Griffin, McLean and Alexander Jr

Bill Sponsors:

Rep. Horn

Rep. Fowler

Sen. Giuda

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep Horn: presents bill. When an invasive medical procedure is performed on a child it is imperative parents be involved
- ② Jennifer Frizzell - NH Womens Foundation - Opposes
- ③^{Rep} Walter Stapleton - Supports - Family involvement essential
- ④ Dr OB Young - Opposes - Young women are afraid to tell parents
- * ⑤ Elizabeth Braudu - Supports - Kill w/ child is never in interest of mother
- ⑥ Amy Kaufmann - Opposes - Put minors in danger
- ⑦ Charlotte Aital - Supports
- ⑧ Kathleen Viduris - Opposes - Risk to minors
- ⑨ Darlene Pawlik - ~~Opp~~ Supports
- ⑩ Melissa May - Parents and Grandparents have right to know
- ⑪ Noella Olsen - Supports - We should work for both mother & child
- * ⑫ Dr Ellen Jage - Opposes - ACOG
- ⑬ Rep Kath Puchomme - O'Brien - Supports
- ⑭ Doug Mazino - Opposes - Young people need protection
- ⑮ Sabrina Dunlap - PPNNE - Opposes

- 16 DAN-FTSE - Supports
- 17 Lucy KHAL - Opposes
- 18 Rep David Rone - Supports
- * 19 Jeanne Henuska - ACLU - Opposes - unconstitutional

① Rep Horn - Repeal of Judicial Waver will ensure the child has help/support of their family. FT protects their parental rights/responsibilities to care for their child

Q & Gr. It's - are you questioning Judicial decisions?
 A No. We have legislation saying it is imperative for parents to be involved and law should not interfere with their decisions

② Frizzell - the current law is the result of a process that included laws declared unconstitutional and changes that lead to this law.

③ Stapleton - The right of parents to protect their children is paramount.

④ Young - Many young women state they ^{fear} being thrown out of the house - or even physical violence if they tell parents

⑤ Brewer - Parents have to deal with the costs - physical, emotional, and economic from the child's decision to abort. Abortion is never in best interests of the child or mother

⑥ Kaufman - Minors have lots of reasons not to tell parents and this ^{law} ~~best~~ protects them

⑦ Antal - She ~~encouraged~~ queries for women who had abortions and we should provide better alternatives

Q Horvitz - was the example you gave a minor?

A Junior in ~~the~~ college - 19 or so

HB 1640 2 of 3

⑧ Viduris - ~~She~~ handles case where a young man was severely beaten for getting another teen pregnant and a case where the pregnant mother had to be removed from the home

Q Chase - what are we talking about?

A Under 15

⑨ I knew girls like myself - prostituted during our teen years and if parents had to be notified ~~some~~ ^{their} forced abortions could have been prevented and their bondage ended.

⑩ Olsen - I was coerced into an abortion. I am concerned about young women being trafficked. ~~Not~~ Even with hostile parent there is likely others in the family who would support the mother

⑪ Joye - Per Guttmacher institute many teens fear their parent's response to unplanned pregnancy. We need bypass for these

⑫ O'Brien - I was raped as a teen and had an abortion. It could have been much better if my parents had been told.

⑬ Dunlap - See written

⑭ ITSE - We have no judicial bypass for marriage and should have none for abortion. If we expect parents to care for their children, parents must know what they have to deal with

⑮ Karl - Judges only grant bypasses when safety of minor is involved

- (18) Love - My teen sister had an abortion and it started her into alcohol/drug abuse. She died at age 22 as a direct result of her abortion. She was afraid of her father but a year later he was supportive of her pregnancy and that child was born.
- * (19) Huska - Typically less than a half dozen Bypass cases in OH in a year. Need to keep that option for those who need it.

Testimony

I support this bill, which rightfully reinstates parental rights.
It seeks to amend the existing law, which allows a judicial bypass and throws parents out of the loop.

.The existing law presumes minor teens have the maturity to make serious medical decisions about their health. If not, it allows the judge and abortionist to make decisions for pregnant minors, without notifying their parents.

It falsely presumes an impersonal judge and unscrupulous abortionist, have teens' best interests at heart -even more so than parents.

But killing the minor's child is never in the best interest of the mother or baby

Mothers in crisis deserve compassionate solutions that will enable both them and their babies to live.

Unless amended, the existing bill constitutes a flagrant disregard for parental responsibilities and rights. If a minor suffers post abortion trauma and hemorrhages or becomes suicidal, how can parents know what's going on? Who will pick up the pieces and help her?

The so-called "counselors" who sold her the abortion?

The abortionist? Or the judge who gave his approval?

Who will pay the medical bills? Clearly, this will fall on the parents.

I strongly support HB1640 because parents deserve to be notified.

My youngest child became pregnant when she was 17.

Terrified and desperate, she listened to her friends' misadvice not to confide in me. She went to Planned Parenthood in Manchester .The only "choice " they gave her was to terminate her pregnancy .

Given the absence of a parental notification law, I never would have known why she was traumatized. Thank God, she knew in her heart she could not kill her baby

And today I thank God for my beautiful 12-year-old granddaughter!

For the sake of grandparents, parents, teens and future generations , please vote "yes "on HB1640

,Elizabeth Breuder
3 Newfane Rd.
Bedford, N.H. 03110
471-0230

HB1640 (7)

HB1640 - deletes the "Judicial bypass" option for minors seeking abortion, and requires at least one parent be notified before the abortion occurs. Parents often save their children and grandchildren from abortion.

Please vote OTP on this bill.

A dorm-mate of mine in college aborted her baby early in pregnancy. We were juniors in college living in the same dorm...her boyfriend swore he'd always be there for her if she did it. She knew her parents were pro-life and would take her baby in, but she feared their disappointment in her more. I had a list of crisis pregnancy centers in the area, but as I didn't know her very well, I gave it to her friends to give to her to try to talk her out of it. They tried everything – even turning off the power to the entire dorm so that her alarm would not go off. Her boyfriend drove her to have the abortion. I still remember all of us watching as they walked down the hall, begging her not to go through with it. The very next day her boyfriend withdrew from college, leaving her crumpled and weeping in the hallway with us. Any one of us could have called her parents...we didn't. I will never forget her cries and screams...like some describe keening...a deep moaning cry that comes up from the toes.

Parents love their children more than their own lives. While it is true that some parents usher their young daughters in for abortions, the vast majority would be very happy to have their grandchildren alive and well with them, even with the sacrifices they have to make to care for them. The state needs to trust parents to help their children with the biggest choice they will ever make in their lives. No judge can replace a parent's love.

I encourage you to vote FOR this bill.
Charlotte Antal, Bradford



1640
ABT#75 (12)

New Hampshire Section

January 29, 2020
House Judiciary Committee

Honorable Chairwoman and Members of the House Judiciary Committee,

As the Chair of the New Hampshire Section of the American College of Obstetricians and Gynecologists, representing more than 300 physicians dedicated to women's health, I urge the committee to reject HB 1640, which would inhibit our adolescent patients from accessing safe reproductive health care.

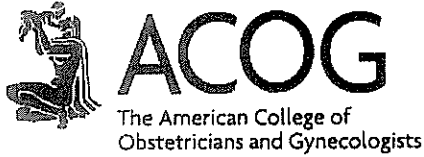
ACOG New Hampshire supports the availability of safe, high-quality reproductive health services for all women and is committed to making sure that every woman can have the best outcomes for her pregnancy. Our members dedicate their careers and lives to securing healthy futures for patients and their families by providing evidence-based health care. This includes providing our adolescent patients with a trusting, confidential environment where they can access care and information.

Physicians provide the best care for their adolescent patients when they can provide a setting in which young women can candidly discuss their health-care concerns, including their health histories and risky behaviors. These conversations are best achieved when a young woman can develop a trusting relationship with her health care provider.

Removing the judicial bypass provision of the parental notification law, so that all minors would be forced to notify their parents before a minor can access abortion with only the most limited exception for a medical emergency, undermines the patient-physician relationship. This also disregards the realities some young women face, especially those who come from unstable or abusive home.

Most young people already seek the counsel of their parent or guardian when it comes to a decision like this. If they don't, there's usually a good reason. That's why leading health and medical professionals oppose these laws. And requiring this burdensome restriction will impact young people who already face obstacles to accessing care. Good parents want to be involved but good family communication can't be imposed by politicians. This legislation puts those most vulnerable – those who most need protection – in harm's way.

When faced with an unplanned pregnancy, most young people voluntarily disclose it to a parent or other trusted adult, like a family member or teacher. Teens who have a supportive relationship with parents are likely to consult them about an abortion decision but not all young people are fortunate enough to have a healthy relationship with their parents. Those who do not share it with parents usually have a good reason. According to the Guttmacher Institute, 90 percent of 14-year-olds and 74 percent of 15-year-olds surveyed said they involved at least one parent or guardian in their abortion decision. Those young people who didn't cited that they were worried that they may be thrown out of their home or experience other abuse by their guardian. One study found that of the young people who do not seek advice from parents, nearly half—45 percent— experience significant negative consequences when a parent finds out about pregnancy, from punishment to abuse to being forced to leave the home. Our first priority must be to keep our young people safe. This legislation would have the opposite effect.

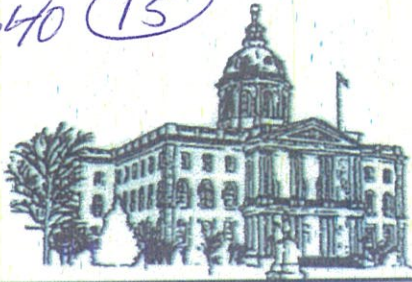


Parents and physicians share a common goal—the health and well-being of adolescent patients. Parents rightfully want to be involved in their teenagers’ lives and want what is best for their children. Ob-gyns play an important role in facilitating communication between a young woman and her parents, and when appropriate, ob-gyns do encourage young women facing unintended pregnancy to involve their parents. The fact is, most young women do when facing unintended pregnancy. However, one-size-fits-all mandates are not the answer. For those young women who cannot involve their parents, these mandates drive a wedge between a them and their trusted physician and can put young women who come from unstable or abusive homes in harm’s way.

For these reasons, we urge you to oppose HB 1640.

Ellen Joyce, MD, FACOG
Obstetrics & Gynecology
ACOG –NH Chair

HB 1640 (15)



HB1640 Relative to parental notification prior to abortion.
Committee: House Judiciary
Date: January 29, 2020
Position: OPPOSE

New Hampshire already requires that if a minor needs an abortion, she must notify a parent. See RSA 132:34. HB 1640 would *remove* the provision that allows minors to seek a judicial waiver of this requirement from a court, if she cannot involve a parent in the abortion decision. As a result, all minors would be forced to notify their parents without exception, even if notification would be harmful or endanger the minor's life.

HB 1640 is likely unconstitutional. Nearly forty years ago, the U.S. Supreme Court ruled that parents cannot have veto power over a minor's constitutional right to abortion, and if states are going to require parental involvement, then there must be a waiver process available to minors who do not or cannot involve a parent in their abortion decision.¹ In New Hampshire, we have a "judicial bypass" to comply with this requirement. In *Planned Parenthood v. Casey*,² the Supreme Court was clear that a statute that will have the practical effect of giving someone else a veto over a person's abortion decision is an undue burden and must be struck down as unconstitutional. A parental notice requirement without a bypass provision would have this practical effect, and federal courts have acknowledged this.³

HB 1640 does not take into account real-life complexities. When faced with an unplanned pregnancy, most minors already voluntarily disclose it to a parent or other trusted adult. Young women who have a supportive relationship with parents are likely to consult them about an abortion decision but not all young people are fortunate to have a healthy relationship with parents. For those who do not share it with parents, there is usually a good reason (for example, abuse, homelessness, fear of retribution, estrangement, etc).

If New Hampshire is going to mandate that parents be notified of minors' abortion decisions, the judicial bypass system is essential for the safety and well-being of too many minors in our state, whose lives could be threatened by being forced to involve a parent in their care.

WE URGE A VOTE OF "INEXPEDIENT TO LEGISLATE" ON HB 1640

For more information contact: Kayla Montgomery, Director of Advocacy and Organizing, 603.674.8372

Planned Parenthood of Northern New England (PPNNE) is the largest provider of reproductive and sexual health care for women, men and teens across the State of New Hampshire. We serve New Hampshire residents through 6 health centers in Claremont, Derry, Exeter, Keene, Manchester and White River Junction, VT. Last year we saw more than 14,000 patients at these sites.

Planned Parenthood New Hampshire Action Fund (PPNHAF) is an independent, nonpartisan, not-for-profit organization formed as the advocacy and political arm of Planned Parenthood of Northern New England in New Hampshire. The Action Fund engages in educational and electoral activity, including voter education, grassroots organizing, and legislative advocacy.

¹ *Bellotti v. Baird*, 443 U.S. 622, 650 (1979).

² 505 U.S. 833 (1992).

³ See *Planned Parenthood of Ind. & Ky., Inc. v. Adams*, 937 F.3d 973, 985-86 (7th Cir. 2019) ("*Casey* shows that a practical veto can be an undue burden, whether that practical veto is held by a partner or a parent of a mature minor."); *Planned Parenthood, Sioux Falls Clinic v. Miller*, 63 F.3d 1452, 1459 (8th Cir. 1995) (distinguishing between consent providing a "tool" and notice providing an "opportunity" to block abortion access).

HB 1640 19



Statement by Jeanne Hruska, Political Director ACLU-NH
House Judiciary Committee
House Bill 1640
January 29, 2020

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I appreciate the opportunity to testify today in opposition to HB1640, which is unconstitutional and would serve only to burden Granite State taxpayers with costly litigation.

New Hampshire requires parental notification before a minor can obtain an abortion. This law currently includes a judicial bypass so that if a pregnant minor is unable to notify their parents (often for safety concerns), there is a system set up where they can appear before a judge who will decide if the minor is mature enough to make the decision to have an abortion. This bill removes the judicial bypass provision of the law, such that all minors would be forced to notify their parents without exception, even if notification would be harmful or endanger the minor.

The U.S. Supreme Court ruled decades ago that a judicial bypass system is constitutionally required for states that have parental notification laws with regards to abortion services.¹ By seeking to eliminate NH's judicial bypass system, this bill violates long-standing U.S. Supreme Court legal precedent and is unconstitutional.

Moreover, this bill does not take into account real-life complexities: not every minor has parents they can safely notify for a number of reasons (abuse, homelessness, fear of retribution, etc). The judicial bypass system is essential for the safety and well-being of minors, and the removal of this system is harmful and dangerous.

For these reasons, the ACLU-NH respectfully urges the members of this committee to vote *inexpedient to legislate* on HB1640.

¹ *Bellotti v. Baird*, 443 US 622 (1979). At issue was a Massachusetts statute that required women under 18 to obtain parental or judicial consent prior to having an abortion. The U.S. Supreme Court found the statute unconstitutional because, as it was interpreted by the state's highest court, it gave either a parent or a judge absolute veto power over a minor's abortion decision, no matter how mature she was and notwithstanding that an abortion might be in her best interests. *Bellotti v. Baird* established that all minors must have the opportunity to approach a court for authorization to have an abortion, without first seeking the consent of their parents, and that these alternative proceedings must be confidential and expeditious.

I support this bill, which rightfully reinstates parental rights.
It seeks to amend the existing law, which allows a judicial bypass and throws parents out of the loop.

.The existing law presumes minor teens have the maturity to make serious medical decisions about their health. If not, it allows the judge and abortionist to make decisions for pregnant minors, without notifying their parents.

It falsely presumes an impersonal judge and unscrupulous abortionist, have teens' best interests at heart -even more so than parents.

But killing the minor's child is never in the best interest of the mother or baby

Mothers in crisis deserve compassionate solutions that will enable both them and their babies to live.

Unless amended, the existing bill constitutes a flagrant disregard for parental responsibilities and rights. If a minor suffers post abortion trauma and hemorrhages or becomes suicidal, how can parents know what's going on? Who will pick up the pieces and help her?

The so-called "counselors" who sold her the abortion?

The abortionist? Or the judge who gave his approval?

Who will pay the medical bills? Clearly, this will fall on the parents.

I strongly support HB1640 because parents deserve to be notified.

My youngest child became pregnant when she was 17.

Terrified and desperate, she listened to her friends' misadvice not to confide in me. She went to Planned Parenthood in Manchester. The only "choice" they gave her was to terminate her pregnancy.

Given the absence of a parental notification law, I never would have known why she was traumatized. Thank God, she knew in her heart she could not kill her baby

And today I thank God for my beautiful 12-year-old granddaughter!

For the sake of grandparents, parents, teens and future generations, please vote "yes" on HB1640

,Elizabeth Breuder
3 Newfane Rd.
Bedford, N.H. 03110
471-0230



HB 1640
HB 1640 (17)

New Hampshire Section

January 29, 2020
House Judiciary Committee

Honorable Chairwoman and Members of the House Judiciary Committee,

As the Chair of the New Hampshire Section of the American College of Obstetricians and Gynecologists, representing more than 300 physicians dedicated to women's health, I urge the committee to reject HB 1640, which would inhibit our adolescent patients from accessing safe reproductive health care.

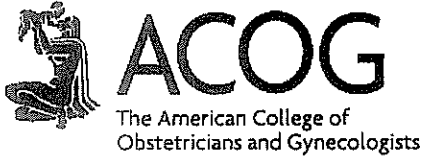
ACOG New Hampshire supports the availability of safe, high-quality reproductive health services for all women and is committed to making sure that every woman can have the best outcomes for her pregnancy. Our members dedicate their careers and lives to securing healthy futures for patients and their families by providing evidence-based health care. This includes providing our adolescent patients with a trusting, confidential environment where they can access care and information.

Physicians provide the best care for their adolescent patients when they can provide a setting in which young women can candidly discuss their health-care concerns, including their health histories and risky behaviors. These conversations are best achieved when a young woman can develop a trusting relationship with her health care provider.

Removing the judicial bypass provision of the parental notification law, so that all minors would be forced to notify their parents before a minor can access abortion with only the most limited exception for a medical emergency, undermines the patient-physician relationship. This also disregards the realities some young women face, especially those who come from unstable or abusive home.

Most young people already seek the counsel of their parent or guardian when it comes to a decision like this. If they don't, there's usually a good reason. That's why leading health and medical professionals oppose these laws. And requiring this burdensome restriction will impact young people who already face obstacles to accessing care. Good parents want to be involved but good family communication can't be imposed by politicians. This legislation puts those most vulnerable – those who most need protection – in harm's way.

When faced with an unplanned pregnancy, most young people voluntarily disclose it to a parent or other trusted adult, like a family member or teacher. Teens who have a supportive relationship with parents are likely to consult them about an abortion decision but not all young people are fortunate enough to have a healthy relationship with their parents. Those who do not share it with parents usually have a good reason. According to the Guttmacher Institute, 90 percent of 14-year-olds and 74 percent of 15-year-olds surveyed said they involved at least one parent or guardian in their abortion decision. Those young people who didn't cited that they were worried that they may be thrown out of their home or experience other abuse by their guardian. One study found that of the young people who do not seek advice from parents, nearly half—45 percent— experience significant negative consequences when a parent finds out about pregnancy, from punishment to abuse to being forced to leave the home. Our first priority must be to keep our young people safe. This legislation would have the opposite effect.



Parents and physicians share a common goal—the health and well-being of adolescent patients. Parents rightfully want to be involved in their teenagers’ lives and want what is best for their children. Ob-gyns play an important role in facilitating communication between a young woman and her parents, and when appropriate, ob-gyns do encourage young women facing unintended pregnancy to involve their parents. The fact is, most young women do when facing unintended pregnancy. However, one-size-fits-all mandates are not the answer. For those young women who cannot involve their parents, these mandates drive a wedge between a them and their trusted physician and can put young women who come from unstable or abusive homes in harm’s way.

For these reasons, we urge you to oppose HB 1640.

Ellen Joyce, MD, FACOG
Obstetrics & Gynecology
ACOG –NH Chair

HB 1640 (15)



HB1640 Relative to parental notification prior to abortion.
Committee: House Judiciary
Date: January 29, 2020
Position: OPPOSE

New Hampshire already requires that if a minor needs an abortion, she must notify a parent. See RSA 132:34. HB 1640 would *remove* the provision that allows minors to seek a judicial waiver of this requirement from a court, if she cannot involve a parent in the abortion decision. As a result, all minors would be forced to notify their parents without exception, even if notification would be harmful or endanger the minor's life.

HB 1640 is likely unconstitutional. Nearly forty years ago, the U.S. Supreme Court ruled that parents cannot have veto power over a minor's constitutional right to abortion, and if states are going to require parental involvement, then there must be a waiver process available to minors who do not or cannot involve a parent in their abortion decision.¹ In New Hampshire, we have a "judicial bypass" to comply with this requirement. In *Planned Parenthood v. Casey*,² the Supreme Court was clear that a statute that will have the practical effect of giving someone else a veto over a person's abortion decision is an undue burden and must be struck down as unconstitutional. A parental notice requirement without a bypass provision would have this practical effect, and federal courts have acknowledged this.³

HB 1640 does not take into account real-life complexities. When faced with an unplanned pregnancy, most minors already voluntarily disclose it to a parent or other trusted adult. Young women who have a supportive relationship with parents are likely to consult them about an abortion decision but not all young people are fortunate to have a healthy relationship with parents. For those who do not share it with parents, there is usually a good reason (for example, abuse, homelessness, fear of retribution, estrangement, etc).

If New Hampshire is going to mandate that parents be notified of minors' abortion decisions, the judicial bypass system is essential for the safety and well-being of too many minors in our state, whose lives could be threatened by being forced to involve a parent in their care.

WE URGE A VOTE OF "INEXPEDIENT TO LEGISLATE" ON HB 1640

For more information contact: Kayla Montgomery, Director of Advocacy and Organizing, 603.674.8372

Planned Parenthood of Northern New England (PPNNE) is the largest provider of reproductive and sexual health care for women, men and teens across the State of New Hampshire. We serve New Hampshire residents through 6 health centers in Claremont, Derry, Exeter, Keene, Manchester and White River Junction, VT. Last year we saw more than 14,000 patients at these sites.

Planned Parenthood New Hampshire Action Fund (PPNHAF) is an independent, nonpartisan, not-for-profit organization formed as the advocacy and political arm of Planned Parenthood of Northern New England in New Hampshire. The Action Fund engages in educational and electoral activity, including voter education, grassroots organizing, and legislative advocacy.

¹ *Bellotti v. Baird*, 443 U.S. 622, 650 (1979).

² 505 U.S. 833 (1992).

³ See *Planned Parenthood of Ind. & Ky., Inc. v. Adams*, 937 F.3d 973, 985-86 (7th Cir. 2019) ("*Casey* shows that a practical veto can be an undue burden, whether that practical veto is held by a partner or a parent of a mature minor."); *Planned Parenthood, Sioux Falls Clinic v. Miller*, 63 F.3d 1452, 1459 (8th Cir. 1995) (distinguishing between consent providing a "tool" and notice providing an "opportunity" to block abortion access).

HB 1640 19



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House Judiciary Committee
House Bill 1640
January 29, 2020

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The U.S. Supreme Court ruled decades ago that a judicial bypass system is constitutionally required for states that have parental notification laws with regards to abortion services.¹ By seeking to eliminate NH's judicial bypass system, this bill violates long-standing U.S. Supreme Court legal precedent and is unconstitutional.

Moreover, this bill does not take into account real-life complexities: not every minor has parents they can safely notify for a number of reasons (abuse, homelessness, fear of retribution, etc). The judicial bypass system is essential for the safety and well-being of minors, and the removal of this system is harmful and dangerous.

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SIGN UP SHEET

#1

To Register Opinion If Not Speaking

Bill # HB 1640 Date January 19, 2020

Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Randy Hayer	Canterbury	self			✓
Philip Munck	Somersworth	self		✓	
Nan Munck	Somersworth	self		✓	
Linda Griebisch	Portsmouth	self			✓
Patrick M. Kuffo	19 Folsom St, Laconia, 03246	self		✓	
Anne Sotirakopoulos	Sandown			✓	
ANTHONY					
Maureen Ellermann	Concord	self			✓
Rep. Jeanine Notter		Hills	21	X	
Rep Kim Rice			Hills 37	X	
Rep Liz McConnell	Brentwood 11				✓
JAMES TRABUCCHI	335 Dubuque St Manchester NH 03102	603-66-1472		✓	
Judith Wheeler	Epsom, NH	self		✓	
HSi Ky	Nashua			✓	✓
Walter El Lambert	Cornish N.H.	SAS		✓	
Liliana Mackenzie	18 Colest Salem, N.H.	self		✓	
Carolyn Bulpitt	4 Woodhuse Rd EXT Deery, NH 03038	self		✓	
House Majority Leader DOUG LEY					✓
Arz Swenson	Tilton			✓	
Both Gaby	12 Spaulding St Concord	self		✓	
Suzie Jewett	Boscawen NH	self			✓
Kathy Georges	Nashua NH	self			✓

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB1640 Date 1.29.2020

Committee Judiciary

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Darlene Paulik	Raymond		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Laurie Warnock	Hampstead		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Phil Preston	Ashland		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Patricia Myers	Concord		Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Claudia C. Damon	Concord		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cheri Falk	Wilton		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Katherine Smalley	Manchester		John Delaney	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sarah Peirce			Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry H. Mendonca	Portsmouth		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bethany Freitag	Farmington		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elisa Zoller	Dover		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ann Van Dyke	Barrington	603-402-0381	Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah Peirce	Bedford	860-375-8867	SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Kass	Hopkinton		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep David [unclear]			Rock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Brian [unclear]				<input checked="" type="checkbox"/>	<input type="checkbox"/>
Annie Johnson	Sanbornton		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Christy Dolat Barrett	Merrimack 19		Concord	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Karen Elbel	Merr 5			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Max Abramson			Rock 20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TERRY BARNUM				<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

SIGN UP SHEET

#2

To Register Opinion If Not Speaking

Bill # HB 1640 Date January 29, 2020
 Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rep Glenn Cordelli			Carroll 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep RALPH Boehm			HILLS 20	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Polly Capron			Greenville 12	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Teresa Farley	Concord, NH		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Trevor Brown	Concord, NH		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
REP. DAVID MEUSE			ROCK 29	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Holly STEVENS	New Futures			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Steve Woolcott				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noella Olson	Hopkinton 03229			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helmut Koch	Concord		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Laurie Koch	Concord		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
James Costigan	Rochester		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kayla Montgomery			Planned Parenthood	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elizabeth Mearns	Meredith		Self Planned Parenthood	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lisa Leach	Dover		SELF	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Madelaine Szymer	Northingham, NH		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alysa Antman	Concord		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHRISTINA FLEISCHER	HANOVER, NH		SELF	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Clennifer Albee	Pembroke		self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrice Rasche	Canterbury		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Chet ROBERT	Epping		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Prajesh Gongal	Hanover, NH		Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Susan Arnold	Stafford		u	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila Vargas	Concord		u	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGN UP SHEET

#2

To Register Opinion If Not Speaking

Bill # HB 1640 Date 1.29.2020

Committee Quarrel

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Deb Stevens	Nashua		self		<input checked="" type="checkbox"/>
Thomas A Warguska	DND Amherst		self & family	<input checked="" type="checkbox"/>	
Rep. Deanna Turrys			Bellnap 2	<input checked="" type="checkbox"/>	
Kathryn Duddy				<input checked="" type="checkbox"/>	
Mackenzie Glines				<input checked="" type="checkbox"/>	
Rep Mark Pearson		Rock 34		<input checked="" type="checkbox"/>	
Rep Tim Josephson		Stratton 11			<input checked="" type="checkbox"/>
Rep. Peter Torosian,	Rockingham # 14			<input checked="" type="checkbox"/>	
Rep Joe Guthrie	Hampsford R13			<input checked="" type="checkbox"/>	
Rep Deb Hobson			Rock 35	<input checked="" type="checkbox"/>	
Dan Gendron	Salem			<input checked="" type="checkbox"/>	
Christine Humphrey	Concord		self	<input checked="" type="checkbox"/>	
Drew Mondy	Albany		self	<input checked="" type="checkbox"/>	
Jessica Kelly	Salem			<input checked="" type="checkbox"/>	
Joan Espinola	Londonderry		Unborn	<input checked="" type="checkbox"/>	
Susan Gendron	Londonderry		unborn	<input checked="" type="checkbox"/>	
Brenda Cameron	Dover		unborn	<input checked="" type="checkbox"/>	
Shyllis Woods	Rose		self	<input checked="" type="checkbox"/>	
Alicia Gravette	Saunderston		self	<input checked="" type="checkbox"/>	
Virginia Farkas	Londonderry		self	<input checked="" type="checkbox"/>	
Melissa May Webster			self	<input checked="" type="checkbox"/>	
Joan Kraustein	Saunderston		self	<input checked="" type="checkbox"/>	
Dean Sotiropoulos	Sandown		self	<input checked="" type="checkbox"/>	

SIGN UP SHEET

#3

To Register Opinion If Not Speaking

Bill # HB 1640 Date January 29, 2020

Committee Judiciary

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Elizabeth Harvey, MD	21 Spencer St Apt 307 Lebanon, NH	603-834-3282	self		X
CHRISTINA FLEISCHER	HANOVER, NH		SELF		X
Brianna Byers	West Leb #		SELF		X
Courtney Knill, MD	Manchester, NH		self		X
Valerie Valant, MD	Lebanon, NH		Self		X
Patrick Tolosky, Medical Student	23 Rip Rd, Hanover NH	603 896 1247	self		X
Julia Mead MD	Manchester NH		self		X
Kimberly Blanks MSW	Concord NH		Self		X
Elfie [unclear]	London		Self		X
Lois Freeman	London		"		X
Marcia Garber	Manchester NH	603 218 3611	self		X
Cham Spinney	Manchester NH		Self		X
Lyn Lindpaintner	Concord, NH		Self		X
Molly Lynn Owen	Manchester NH		Self		X
Nancy Brenne	Wear		SELF		X
Deborah Jakubowski			self		X
Rep Junda Gould		Hills # 7		X	
Alvin See	London		Self	✓	
SUSAN COVERT	CONTOOCOOK		SELF		✓
Susanne Holstein	Bedford		Self		X
Richard Holstein	Bedford		self		X
Melissa Hinebaugh	Concord		self		X
Kathy Cahill	Concord		self		X

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # 1640 Date 1.29.2020

Committee Quincy

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Sen. Bob Giuda			SD #2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Polly Cannon			Grafton #12	<input type="checkbox"/>	<input type="checkbox"/>
Noella Olson	Hopkinton 03229			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Steve Woodcock				<input type="checkbox"/>	<input checked="" type="checkbox"/>
Doug Marino	Stratham, NH			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ellen Neillan	Francstown			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mary Lincoln	Manchester NH			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Becky Whitey	Hopkinton		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Amelia Keane	Nashua		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Anna Wells	Hopkinton		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Madeleine Symer	Nottingham, NH		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alyssa Antman	Concord		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maris Toland, MD	Lebanon		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Elizabeth Harvey, MD	Lebanon, NH	603-834-3282	self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hans Krautman	Deerfield		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Branna Byers	West Lebanon		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Doris Hampton	Canterbury		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mark Hampton	Canterbury		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Walter Goodland				<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep Samantha Fox			Mer 23	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jane Sanders	Newmarket			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hon Aileen Ehlers	Hooksett		self	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Bill as
Introduced

HB 1640-FN - AS INTRODUCED

2020 SESSION

20-2054
01/10

HOUSE BILL *1640-FN*

AN ACT relative to parental notification prior to abortion.

SPONSORS: Rep. Horn, Merr. 2; Rep. Fowler, Rock. 20; Sen. Giuda, Dist 2

COMMITTEE: Judiciary

ANALYSIS

This bill deletes the provision allowing a minor to obtain judicial consent if the minor elects not to notify her parent or guardian under the parental notification prior to abortion law.

.....

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

AN ACT relative to parental notification prior to abortion.

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

1 1 Parental Notification Prior to Abortion; Waiver of Notice. Amend RSA 132:34 to read as
2 follows:

3 132:34 Waiver of Notice.

4 ~~[.]~~ No notice shall be required under RSA 132:33 if:

5 ~~[(a)]~~ I. The attending abortion provider certifies in the pregnant minor's medical record
6 that a medical emergency exists and there is insufficient time to provide the required notice; or

7 ~~[(b)]~~ II. The person or persons who are entitled to notice certify in writing that they have
8 been notified.

9 ~~[II. If such a pregnant minor elects not to allow the notification of her parent or guardian or~~
10 ~~conservator, any superior court judge shall, upon petition, or motion, and after an appropriate~~
11 ~~hearing, authorize an abortion provider to perform the abortion if said judge determines that the~~
12 ~~pregnant minor is mature and capable of giving informed consent to the proposed abortion. If said~~
13 ~~judge determines that the pregnant minor is not mature, or if the pregnant minor does not claim to~~
14 ~~be mature, the judge shall determine whether the performance of an abortion upon her without~~
15 ~~notification of her parent, guardian, or conservator would be in her best interests and shall authorize~~
16 ~~an abortion provider to perform the abortion without such notification if said judge concludes that~~
17 ~~the pregnant minor's best interests would be served thereby.~~

18 ~~(a) Such a pregnant minor may participate in proceedings in the court on her own~~
19 ~~behalf, and the court may appoint a guardian ad litem for her. Any guardian ad litem appointed~~
20 ~~under this subdivision shall maintain the confidentiality of the proceedings. The court shall,~~
21 ~~however, advise her that she has a right to court-appointed counsel, and shall, upon her request,~~
22 ~~provide her with such counsel.~~

23 ~~(b) Proceedings under this section shall be held in closed court, shall be confidential and~~
24 ~~shall ensure the anonymity of the minor. All court proceedings under this section shall be sealed.~~
25 ~~The minor shall have the right to file her petition in the court using a pseudonym or using solely her~~
26 ~~initials. All documents related to this petition shall be confidential and shall not be available to the~~
27 ~~public. These proceedings shall be given such precedence over other pending matters so that the~~
28 ~~court may reach a decision promptly and without delay so as to serve the best interest of the~~
29 ~~pregnant minor. In no case shall the court fail to rule within 2 court business days from the time the~~
30 ~~petition is filed, except that the 2 court business day limitation may be extended at the request of the~~
31 ~~minor. A judge of the court who conducts proceedings under this section shall make in writing~~

1 ~~specific factual findings and legal conclusions supporting the decision and shall order a record of the~~
2 ~~evidence to be maintained including the judge's own findings and conclusions. If the court fails to~~
3 ~~rule within the 2 court business day period and an extension was not requested, then the petition~~
4 ~~shall be deemed to have been granted, and the notice requirement shall be waived.~~

5 ~~(c) An expedited confidential appeal shall be available, as the supreme court provides by~~
6 ~~rule, to any such pregnant minor for whom the court denies an order authorizing an abortion~~
7 ~~without notification. The court shall make a ruling within 2 court business days from the time of the~~
8 ~~decreting of the appeal. An order authorizing an abortion without notification shall not be subject to~~
9 ~~appeal. No filing fees shall be required of any such pregnant minor at either the trial or the~~
10 ~~appellate level. Access to the trial court for the purposes of such a petition or motion, and access to~~
11 ~~the appellate courts for purposes of making an appeal from denial of the same, shall be afforded such~~
12 ~~a pregnant minor 24 hours a day, 7 days a week.~~

13 ~~(d) The supreme court shall make rules to ensure that procedures followed in the~~
14 ~~appeals process are handled in an expeditious manner and protect the confidentiality of the parties~~
15 ~~involved in the appeal to satisfy the requirements of the federal courts.]~~

16 2 Effective Date. This act shall take effect January 1, 2021.

HB 1640-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to parental notification prior to abortion.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

The Judicial Branch was originally contacted on October 7, 2019 for a fiscal note worksheet, which they have not provided as of December 11, 2019.

METHODOLOGY:

This bill deletes the provision allowing a minor to obtain judicial consent if the minor elects not to notify her parent or guardian under the parental notification prior to abortion law.

The Judicial Council indicates it pays the cost of court-appointed counsel for juveniles. The indigent defense fund paid for representation in one waiver of notice case in FY 2018 and one case in FY 2019. Based on the small number of cases requiring counsel, the Council assumes this bill would not impact indigent defense costs.

The Department of Justice indicates this bill would have no fiscal impact on the Department.

The Association of Counties states the bill would have no impact on county revenues or expenditures.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice and New Hampshire Association of Counties