

HB 589-FN - AS INTRODUCED

2017 SESSION

17-0316

01/09

HOUSE BILL

589-FN

AN ACT repealing the law relative to providing certain parameters for access to reproductive health care facilities.

SPONSORS: Rep. Wuelper, Straf. 3; Rep. Scully, Hills. 33; Rep. Notter, Hills. 21; Rep. Gould, Hills. 7; Rep. Burt, Hills. 39; Rep. M. Pearson, Rock. 34; Sen. Avar, Dist 12; Sen. Giuda, Dist 2

COMMITTEE: Judiciary

ANALYSIS

 This bill repeals the law relative to providing certain parameters for access to reproductive health care facilities.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT repealing the law relative to providing certain parameters for access to reproductive health care facilities.

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

1 1 Statement of Findings and Purpose.

2 I. The general court hereby finds that:

3 (a) The exercise of a person's right to free speech is a First Amendment activity, the
4 protection of which is paramount.

5 (b) RSA 132:37 through RSA 132:40 (2014, 81) was based on a similar Massachusetts
6 statute, Mass. Gen. Laws, ch. 266 section 120E ½.

7 (c) On June 26, 2014 the United States Supreme Court unanimously struck down as
8 unconstitutional the Massachusetts statute in the case of *McCullen v. Coakley*, 134 S. Ct. 2518.

9 (d) On July 9, 2014, the United States District Court for the District of New Hampshire
10 held in the case of *Sister Mary Rose Reddy v. Foster*, Docket 14-cv-00299-JL that RSA 132:37
11 through RSA132:40 "is materially indistinguishable from the Massachusetts statute that the
12 Supreme Court invalidated in *McCullen v. Coakley*."

13 II. Therefore, the general court hereby repeals RSA 132:37 through RSA 132:40 because if
14 left as law, this statute will cause the state of New Hampshire to expend considerable sums
15 defending a law which the United States Supreme Court unanimously found unconstitutional.

16 2 Repeal. RSA 132:37-132:40, relative to providing certain parameters for access to
17 reproductive health care facilities, are repealed.

18 3 Effective Date. This act shall take effect upon its passage.

**HB 589-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT repealing the law relative to providing certain parameters for access to reproductive health care facilities.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

METHODOLOGY:

This bill repeals RSA 132:37 through 132:40, relative to providing certain parameters for access to reproductive health care facilities. These sections currently make violation of the statute a violation-level offense and authorize the attorney general or county attorney to bring injunctive relief to prevent further violations. There is a potential fiscal impact to the Judicial Branch in the form of decreased expenditures due to fewer violation-level offenses in the circuit court and fewer injunction actions in the superior court. The Branch is unable to estimate the aggregate amount of any expenditure decrease, but does provide the following information on per-case costs:

Judicial Branch	FY 2018	FY 2019
Violation Level Offense	\$48	\$48
Complex Equity Case	\$734	\$740
It should be noted average case cost estimates for FY 2018 and FY 2019 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		

The Department of Justice indicates that the existing statute has been challenged in federal court, and passage of the bill would eliminate the basis for that legal challenge and the potential cost of litigation. The extent of any cost savings is indeterminable.

AGENCIES CONTACTED:

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