

SB 436-FN - AS INTRODUCED

2022 SESSION

22-2994

05/04

SENATE BILL **436-FN**

AN ACT relative to access to abortion care.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Sherman, Dist 24; Sen. Cavanaugh, Dist 16; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Rep. Simpson, Rock. 36; Rep. Knirk, Carr. 3; Rep. Weber, Ches. 1; Rep. Ebel, Merr. 5; Rep. M. Murray, Hills. 22

COMMITTEE: Judiciary

ANALYSIS

This bill establishes the state policy regarding access to abortion care.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to access to abortion care.

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

1 1 Title. This act shall be known and may be cited as the New Hampshire Access to Abortion
2 Care Act.

3 2 New Chapter; Access to Abortion Care. Amend RSA by inserting after chapter 132-A the
4 following new chapter:

5 CHAPTER 132-B

6 ACCESS TO ABORTION CARE

7 132-B:1 Access to Abortion Care. It shall be the public policy of New Hampshire that, because it
8 is vital to the equality and liberty of all individuals, the state shall not restrict or interfere with an
9 individual's exercise of their private decision to terminate a pregnancy except as provided in RSA
10 329:44 and RSA 132:32-RSA 132:36.

11 132-B:2 Enforcement.

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

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

16 3 Effective Date. This act shall take effect upon its passage.

LBA
22-2994
12/28/21

**SB 436-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to access to abortion care.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
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

The Department of Justice was contacted for a fiscal note worksheet on 12/23/2021, which they have not provided as of 12/28/2021.

METHODOLOGY:

This bill provides that the state shall not restrict or interfere with an individual's right to terminate a pregnancy except as provided in certain referenced statutes. Any person injured as a result of violation of the new chapter would have a civil cause of action in the Superior Court and could be awarded costs and fees. The Judicial Branch states that because it does not have any data from which to determine the number of new cases that may be filed as a result of the bill, the fiscal impact is indeterminable.

AGENCIES CONTACTED:

Judicial Branch and Department of Justice