

SB 36 - AS AMENDED BY THE SENATE

03/06/2025 0530s

2025 SESSION

25-0325

05/11

SENATE BILL

36

AN ACT relative to the collection and reporting of abortion statistics by health care providers and medical facilities.

SPONSORS: Sen. Avard, Dist 12; Sen. Ward, Dist 8; Sen. Lang, Dist 2; Sen. Sullivan, Dist 18; Sen. Birdsell, Dist 19; Sen. Gannon, Dist 23; Sen. Murphy, Dist 16; Rep. Notter, Hills. 12; Rep. Mooney, Hills. 12; Rep. Rice, Hills. 38; Rep. Pauer, Hills. 36

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill requires the collection and reporting of certain abortion statistics by health care providers, medical facilities, and the department of health and human services. The reporting requirement replaces a provision in the fetal life protection act stating that nothing in the subdivision shall be construed as creating or recognizing a right to abortion.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the collection and reporting of abortion statistics by health care providers and medical facilities.

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

1 1 Collection and Reporting of Abortion Statistics. RSA 329:49 is repealed and reenacted to read
2 as follows:

3 329:49 Collection and Reporting of Abortion Statistics.

4 I. Any health care provider who performs an abortion as defined in RSA 132:32, I, shall
5 report the following information in writing to the medical facility in which the abortion is performed:

- 6 (a) Date when the abortion was performed;
- 7 (b) County where the abortion was performed;
- 8 (c) Age group of the pregnant patient when the abortion was performed;
- 9 (d) Residence of patient as “in-state” or “out-of-state” when the abortion was performed;
- 10 (e) Method used to perform the abortion; and
- 11 (f) Estimated gestational age when the abortion was performed.

12 II. The aggregated report containing the information and data required by this section shall
13 be transmitted by the medical facility to the department of health and human services. These
14 reports shall not identify the patient or health care provider by name or include other personally
15 identifiable information.

16 III. The commissioner of the department of health and human services shall prepare from
17 these data such aggregated statistical trends and tables with respect to maternal health, abortion
18 methods, and estimated gestational age, and shall make an annual aggregated report thereof to the
19 general court.

20 IV. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-
21 A, relative to:

- 22 (a) The form in which data shall be filed under paragraph I.
- 23 (b) The cadence of reporting from medical facilities.
- 24 (c) Confidentiality of data collected and disclosed under this section subject to the
25 provisions of this section.
- 26 (d) Procedures and written requirements for obtaining, using, and protecting data
27 provided by the department of health and human services under this section.

28 V. Any medical facility that willfully fails to comply with the provisions of this section shall
29 be subject to an administrative fine of \$100 for each business day of noncompliance.

30 2 Effective Date. This act shall take effect January 1, 2027.

SB 36- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0530s)

AN ACT relative to the collection and reporting of abortion statistics by health care providers and medical facilities.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$0	\$947,000	\$123,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill requires the collection and reporting of certain abortion statistics by health care providers, medical facilities, and the department of health and human services. The reporting requirement replaces a provision in the fetal life protection act stating that nothing in the subdivision shall be construed as creating or recognizing a right to abortion.

The Department of Health and Human Services indicates that it would need 8-10 months to develop and establish a surveillance reporting system with the necessary security and privacy measures. Such a system would be implemented utilizing the existing state-wide Salesforce software applications for a HIPAA-compliant, electronic mechanism for health care providers to report. Currently, there is no such system that exists or could be repurposed. The reporting system would need to include a Memorandum of Understanding with the Office Professional Licensure and Certification (OPLC) to connect to OPLC's licensing database for validating the health care facility reporting. The bill does not include an appropriation to establish or enhance such a reporting system.

The Department states it would require an additional full-time position to serve as system administrator to manage user accounts, respond to reporting issues and operate the system. The position would be an Information Technology Manager V (SOC15-9) with an estimated annual

cost of \$65,000 in FY 2027 and \$123,000 in FY 2028. The bill does not authorize the additional position. The Department states its operating budget does not include funds for implementation and operation of the necessary surveillance system. If this bill is enacted, the Department would need to reallocate funds and resources and from other IT project priorities. The Department estimates the cost of system changes at approximately \$882,000.

The Department notes the proposed language refers to RSA 329:49 as “reporting,” but suggests this should be RSA 329:45 which is the reporting section of the Fetal Life Protection Act.

AGENCIES CONTACTED:

Department of Health and Human Services