

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 551-FN, relative to legal protections for legal reproductive health care services.

Hearing Date: February 11, 2026

Time Opened: 4:07 p.m.

Time Closed: 4:37 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill:

I. Declares that every individual present in the state has a right to reproductive health care as defined, and authorizes lawsuits against any who tortiously attempt to interfere with such right.

II. Prohibits government officials or police agencies from cooperating with any out of state investigation into protected health care activity, subject to certain exceptions.

III. Prohibits adverse actions or discipline from being taken by the office of professional licensure and certification and boards concerning certain legally protected health care activity, and prohibits health care providers or other state entities from sharing confidential communications or information regarding reproductive health care services with out of state agencies or individuals subject to certain exceptions.

IV. Prohibits malpractice insurers from taking into account certain provisions of protected health care activity.

V. Prohibits certain foreign judgments concerning protected health care activity from being given full faith and credit.

VI. Prohibits extraditing certain individuals for legally protected health care activity.

Sponsors:

Sen. Altschiller
Sen. Watters
Sen. Prentiss
Rep. Telerski

Sen. Rosenwald
Sen. Long
Sen. Perkins Kwoka

Sen. Fenton
Sen. Reardon
Rep. Simpson

Who supports the bill: 461 individuals signed in support of this bill. For a complete list of those who signed please contact Brendan Bunnell (Brendan.Bunnell@gc.nh.gov).

Who opposes the bill: 42 individuals signed in opposition to this bill. For a complete list of those who signed please contact Brendan Bunnell (Brendan.Bunnell@gc.nh.gov).

Who is neutral on the bill: None.

Summary of testimony presented:

Senator Debra Altschiller (SD-24), introduced the bill, explaining that it would protect the rights of both patients and providers to receive and deliver reproductive healthcare. The senator argued that the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* had necessitated the shield laws which this bill is one such example of.

- Stated that this law would protect any hypothetical individual that travelled to New Hampshire for the purpose of engaging in reproductive healthcare. This would apply to non-residents as well as residents, so long as the treatment met the standards of reproductive healthcare.
- Argued that this bill will protect against out-of-state overreach, explaining that it would protect an individual sued by another state's District Attorney. It would also prevent any state officials from cooperating in any way with attempts to prosecute individuals engaging in reproductive services in New Hampshire, and prohibits the extradition of any individuals engaging in reproductive care from New Hampshire.
- Explained that the bill was dependent on the historical doctrines of federalism and state sovereignty. This is corroborated by New Hampshire's long history of individualism and nonintervention with personal decisions.
- Explained that 22 other states have enacted similar shield laws, which have successfully protected those within their borders from out-of-state legal attacks.
- Stated that the bill would also protect healthcare providers in New Hampshire from interference against their ability to perform legal care as defined in New Hampshire law.
- Explained that New Hampshire is currently experiencing a shortage of new doctors practicing OB/GYN services, and that the state will struggle to acquire these providers if the state refuses to protect their ability to practice their care.
- Senator Abbas asked about lines 3-9 on page 2, and whether it would restrict an individual from bringing a claim or suite in another state into New Hampshire. He expressed concern over a compact involving New Hampshire and 45 states

which allows certain civil enforcement in other states, and questioned whether this would violate that pact and exclude New Hampshire.

- Senator Reardon answered the question, and replied that it would prevent any outside suites from being brought against those in New Hampshire, but was not concerned with monetary or property civil suites but specific suites involving care providers in New Hampshire and services rendered to those within the state.
- Senator Abbas pointed to lines 10-17 on page 2 which stated that any future legislator who passes any law that otherwise creates any type of infringement on reproductive health would be deemed invalid. He asked whether Senator Altschiller believed that this would be binding on future legislation that concerned reproductive care.
 - Senator Altschiller replied that she did not believe so.

Mr. Jason Hennessey, a representative of New Hampshire Right to Life, spoke in opposition to the bill. He argued that this bill singled out a specific industry in a way that was contrary to regular practices. He stated that his testimony was not based in his own pro-life beliefs, but in the belief that the bill was bad policy.

- Explained the case of an individual from Texas that ordered abortion pills from an organization in New York. This individual ended up in the hospital, due to complications with the pills. Texas tried to bring charges against the organization in New York for practicing without a license and for violating their own abortion laws, but New York was unwilling to cooperate with either of these charges.
- Pointed out a section on the second page of the bill where the “right to reproductive freedom” was mentioned, arguing that the fiscal note’s statement that the costs were indeterminable was a vast understatement. He argued that this could lead to the state being obligated to pay for the reproductive freedom of individuals in New Hampshire. He explained that this could extend to other treatments past the singular right to abortion.
- Questioned why this bill sought to protect one industry from lawsuits when there are many such controversial industries in New Hampshire not lent these protections.
- Stated that this could provoke retaliatory legislation in other states that might seek to limit New Hampshire’s laws in their borders. He cautioned that this could severely affect interstate cooperation.
- Referenced the case between Texas and New York that he had examined earlier, saying that it was likely to be presented before the Supreme Court and that it may be prudent to wait for the decision of that body.

- Senator Abbas asked for clarification on the jurisdiction of interstate crimes, in view of the coming legal battles in the Supreme Court.
 - Mr. Hennessey stated that there had been a privacy bill passed the year prior that had enabled New Hampshire to prosecute certain companies for privacy violations when the victim was in New Hampshire, and asked why an exemption was being made for this specific industry with reproductive healthcare.
- Senator Gannon asked if he was concerned with the language of “every individual present,” and questioned whether it should only be citizens.
 - Mr. Hennessey stated that he did not have a strong answer for that question currently.
- Senator Altschiller asked if he was aware that there were exceptions for other industries in New Hampshire, including those carveouts made for the firearms industry.
 - Mr. Hennessey stated that he was not aware of this, but that it sounded believable.

Doctor Carrie Wang, expressed her strong support for the legislation. She explained that the Supreme Court's decision in 2022 significantly altered the course of her medical career as she realized that she would be unwilling to work in a location where she was at risk of being prosecuted for practicing safe, evidence-backed reproductive care. She explained that she found it likely that states which had passed anti-abortion legislation like Florida had lost many doctors as a result.

- Explained that while she loved studying at Dartmouth in New Hampshire, the laws around reproductive care in the state did not currently make her confident about a potential decision to remain and practice in the state. She stated that this was due to the lack of a common-sense shield law that could protect her practice and her patients in the future.
- Argued that it was difficult to accept this potential liability when there are other nearby states that do provide this protection to their doctors like Maine, Vermont, and Massachusetts.
- Stated that 50% of the constituents of the committee would be required to look for an OB/GYN service provider at some point in their life, but the shortages across the country of such medical professionals makes it difficult to remain in a state with such potential for legal liability.

- Explained that it was difficult to see a patient and to have to ask if that patient had travelled across state lines, and potentially opened themselves up to liability.
- Stated that she would like to remain a resident of New Hampshire, and hoped that the committee would make the decisions necessary to make that happen.

Ms. Christina Warriner Hamilton, the New Hampshire State Director for Reproductive Equity Now, spoke in support of the bill. She argued that the bill was tailored so that it would not invalidate decisions made in other states but rather prevent New Hampshire from enforcing those laws in its own borders.

- Explained that this bill was specific to care provided within New Hampshire borders, and by New Hampshire healthcare providers. She argued that it spoke to the idea that New Hampshire should exercise jurisdiction over the state's own healthcare.
- Senator Abbas asked if there had been any cases of New Hampshire reproductive care providers being prosecuted in other states for care provided within New Hampshire.
 - Ms. Hamilton responded that there had not been, so far, but there have been other cases in other states of doctors having suits brought against them in similar circumstances.
- Senator Abbas asked if the cases that she was referencing in her answer were currently going through the federal court system.
 - Ms. Hamilton replied that she believed that was the case.

Ms. Rachel Potter, a Policy Associate with the American Civil Liberties Union of New Hampshire, spoke in support of the bill. She argued that it provided clear, practical protections for patients and providers acting lawfully in New Hampshire.

- Stated that the bill was simple, and based on the idea that New Hampshire should not use its resources to punish or interfere with conduct that is legal in the state.
- Argued that it protected providers and recipients of reproductive care from legal and personal liability, while preventing officials in the state from assisting with any attempts to threaten that principle.
- Explained that this bill would not interfere with the rights of another state to enforce their own laws within their own borders, while declining to allow New Hampshire to help those states enforce their laws within New Hampshire borders.

- Stated that this bill was about stability, clarity, and respecting lawful medical practices in New Hampshire.

BMB

Date Hearing Report completed: February 13, 2026