

HB 1590-FN - AS INTRODUCED

2026 SESSION

26-2914  
09/08

HOUSE BILL            ***1590-FN***

AN ACT                harmonizing the age of personhood under the criminal code and the fetal life protection act.

SPONSORS:            Rep. Scully, Hills. 8; Rep. Burnham, Straf. 2; Rep. Bernardy, Rock. 36; Rep. Sellers, Graf. 10; Rep. Potenza, Straf. 19; Rep. Terry, Belk. 7; Sen. Gannon, Dist 23; Sen. Avard, Dist 12

COMMITTEE:          Judiciary

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ANALYSIS

This bill:

I. Amends the exemption pertaining to the termination of pregnancy for purposes of application of the homicide statutes.

II. Amends the fetal life protection act to match the existing statutory age of fetal personhood to be the end of 20 weeks of gestation as established in the homicide statutes.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    harmonizing the age of personhood under the criminal code and the fetal life protection act.

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

1            1 Purpose. This bill clarifies and corrects the exemption language pertaining to the termination  
2 of a pregnancy in New Hampshire homicide laws. This bill also corrects a constitutional flaw in  
3 existing New Hampshire law that allows a developing human identified as a person to be terminated  
4 without due process.

5            2 Homicide; Death of Another; Applicability. Amend RSA 630:1-a, V(a) to read as follows:

6                    V.(a) Nothing in paragraph IV shall apply to:

7                                    (1) **A pregnant woman, for a termination of her pregnancy, that is performed**  
8 **in compliance with RSA 329:44** [~~Any act committed by the pregnant woman~~];

9                                    (2) [~~Any act committed at the request or direction of the pregnant woman or for the~~  
10 ~~benefit of the pregnant woman~~];

11                                    (3) Any act performed by a physician or other medical professional in the course of  
12 such physician's or medical professional's professional duties, including but not limited to, an act  
13 **performed in compliance with RSA 329:44** that results in the termination of a pregnancy; or

14                                    [(4)] (3) Any act taken in furtherance of the lawful dispensation or administration of  
15 prescription or nonprescription medication.

16            3 Fetal Life Protection Act; Prohibition. Amend RSA 329:44, I and II to read as follows:

17                    I. Except in the case of a medical emergency as specifically defined in paragraph III, no  
18 abortion shall be performed, induced, or attempted by any health care provider unless a health care  
19 provider has first made a determination of the probable gestational age of the fetus. In making such  
20 a determination, the health care provider shall make such inquiries of the pregnant woman and  
21 perform or cause to be performed all such medical examinations, imaging studies, and tests as a  
22 reasonably prudent health care provider in the community, knowledgeable about the medical facts  
23 and conditions of both the woman and the fetus involved, would consider necessary to perform and  
24 consider in making an accurate diagnosis with respect to gestational age, provided, however, that  
25 the health care provider shall conduct an obstetric ultrasound examination of the patient for the  
26 purpose of making the determination. This paragraph shall be construed to require the performance  
27 of an ultrasound only if the provider either knows that the fetus has a gestational age of at least [24]  
28 **20** weeks or is conscious of a substantial risk that the fetus has a gestational age of at least [24] **20**  
29 weeks.

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1           II. Except in the case of fetal abnormalities incompatible with life, or a medical emergency  
2 as specifically defined in paragraph III, no health care provider shall knowingly perform, induce, or  
3 attempt to perform an abortion upon a pregnant woman when the probable gestational age of her  
4 fetus has been determined to be at least [24] **20** weeks or in the absence of a determination by a  
5 health care provider pursuant to paragraph I as to the fetus' probable gestational age.

6           4 Fetal Life Protection Act; Criminal Penalties. Amend RSA 329:46 to read as follows:

7           329:46 Criminal Penalties. – Any health care provider who knowingly performs or induces an  
8 abortion in violation of this subdivision and knows that the fetus has a gestational age of at least  
9 [24] **20** weeks, or consciously disregards a substantial risk that the fetus has a gestational age of at  
10 least [24] **20** weeks, shall be guilty of a class B felony and, in addition to any other penalties the  
11 court may impose, be fined not less than \$10,000 and not more than \$100,000.

12           5 Effective Date. This act shall take effect January 1, 2027.

**HB 1590-FN- FISCAL NOTE  
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AN ACT harmonizing the age of personhood under the criminal code and the fetal life protection act.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
<b>Expenditures*</b>	Indeterminable			
<i>Funding Source</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

\*Expenditure = Cost of bill      \*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	Indeterminable			

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: [https://gencourt.state.nh.us/lba/Budget/Fiscal\\_Notes/JudicialCorrectionalCosts.pdf](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

**AGENCIES CONTACTED:**

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