

HB 232-FN - AS AMENDED BY THE HOUSE

8Jan2026... 2932h

2025 SESSION

25-0296

05/11

HOUSE BILL **232-FN**

AN ACT relative to the rights of conscience for medical professionals.

SPONSORS: Rep. M. Pearson, Rock. 34; Rep. DeSimone, Rock. 18; Rep. Cordelli, Carr. 7; Rep. Bernardy, Rock. 36; Rep. Edwards, Rock. 31; Rep. Peternel, Carr. 6; Rep. Terry, Belk. 7; Rep. Mooney, Hills. 12; Sen. Gannon, Dist 23; Sen. Sullivan, Dist 18

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill provides that health care providers have a right to conscientiously object to participating in providing abortion. The bill requires health care institutions to prominently post a notice to this effect and establishes civil remedies, including fines, for its violation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 rights of conscience for medical professionals.

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

1 1 Statement of Intent. It is the purpose of this act to protect as a basic civil right the freedom of
2 all health care providers to decline to counsel, advise, provide, perform, assist, or participate in
3 providing or performing abortions. Protecting the freedom of health care providers to decline to
4 provide or participate in the provision of services that violate their religious, moral, or ethical
5 convictions safeguards the dignity of individual health care providers and ensures that the citizens
6 of New Hampshire have access to quality health care.

7 2 New Chapter; Health Care Freedom of Conscience. Amend RSA by inserting after chapter
8 126-DD the following new chapter:

9 CHAPTER 126-EE

10 HEALTH CARE FREEDOM OF CONSCIENCE

11 126-EE:1 Definitions. In this chapter:

12 I. "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any
13 other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy
14 of a woman with knowledge that the termination by those means will with reasonable likelihood
15 cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the
16 intent to:

- 17 (a) Save the life or preserve the health of the fetus;
- 18 (b) Remove a dead fetus caused by spontaneous abortion; or
- 19 (c) Remove an ectopic pregnancy.

20 II. "Conscientiously object" or "conscientious objection" means to object because of a religious
21 belief or a moral or ethical conviction.

22 III. "Discriminate against or discrimination" means any adverse action taken against, or any
23 threat of adverse action communicated to, any health care provider as a result of his or her
24 conscientious objection to participating in an abortion. Discrimination may include, but is not
25 limited to: termination of employment; transfer from current position; demotion from current
26 position; adverse administrative action; reassignment to a different shift or job title; increased
27 administrative duties; refusal of staff privileges; refusal of board certification; loss of career
28 specialty; reduction of wages, benefits, or privileges; refusal to award a grant, contract, or other
29 program; refusal to graduate; refusal to provide residency training opportunities; denial,
30 deprivation, or disqualification of licensure; the threat of any of the administrative, disciplinary, or

1 other adverse proceeding; or any other penalty, disciplinary, or retaliatory action, whether executed
2 or threatened.

3 IV. "Health care institution" means any public or private hospital, clinic, medical center,
4 physician organization, professional association, ambulatory surgical center, private physician's
5 office, pharmacy, nursing home, medical school, nursing school, medical training facility, or any
6 other entity or location in which an abortion are performed on or provided to any person. "Health
7 care institutions" may include, but are not limited to: organizations, corporations, partnerships,
8 associations, agencies, networks, sole proprietorships, joint ventures, or any other entity that
9 provides abortions.

10 V. "Health care provider" means any individual who, as part of his or her employment, may
11 be asked to participate in any way in an abortion including, but not limited to: a physician,
12 physician's assistant, nurse, nurse's aide, medical assistant, hospital or clinic employee, pharmacist,
13 pharmacy employee, medical school student, medical school employee, or any professional,
14 paraprofessional, or any other person who furnishes, or assist in the furnishing of an abortion.

15 VI. "Participate" or "participating in" means to provide, perform, assist with, facilitate, refer
16 for, counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in
17 providing an abortion.

18 VII. "Prescription or provision of" means to make available or arrange for any medicine,
19 drug, substance, device, or medical procedure.

20 126-EE:2 Health Care Provider's Right to Conscientiously Object.

21 I. A health care provider has the right to conscientiously object to participating in an
22 abortion.

23 II. A health care provider who conscientiously objects to participating in an abortion shall
24 not thereby be administratively, civilly, or criminally liable to any person, estate, public or private
25 entity, or public official.

26 III. It shall be unlawful for any person, health care provider, health care institution, public
27 or private institution, public official, national licensing board which licenses health care providers, or
28 national certifying board which certifies competency in medical specialties to discriminate against
29 any health care provider in any manner based on his or her conscientious objection to participating
30 in an abortion.

31 IV. This section shall not apply to a health care provider employed by a health care
32 institution that provides abortion as a major part of its services. Nor shall the section apply to a
33 health care provider who is the only health care provider present in an emergency situation.

34 126-EE:3 Notice Requirement.

35 I. A health care institution shall prominently post a notice, not less than 8.5 x 11 inches in
36 size, entitled "Freedom of Conscience for Health Care Providers," in a location where other such
37 notices are normally posted, or if such notices are not so normally posted, in a location in which

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1 health care providers are likely to see such a notice. The purpose of this notice is to fully inform
2 health care providers of their right to decline to provide, perform, assist with, facilitate, refer for,
3 counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in
4 providing an abortion.

5 II. A health care institution shall ensure that every health care provider is informed of his or
6 her right to decline to provide, perform, assist with, facilitate, refer for, counsel for, advise with
7 regard to, admit for the purposes of providing, or take part in any way in providing an abortion.

8 126-EE:4 Civil Remedies.

9 I. A civil action for damages, injunctive relief, or both, may be brought for the violation of
10 any provision of RSA 126-EE:2. It shall not be a defense to any claim arising out of the violation of
11 RSA 126-EE:2 that such violation was necessary to prevent additional burden or expense on any
12 other health care provider, health care institution, individual, or patient.

13 II. Any health care provider discriminated against or injured by any person, health care
14 provider, health care institution, public or private institution, public official, medical licensing board
15 which licenses health care providers, or medical certifying board with competency in medical
16 specialties, by reason of any conduct prohibited by RSA 126-EE:2 may commence a civil action.

17 III. Upon finding a violation of RSA 126-EE:2, the health care provider shall be entitled to
18 recover all actual damages sustained by the health care provider, including damages for pain and
19 suffering as well as the costs of the civil action, and reasonable attorney's fees.

20 IV. In no case shall recovery be less than \$10,000 for each violation, not including costs of
21 the civil action and reasonable attorney's fees. These damage remedies shall in no way be exclusive
22 of any other remedies afforded under any other state or federal law.

23 V. The court in a civil action for a violation of RSA 126-EE:2 may award injunctive relief
24 including, but not limited to, ordering reinstatement of a health care provider to his or her prior job
25 or position.

26 VI. Any violation of or failure to comply with the requirements of RSA 126-EE:3 by a health
27 care institution shall be punished by a civil fine of not less than \$1,000 and not more than \$10,000
28 per occurrence.

29 126-EE:5 Severability. If any provision of this chapter or the application thereof to any person
30 or circumstances is held invalid, the invalidity does not affect other provisions or applications of the
31 chapter which can be given effect without the invalid provisions or applications, and to this end the
32 provisions of this chapter are severable.

33 3 Effective Date. This act shall take effect January 1, 2027.

LBA
25-0296
1/14/26

HB 232-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT # 2025-2932h)

AN ACT relative to the rights of conscience for medical professionals.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2027 through 2029.

AGENCIES CONTACTED:

Judicial Branch