

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 191-FN**, providing criminal and civil penalties for the transporting of an unemancipated minor in order to obtain a surgical procedure without parental permission.

**Hearing Date:** May 6, 2025

**Time Opened:** 5:03 p.m.

**Time Closed:** 5:26 p.m.

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

**Members of the Committee Absent :** Senator McConkey

**Bill Analysis:** This bill provides criminal penalties for transporting an unemancipated minor without parental consent for the purpose of obtaining a surgical procedure. This bill further authorizes a civil suit in certain circumstances following a violation of the criminal prohibition.

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**Sponsors:**

Rep. Cordelli

Rep. M. Pearson

Rep. Roy

Rep. Seidel

Rep. DeRoy

Rep. Terry

Rep. Freeman

Sen. Avard

Sen. Ward

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**Who supports the bill:** 73 individuals supported HB 191-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who opposes the bill:** 165 individuals opposed HB 191-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who is neutral on the bill:** N/A

**Summary of testimony:**

**Representative Glenn Cordelli**

**Carroll – District 7**

- HB 191-FN is bill which provides criminal and civil penalties for the transporting of an unemancipated minor in order to obtain a surgical procedure without parental permission.
- Representative Cordelli indicated that parental consent would be required to transport a minor for a surgical procedure.
- He argued that an unemancipated minor under the age of 18 should have written parental consent to be taken for a medical procedure, regardless of where it may be.

- The bill does not apply to certain individuals, such as ambulance drivers or parents.
- Representative Cordelli noted that the bill provides a right of action if a minor is transported.
  - Page one and page two detail the penalties and liabilities for civil cause of action, and detail who may bring it forward.
- He argued that parental rights have been upheld for centuries.
  - He noted that Supreme Court case law on the matter goes all the way back to 1923 with *Meyer v. Nebraska*.
  - *Washington v. Glucksberg*, 1997, held that the right to direct the education and upbringing of one's child is encompassed by the bill of rights.
- Representative Cordelli argued that a parent has a right to know about any surgical procedures of their children.
- Sen. Reardon noted that the bill used the phrase surgical procedure, which went undefined in statute.
- She pointed out that the bill targeted abortion which she argued is not surgery.
  - Rep. Cordelli disagreed that abortion is not surgery.
- Sen. Reardon asked if he had a definition for surgery.
  - Rep. Cordelli said that he had a definition from the American Medical Association.
- Sen. Reardon noted that it was not in statute.
  - Rep. Cordelli argued that abortion does have a definition in statute and said that given the use of an instrument in the process, it fell under the umbrella of a surgical procedure according to the AMA.
- Sen. Reardon asked if medication would be considered a surgical procedure.
  - Rep. Cordelli stated that it would not and did not believe that it was in the definition he provided.
- Sen. Altschiller asked about line 14, regarding language requiring notarized consent for the unemancipated minor. Sen. Altschiller asked what the intention of the language was for and asked who would check the notarized consent.
  - Rep. Cordelli explained that someone bringing forth suit could check the notarized form.
- Sen. Altschiller asked if a hospital failed to check the notarized form, would they be held liable.
  - Rep. Cordelli did not believe so.
- Sen. Altschiller noted that there were exceptions for legal guardians or parents and asked how stepparents fit in the equation.
  - Rep. Cordelli explained that parent or guardian was the typical language, and it encompassed stepparents.
- Sen. Altschiller asked how notarized consent was practical if the intent wasn't to have the hospital review or maintain it.
  - Rep. Cordelli explained that the individual transporting the minor would be required to obtain the consent.
- Sen. Altschiller asked if they would hold onto the form in perpetuity.
  - Rep. Cordelli noted that a parent would discover their child's surgery in a reasonable amount of time and begin the questioning process from there.
- Sen. Altschiller asked what a reasonable length of time would be.
  - Rep. Cordelli suggested that there was nothing specific in the law and reiterated that surgery is generally apparent.
- Sen. Altschiller asked for clarity on her question about who may instigate the action. She asked if an ex-stepparent would have a right of action.

- Rep. Cordelli explained that stepparents' causes of action would only be relevant while they had a direct relationship with the child. Following a divorce, they would not have legal guardianship under the bill's definition.
- Sen. Altschiller asked if former foster parents could sue if they were made aware of a surgery.
  - Rep. Cordelli stated that they would not have a right of action.
  - Rep. Cordelli ultimately deferred the question to legal professionals.
- Sen. Reardon asked Rep. Cordelli if she directed her sister to take her kids to the dentist for surgery, and she forgot the notarized form, if they would not be permitted for the appointment.
  - Rep. Cordelli stated that was correct.
- Sen. Abbas cited a definition for surgery.

## **Ben Bradley**

### **Vice President, State Government Relations - New Hampshire Hospital Association**

- Mr. Bradley explained that he appreciated the intent of the bill and supported the concept of parental rights.
- Mr. Bradley reviewed the language of the bill and raised a concern about his status as a youth baseball and football coach.
  - He noted that parents drop their kids off at games and sometimes things can happen.
  - He stated that if an ambulance service wasn't available, he would take the child to the hospital himself.
  - Such a situation would be prohibited by HB 191.
- He suggested that the bill needs more work before it moves forward.
- Mr. Bradley noted that New Hampshire law allows minors to consent for certain treatment of their own.
  - Requiring transport consent for procedures that a child can consent to on their own is strange.
- Mr. Bradley suggested the committee find the bill inexpedient to legislate.
- Sen. Gannon asked if parents signed a waiver for participation on his teams.
  - Mr. Bradley said he was unsure if that was universal and unclear as to whose interests it protects.
- Sen. Abbas asked if written consent, as opposed to a notarized form, would satisfy his concerns.
  - Mr. Bradley noted that he still has concerns even if the standard is changed to written consent.
  - A parent may be away from the phone, unable to text in a timely fashion, etc.
  - He argued that an individual should not receive a class A misdemeanor simply for transporting someone in good faith to a hospital.
- Sen. Reardon asked if it concerned Mr. Bradley that he could be liable for suit until a child was 27 years old.
  - Mr. Bradley said he would be concerned if he was liable for one day.
- Sen. Altschiller asked if high schoolers transporting each other would be subject to the bill's stipulations and asked how it would play out if two minors were involved.
  - Mr. Bradley said he was not a legal expert but suggested there may be some exposure under such a scenario.
- Sen. Abbas asked Mr. Bradley if language regarding surgery being solicited limited the bill to instances where surgery is sought rather than recommended to the patient.

- Mr. Bradley argued that it could put individuals in the place of having to defend their actions and intentions when it comes to transporting minors for medical care.

PM

Date Hearing Report completed: May 9, 2025