

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 260, relative to access to abortion care.

Hearing Date: March 11, 2025

Time Opened: 2:12 p.m.

Time Closed: 2:49 p.m.

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

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill provides that the state shall not infringe upon an individual's right to terminate their pregnancy prior to 24 weeks gestation.

Sponsors:

Sen. Altschiller
Sen. Fenton

Sen. Rosenwald
Rep. Telerski

Sen. Perkins Kwoka

Who supports the bill: 2370 individuals signed in support of SB 260. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: 71 individuals signed in opposition to SB 260. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Senator Debra Altschiller

Senate District 24

- SB 260 affirmed abortion prior to 24 weeks of gestation as a right.
- Sen. Altschiller stated that SB 260 protected critical healthcare.
- Access to abortion enabled individuals to make deeply personal decisions about their lives.
- Sen. Altschiller maintained that assault required compassionate care.
- SB 260 respected diversity; abortion was not required.
- President Trump stated that reproductive health decisions should be reserved to states.
- SB 260 provided clarity for evidence-based care without fear of prosecution.
- SB 260 did not endorse abortion, rather, it endorsed freedom.

- The committee was urged to reflect on pregnancy complications, among other circumstances which led individuals to abortion.
- Individuals deserved acceptance and access, not judgement and barriers.
- Sen. Altschiller maintained that SB 260 upheld the proud New Hampshire tradition of individual liberty.
- Sen. Gannon asked if there was any real tangible difference between the current law, which allowed abortion for any reason up to 24 weeks, and SB 260.
 - Sen. Altschiller said currently there was no right to abortion which SB 260 accomplished.
- Sen. Gannon clarified that SB 260 was not a constitutional amendment and may be subject to repeal next session and accordingly was not an affirmative right. Sen. Gannon asked what SB 260 provided beyond the current statute.
 - Sen. Altschiller referred to the Dobbs v. Jackson Women’s Health Organization decision of 2022 and stated that sand was shifting which justified the bill’s affirmative nature.
- Sen. Reardon asked if SB 260 was a new chapter of law
 - Sen. Altschiller confirmed

Michael Tierney, Esq.

Attorney

- Mr. Tierney opposed SB 260
- The ultimate goal of government should be to protect life.
- It was unclear if SB 260 would eviscerate all limitations, such as the parental notification law.
- Mr. Tierney wondered if SB 260 would remove requirements for clean and certified medical facilities.
- The language “shall not be infringed” within SB 260 was incomparable to any other statute. Mr. Tierney identified the language as being drawn from the second amendment of the United States Constitution.
- If the second amendment’s case law was the inspiration for SB 260, that should be made clear.
- Courts may apply the same permissible infringements to SB 260s provisions as they do on matters relative to the second amendment.
- Mr. Tierney believed that SB 260 would encourage litigation, while doing nothing to protect the life of mothers.
- Mr. Tierney encouraged the committee to vote no on the legislation.

Kurt Wuelper

Former Representative – Strafford District 3

- Rep. Wuelper spoke in opposition as the chair for New Hampshire Right to Life.
- Abortion was a cancer in society.

- Abortion corrupted families, and medicine.
- Those in the healing arts became killers through abortion.
- Rep. Wuelper maintained that killing others was wrong.
- Rep. Wuelper stated that the Supreme Court determined that humans subject to abortion were protected by the 14th amendment.

Sean Foster

Crossing Life Church – Windham, New Hampshire

- Mr. Foster asked the committee to consider the rights and safety of children.
- Everyone deserved the right to life, which could not be infringed.
- Jesus gave his own life on the cross for all men, women, and children.
- All people have the opportunity to be saved.
- Mr. Foster asked the committee to please oppose SB 260.

Claire Teylouni

Reproductive Equity Now

- Ms. Teylouni spoke in support of SB 260.
- New Hampshire was the only state in New England without legal protections for abortion.
- New Hampshire was not immune to threats to abortion.
- Abortion was subject to a patchwork of policies.
- Individuals in New Hampshire had a right to seek abortion up to 24 weeks with SB 260.
- Half of all American women were unsure on the legality of medicinal abortion.
- Granite stater overwhelmingly supported reproductive freedom.
- SB 260 was New Hampshire’s opportunity to take positive action post-Dobbs.
- SB 260 aligned with the spirit of personal freedom in New Hampshire.
- Sen. Gannon asked if there was data to substantiate that there is confusion in New Hampshire regarding abortion policy.
 - o Mr. Teylouni said she’d follow up.

Liz Canada

Advocacy Director, Planned Parenthood New Hampshire Action fund

- Ms. Canada stood in support of SB 260.
- 19 states had banned or severely restricted abortion following the Dobbs Supreme Court decision.

- New Hampshire was the only state in New England without explicit abortion accessibility laws.
- 64% of granite stateres wanted their lawmakers to create positive abortion policies.
- The current policy was changed in that access may not be infringed, which would be stated statutorily.
- SB 260 was the state’s opportunity to exercise its rights.
- Sen. Abbas asked Ms. Canada if SB 260 made no substantive changes to the law.
 - Ms. Canada said SB 260 did not change any restrictions, but codified protections.
- Sen. Abbas asked what would change and how said changes would apply if SB 260 passed.
 - Ms. Canada said constituents wanted lawmakers to take positive action. There had been efforts to further restrict abortion, although they were defeated.
- Sen. Abbas recognized demand, and contended that if the law was unchanged, few would notice a difference.
 - Ms. Canada said the change would be that New Hampshire would no longer be the only state in New England without codified abortion protections.
- Sen. Gannon wondered how many residents were aware of the current policy on abortion and noted that many constituents asked him to support access until 24 weeks, which he believed was an implication that many were ignorant of that being the standard already.
 - Ms. Canada said she was unsure and added that people wanted to see a commitment from the state to not infringe on their needs.
- Sen. Reardon asked Ms. Canada if she would agree that SB 260 would provide certainty regarding the legality of abortion.
 - Ms. Canada agreed.

Courtney Reed

Policy Advocate -ACLU NH

- Ms. Reed spoke in favor of SB 260.
- SB 260 acknowledged abortion as a critical component of reproductive healthcare.
- The passage of SB 260 was more critical now than ever.
- The consequences of reproductive restrictions could not be afforded in New Hampshire.
- There were horrific health impacts to restrictions to abortion; 22 million lost access nationwide.
- Over 100 pregnant women in distress were turned away from emergency rooms according to Ms. Reed.
- 28-year-old Amber Thurman died after being denied abortion care.
- Denial of access had economic and monetary implications.
- Abusive relationships persisted in the absence of abortion.
- The state was not qualified to make reproductive-health decisions.
- Granite stateres overwhelmingly supported abortion rights.

- Sen. Gannon asked what substantive changes occurred whether the bill passed or not.
 - Ms. Reed said a material consequence of SB 260s passage would be the ability to point to a statutory protection when questioned by constituents.
- Sen. Gannon noted that he could point to the current law.
 - Ms. Reed said the construction clause of the fetal life protection act said nothing shall be construed as creating or recognizing a right to abortion.
- Sen. Abbas asked if another legislator could repeal SB 260.
 - Ms. Reed said that was correct and believed the policy would still be a good protection.
- Sen. Abbas how the bill created broader protections if it did not change the law and could be repealed.
 - Ms. Reed said the bill would have a legal impact as courts could stand on the statute.
- Sen. Altschiller asked Ms. Reed if she was aware that current law said nothing shall create or recognize a right to abortion and asked if SB 260 presented a substantive shift.
 - Ms. Reed agreed with Sen. Altschiller’s statement that the changes made in SB 260 were substantive.
- Sen. Altschiller asked Ms. Reed what the point of testifying was when another legislator could do as they please regardless.
 - Ms. Reed said it was important to honor granite stater's calls.

PM

Date Hearing Report completed: March 17, 2025