

Senate Health and Human Services Committee

Sophie Walsh 271-3469

HB 94-FN, relative to coverage of circumcision under the state Medicaid plan.

Hearing Date: April 9, 2025

Time Opened: 2:20 p.m.

Time Closed: 3:06 p.m.

Members of the Committee Present: Senators Rochefort, Avard, Prentiss and Long

Members of the Committee Absent: Senator Birdsell

Bill Analysis: This bill provides that the state Medicaid plan shall not include circumcision unless the child has a specific diagnosis for which the procedure is determined to be medically necessary.

Sponsors:

Rep. Soti

Rep. Popovici-Muller

Rep. Read

Rep. Osborne

Rep. Potenza

Rep. Sabourin

Rep. McFarlane

Sen. Murphy

Who supports the bill: 284 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (Sophie.Walsh@gc.nh.gov).

Who opposes the bill: 64 people signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (Sophie.Walsh@gc.nh.gov).

Who is neutral on the bill: 1 person signed in neutral to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (Sophie.Walsh@gc.nh.gov).

Summary of testimony presented:

Representative Julius Soti, Rockingham – District 35

- Representative Soti stated that this bill seeks to stop Medicaid funding of infant circumcision.
- He said this is a housekeeping bill for Medicaid, as federal and state law already prohibits the funding of unnecessary, elective surgeries.

- Representative Soti stated that several other states have passed similar measures. He noted that England and Canada, which also adopted circumcision when the U.S. did, have stopped funding it altogether.
- Representative Soti outlined the history of circumcision and explained that it was promoted in the late 1800's as a cure-all, but all of this has been debunked. He emphasized that even recent claims of benefits have been debunked as well.
- Representative Soti stated there will be cost savings of \$200,000-300,000, including the repairs of botched circumcisions. He emphasized that these funds could be used for more useful purposes.

Adrienne Soti

- Ms. Soti explained that she is originally from Hungary, where like in most parts of the world, infant circumcision is not the norm. She was surprised to learn after the birth of her son that circumcision is offered to parents for healthy infants in hospitals.
- In conversations with other parents, Ms. Soti said she learned others assumed that circumcision must be a wise, preventative measure since it is offered by doctors and covered by insurance. She emphasized medical coverage serves as an incentive in steering parents towards circumcision.
- Ms. Soti explained there are numerous additional costs that Medicaid must cover due to this procedure, including extended hospital stays and NICU stays.
- She outlined the various risks and outcomes associated with circumcision. She noted that loss of part or of the entire penis and death have occurred, and that infections necessitating treatment are about as common as the UTIs circumcision is supposed to prevent. She further noted that circumcision is not effective in the prevention of STDs.
- Ms. Soti stated that redirecting these funds to necessary services could bolster care for underserved populations.
- She emphasized that ending Medicaid coverage will not ban circumcision, but would rather align with personal responsibility and shift the cost to families who choose to do it.

Senator Cindy Rosenwald, Senate District 13

- Senator Rosenwald stated that she is speaking in opposition to this bill as a representative of the Jewish Caucus in the Senate.
- She said she finds this to be an antisemitic bill, as circumcision is an important religious right to Jewish people.
- Senator Rosenwald said she is glad that the Senate has taken a strong stand against antisemitism but emphasized that it is not enough to talk-the-talk.
- Senator Rochefort asked if keeping this service would affect the financial viability of the state.

- Senator Rosenwald said she does not believe so, as the savings would be minimal.
- Senator Avard explained that he understands this to be targeting those that require this procedure as part of their lifestyle. He emphasized that this would target Jewish individuals, and some Christians who practice as well.
- Senator Rosenwald agreed and said it certainly targets an important religious right for Jewish people.

Senator Debra Altschiller, Senate District 24

- Senator Altschiller stated that she is speaking in opposition to this bill.
- She stated that religious freedom is a core constitutional right, and circumcision is a fundamental Jewish religious practice dating back thousands of years.
- She explained that if Medicaid coverage for circumcision is removed, it will create a two-tiered system in which families with private insurance or financial means can access the procedure, while lower-income Jewish families on Medicaid will face a financial barrier to practicing their faith.
- Senator Altschiller said that given the documented rise in antisemitism, bills such as this need to be viewed with a critical eye and with full historical context. She said it is a fact that bans and restrictions on circumcision have been used throughout history as tools of antisemitic persecution.
- Senator Altschiller explained that while not explicitly targeting Jewish people in its language, removing Medicaid coverage creates an undue burden specifically on religious practices central to Judaism, even if it was not the bill's intent. This also potentially denies preventive health benefits to vulnerable populations.
- She cited that the American Academy of Pediatrics has stated that the health benefits of circumcision outweigh the risks and acknowledged that families should make this decision based on religious, cultural, and medical factors.

Representative David Nagel, Belknap – District 6

- Representative Nagel stated that he is a physician and is speaking in opposition to this bill.
- He expressed concern that this is trivializing an incredibly complex subject into a simple, biomedical one.
- He explained that throughout a 4,000-year global history, circumcision has spanned virtually every continent and appears in various cultures for a variety of different reasons. He estimated that during this time span, billions of men have had circumcisions.
- Representative Nagel said he interviewed three different obstetrics practices about this procedure and its outcomes. None of those practices reported any catastrophic outcomes.

- Representative Nagel noted that the Medicaid reimbursement for circumcision is roughly \$50. When providers are asked why they continue to provide this service when they are not making money from it, they explain that they continue to do so because their patients ask for it and they want to respect their right to make that choice.
- He explained that Florida was the first state to pass a ban on Medicaid funding for this, and a study found that their costs rose as a result. This is because the procedure became more commonly performed on older children, when the cost and risk benefit ratios are not as favorable.
- Representative Nagel cited that several studies demonstrate a clear reduction in risk of STDs and other infections from doing this procedure.
- He noted that approximately 70% of males in the U.S. are circumcised and emphasized that circumcision remains an important part of the American healthcare paradigm.

Representative Paul Berch, Cheshire – District 6

- Representative Berch explained that the American College of Obstetricians and Gynecologists, in addition to the American Academy of Pediatrics, finds circumcision to be beneficial but not mandatory.
- He emphasized this is two major medical groups dealing with this area of medicine issuing a joint policy statement saying the health benefits outweigh the risks for newborn male circumcision.
- These benefits include the prevention of UTIs, penile cancer, and transmissions of some STDs.
- He noted that complications are infrequent and usually quite minor.
- Representative Berch referenced a list submitted to the Committee outlining the various beneficial but not mandatory practices that Medicaid provides coverage for.
- Representative Berch explained that the impact of this on the Jewish and Muslim communities will be apparent.
- Senator Long referenced the statistic of 70% of men in the U.S. being circumcised and asked if there is a different statistic for New Hampshire, or if the state aligns with the national rate.
- Representative Berch said he was not certain but emphasized that while this is quite predominant within certain communities, men are circumcised regardless of faith as well.

Barry Borella

- Mr. Borella stated that while girls are protected against cosmetic sexual surgery, boys are not. He believes the least we can do until that protection is extended to boys is stop paying for it.

- Mr. Borella said he believes the religious argument is false, as the U.S. believes in the separation of church and state. He emphasized that the government has no business subsidizing religious ceremonies.
- Mr. Borella said he believes that everyone should be able to make this choice for themselves as adults.

Anthony Losquadro

- Mr. Losquadro stated that he has been working on this issue for over a decade.
- He believes the religious argument is a red herring, as Medicaid has never paid for religious circumcision before. To his knowledge, if a circumcision is performed in a hospital and not by a Rabbi, it does not count in the Jewish faith.
- He explained that 17 states have dropped coverage for circumcision. He said there has been no issues or trauma to the religious community or anyone else.
- Mr. Losquadro referenced the American Academy of Pediatrics' policy statement on circumcision and noted that this expired in 2017. Because the American College of Obstetricians and Gynecologists copied the American Academy of Pediatrics' policy, they are both expired.
- He addressed rising costs in Florida after dropping coverage and explained that this finding was in an article that has been disputed by Florida Medicaid officials.
- He referenced a cost utility analysis submitted to the Committee that finds if neonatal circumcision is not a good health policy, then support for it as a medical procedure cannot be justified financially or medically.
- He stated that the Canadian Pediatric Society has come out against circumcision and Canada Health does not provide coverage for it. He emphasized that they have not had any problems in their religious communities or hospitals.
- He cited that the Societies for Pediatric Urology found an 11.5% post-circumcision complication rate in children.
- Mr. Losquadro emphasized that New Hampshire is paying hundreds of thousands of dollars in extra costs for a medically unnecessary surgery.

Peter Adler

- Mr. Adler stated that he is both a lawyer and an expert on this topic. He is speaking both on his own behalf and on behalf of a group of physicians, attorneys, and concerned citizens who signed a letter in support of this bill submitted to the Committee.
- He explained that he supports this bill because circumcision is not medically necessary, not cost effective, harms all boys and men, and violates their rights.

- Mr. Adler referenced an article he wrote in 2011 showing that it is unlawful for physicians to use Medicaid to pay for circumcision, as federal and state law clearly state that Medicaid only covers medically necessary services.
- He explained that no national medical association recommends circumcision. It is performed on healthy infants, and sometimes healthy older boys, without a diagnosis and for non-medical reasons. Thus, it is an elective and cosmetic procedure that is being falsely certified as medically necessary.
- He noted that while federal and state law also requires procedures to be cost effective, circumcision is not.
- He emphasized that most boys and men do not benefit from this at all. Furthermore, any benefit can be achieved more effectively and safely without the risks of unnecessary surgery.
- Mr. Adler stated that \$1.7 billion has been spent nationwide by Medicaid from 1999 to 2016 and nearly \$400,000 was spent in 2023 in New Hampshire on circumcision and related repairs.
- He emphasized that these taxpayer funds could be used for necessary care.
- Mr. Adler stated that this bill ensures fairness, so boys can grow up and make the decision for themselves.
- He emphasized that parental preference is not covered by Medicaid, and it does not cover religious rituals.
- He referenced a citation in his written testimony that lists the various risks of circumcision that can happen.

Rob Berry, Department of Health and Human Services

- Mr. Berry stated that he is here on behalf of Dr. Ballard and would be happy to answer any questions.

Representative Daniel Popovici-Muller, Rockingham – District 17

- Representative Popovici-Muller explained that as a cosponsor of this bill, he would never do anything to infringe upon religious freedom.
- He explained that religious freedom is protected by allowing people to exercise that freedom, not by paying for people to exercise that freedom.
- He emphasized that nothing in this bill would prohibit people from obtaining this procedure and performing this religious right for their children.
- This bill seeks to ensure that taxpayer money is spent wisely, as we are currently asking taxpayers to pay for a not medically necessary procedure.

Gary Merchant, Former Representative of Sullivan – District 6

- Mr. Merchant stated that he is representing himself only.

- He explained this comes back to parental rights. If Medicaid payment is taken away from parents who are financially struggling, then they do not have the resources to make the choice to have this procedure.
- He emphasized that eliminating this economic barrier is important in preserving that choice, as otherwise that right would not be available across the board for all parents.

Wendy Claussen

- Ms. Claussen stated that she is speaking in support of this bill as a Jewish mother. She chose not to have her sons circumcised because she did not want to risk harm to her children for religious purposes.
- She explained that she would be shocked if someone in need in the Jewish or Muslim communities who believes their child needs to be circumcised could not get support from their community members to do so.
- Ms. Claussen said religion should not be covered by tax dollars and explained she does not think it is a fair claim to say this is persecution, oppression, or taking away parental choice.
- She noted that 20-100 infant boys die from circumcision every year and emphasized that this bill is not ending circumcision, but rather not using tax dollars to fund it.