

Floor Amendment to SB 486-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to insurance plans that cover maternity benefits and establishing the born
4 alive protection act.
5

6 Amend the bill by inserting after section 2 the following and renumbering the original section 3 to
7 read as 5:
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9 3 Statement of Finding. The general court hereby finds that it is the purpose of the state of New
10 Hampshire to assert a compelling state interest in protecting the life of any infant born alive as a
11 legal person for all purposes under the laws of the state of New Hampshire, and entitled to all the
12 protections of such laws, including the right to medically appropriate and reasonable care and
13 treatment.

14 4 New Chapter; Born Alive Infant Protection Act. Amend RSA by inserting after chapter 132-A
15 the following new chapter:

16 CHAPTER 132-B

17 BORN ALIVE INFANT PROTECTION ACT

18 132-B:1 Title. This chapter may be known and cited as the Born Alive Infant Protection Act.

19 132-B:2 Definitions. In this chapter:

20 I. "Abortion" has the same meaning as RSA 132:32, I.

21 II. "Born alive" means the complete expulsion or extraction from the mother of a human
22 infant, at any stage of development, who, after such expulsion or extraction, breathes, has a beating
23 heart, or has definite movement of voluntary muscles, regardless of whether the umbilical cord has
24 been cut and regardless of whether the expulsion or extraction occurs as a result of natural or
25 induced labor, Cesarean section, induced abortion, or other method.

26 III. "Health care provider" means any individual who may be asked to participate in any
27 way in a health care service or procedure, including but not limited to, the following: a physician,
28 physician's assistant, nurse, APRN, nurse's aide, medical assistant, hospital employee, medical
29 facility employee, or reproductive health care facility employee.

30 IV. "Medical facility" means any public or private hospital, clinic, center, medical school,
31 medical training institute, health care facility, physician's office, infirmary, dispensary, ambulatory

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1 surgical treatment center, or other institution or location wherein medical care or treatment is
2 provided to any person.

3 V. "Reproductive health care facility" has the same meaning as RSA 132:37, I.

4 132-B:3 Born Alive Infant Protection.

5 I. Any born alive infant, including one born in the course of an abortion, shall be treated as a
6 legal person under the laws of this state, with the same rights to medically appropriate and
7 reasonable care and treatment.

8 II. Any health care provider present at the time the infant is born shall take all medically
9 appropriate and reasonable actions to the preserve the life and health of the born alive infant.

10 132-B:4 Mandatory Reporting. Any health care provider, medical facility, reproductive health
11 care facility, or employee or volunteer of a medical facility or reproductive health care facility that
12 has knowledge of a failure to comply with the provisions of this chapter shall immediately report the
13 failure to an appropriate law enforcement agency.

14 132-B:5 Criminal Penalties. Any health care provider who intentionally or knowingly violates
15 this chapter shall be guilty of a class A felony.

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AMENDED ANALYSIS

This bill requires insurance plans which cover maternity benefits to provide coverage for emergency or elective abortion services.

This bill also establishes the born alive infant protection act which provides that a person shall not deny or deprive an infant of nourishment with the intent to cause or alter the death of an infant during an abortion.