

Amendment to HB 606

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

2

3 AN ACT relative to a patient's right to appropriate reproductive care for medical conditions.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 New Section; Physicians and Surgeons; Right to Appropriate Reproductive Care for Medical  
8 Conditions. Amend RSA 329 by inserting after section 31-b the following new section:

9 329:31-c Right to Appropriate Reproductive Care for Medical Conditions.

10 I. If a patient who is 18 years of age or older has a medical condition for which a medically  
11 advisable course of treatment or precautionary measure may include a procedure, medication, or  
12 treatment that leaves the patient sterile or unable to have children, the physician shall not deny the  
13 treatment on the basis of age, number of children, marital status, or fertility goals contrary to the  
14 patient's statement. The physician may require the patient to sign an informed consent and waive  
15 all damages from the procedure related to sterilization. A physician who violates this right may be  
16 subject to disciplinary action by the board of medicine.

17 II. A patient who has signed an informed consent or a waiver and proceeds with appropriate  
18 reproductive care for a medical condition shall have no civil right of action against any health care  
19 provider or health care institution on the basis of the patient being rendered sterile or unable to  
20 have children. This paragraph shall not provide immunity against any purposeful, reckless, or  
21 negligent act of a health care provider or health care institution.

22 III. For purposes of this section, "medical condition" means any disease, disorder, syndrome,  
23 symptoms, genetic predisposition or family medical history, or the state of being medicated, that  
24 either affect the reproductive system, or make reproduction not advisable either for the medical  
25 interest of the patient or for potential children. "Appropriate reproductive care for a medical  
26 condition" shall include the following: a hysterectomy (uterus), oophorectomy (ovaries), orchiectomy  
27 (testicles), salpingectomy (fallopian tubes), endometrial ablation, or medications that may affect  
28 fertility. For the purposes of this section, gender dysphoria shall not be considered a medical  
29 condition that affects the reproductive system or makes reproduction inadvisable; however, a patient  
30 who has a medical condition as defined in this paragraph shall not be denied a sterilizing treatment  
31 on the basis of having gender dysphoria.

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1           IV. A patient who has been denied appropriate reproductive care for a medical condition as  
2 defined in paragraph III may seek review of the decision by the board of medicine within 3 years of  
3 the last denial to determine whether the denial was consistent with this section. A violation of this  
4 section shall be subject to review and disciplinary action by the board of medicine in conjunction  
5 with the office of professional licensure and certification under RSA 310, and shall not be subject to  
6 further civil liability or criminal penalty.

7           2 New Paragraph; Board of Medicine; Rulemaking; Denial of Appropriate Reproductive Care for  
8 Medical Conditions. Amend RSA 329:9 by inserting after paragraph XXI the following new  
9 paragraph:

10           XXII. Review of complaints asserting a violation of RSA 329:31-c, relative to appropriate  
11 reproductive care for medical conditions, including disciplinary proceedings under RSA 310:10 and  
12 assessment of fines under RSA 310:12.

13           3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill affirms a patient's right to receive appropriate reproductive care for a medical condition when such care may include a procedure or medication that leaves the patient sterile or unable to have children.