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March 3, 2026
2026-1026h
09/08

Amendment to HB 1117-FN

1 Amend RSA 332-O:2, I(a) as inserted by section 3 of the bill by replacing it with the following:

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3 (a) Communicating with a patient, another health care provider, or the public about
4 emerging medical research, experimental treatments, innovative therapies, or off-label uses of FDA-
5 approved medications, provided the communication is made in good faith and not knowingly false or
6 misleading.

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8 Amend RSA 332-O:4 as inserted by section 3 of the bill by replacing it with the following:

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10 332-O:4 Enforcement and Remedies.

11 I. A health care provider who alleges a violation of this chapter may bring a civil action in
12 the superior court against any person or entity responsible for the violation. The provider may seek
13 declaratory judgment, reinstatement to professional position or licensure status if applicable,
14 compensatory damages, punitive damages where appropriate, costs, reasonable attorney's fees, and
15 any other relief the court deems just and proper.

16 II. In any action under this section, the court shall recognize the protections afforded by the
17 First Amendment to the United States Constitution and shall evaluate any restriction on the
18 provider's speech or professional communication under the applicable level of constitutional scrutiny.
19 The court shall also consider that medical and scientific knowledge is continually evolving and that
20 good faith discussions of emerging research, innovative therapies, or treatment options consistent
21 with this chapter are protected.