

Amendment to HB 232-FN

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

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3 1 Statement of Intent. It is the purpose of this act to protect as a basic civil right the freedom of  
4 all health care providers to decline to counsel, advise, provide, perform, assist, or participate in  
5 providing or performing abortions. Protecting the freedom of health care providers to decline to  
6 provide or participate in the provision of services that violate their religious, moral, or ethical  
7 convictions safeguards the dignity of individual health care providers and ensures that the citizens  
8 of New Hampshire have access to quality health care.

9 2 New Chapter; Health Care Freedom of Conscience. Amend RSA by inserting after chapter  
10 126-DD the following new chapter:

11

CHAPTER 126-EE

12

HEALTH CARE FREEDOM OF CONSCIENCE

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126-EE:1 Definitions. In this chapter:

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I. "Abortion" means the act of using or prescribing any instrument, medicine, drug, or any  
15 other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy  
16 of a woman with knowledge that the termination by those means will with reasonable likelihood  
17 cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the  
18 intent to:

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(a) Save the life or preserve the health of the fetus;

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(b) Remove a dead fetus caused by spontaneous abortion; or

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(c) Remove an ectopic pregnancy.

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II. "Conscientiously object" or "conscientious objection" means to object because of a religious  
23 belief or a moral or ethical conviction.

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III. "Discriminate against or discrimination" means any adverse action taken against, or any  
25 threat of adverse action communicated to, any health care provider as a result of his or her  
26 conscientious objection to participating in an abortion. Discrimination may include, but is not  
27 limited to: termination of employment; transfer from current position; demotion from current  
28 position; adverse administrative action; reassignment to a different shift or job title; increased  
29 administrative duties; refusal of staff privileges; refusal of board certification; loss of career  
30 specialty; reduction of wages, benefits, or privileges; refusal to award a grant, contract, or other  
31 program; refusal to graduate; refusal to provide residency training opportunities; denial,

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1 deprivation, or disqualification of licensure; the threat of any of the administrative, disciplinary, or  
2 other adverse proceeding; or any other penalty, disciplinary, or retaliatory action, whether executed  
3 or threatened.

4 IV. "Health care institution" means any public or private hospital, clinic, medical center,  
5 physician organization, professional association, ambulatory surgical center, private physician's  
6 office, pharmacy, nursing home, medical school, nursing school, medical training facility, or any  
7 other entity or location in which an abortion are performed on or provided to any person. "Health  
8 care institutions" may include, but are not limited to: organizations, corporations, partnerships,  
9 associations, agencies, networks, sole proprietorships, joint ventures, or any other entity that  
10 provides abortions.

11 V. "Health care provider" means any individual who, as part of his or her employment, may  
12 be asked to participate in any way in an abortion including, but not limited to: a physician,  
13 physician's assistant, nurse, nurse's aide, medical assistant, hospital or clinic employee, pharmacist,  
14 pharmacy employee, medical school student, medical school employee, or any professional,  
15 paraprofessional, or any other person who furnishes, or assist in the furnishing of an abortion.

16 VI. "Participate" or "participating in" means to provide, perform, assist with, facilitate, refer  
17 for, counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in  
18 providing an abortion.

19 VII. "Prescription or provision of" means to make available or arrange for any medicine,  
20 drug, substance, device, or medical procedure.

21 126-EE:2 Health Care Provider's Right to Conscientiously Object.

22 I. A health care provider has the right to conscientiously object to participating in an  
23 abortion.

24 II. A health care provider who conscientiously objects to participating in an abortion shall  
25 not thereby be administratively, civilly, or criminally liable to any person, estate, public or private  
26 entity, or public official.

27 III. It shall be unlawful for any person, health care provider, health care institution, public  
28 or private institution, public official, national licensing board which licenses health care providers, or  
29 national certifying board which certifies competency in medical specialties to discriminate against  
30 any health care provider in any manner based on his or her conscientious objection to participating  
31 in an abortion.

32 IV. This section shall not apply to a health care provider employed by a health care  
33 institution that provides abortion as a major part of its services. Nor shall the section apply to a  
34 health care provider who is the only health care provider present in an emergency situation.

35 126-EE:3 Notice Requirement.

36 I. A health care institution shall prominently post a notice, not less than 8.5 x 11 inches in  
37 size, entitled "Freedom of Conscience for Health Care Providers," in a location where other such

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1 notices are normally posted, or if such notices are not so normally posted, in a location in which  
2 health care providers are likely to see such a notice. The purpose of this notice is to fully inform  
3 health care providers of their right to decline to provide, perform, assist with, facilitate, refer for,  
4 counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in  
5 providing an abortion.

6 II. A health care institution shall ensure that every health care provider is informed of his or  
7 her right to decline to provide, perform, assist with, facilitate, refer for, counsel for, advise with  
8 regard to, admit for the purposes of providing, or take part in any way in providing an abortion.

9 126-EE:4 Civil Remedies.

10 I. A civil action for damages, injunctive relief, or both, may be brought for the violation of  
11 any provision of RSA 126-EE:2. It shall not be a defense to any claim arising out of the violation of  
12 RSA 126-EE:2 that such violation was necessary to prevent additional burden or expense on any  
13 other health care provider, health care institution, individual, or patient.

14 II. Any health care provider discriminated against or injured by any person, health care  
15 provider, health care institution, public or private institution, public official, medical licensing board  
16 which licenses health care providers, or medical certifying board with competency in medical  
17 specialties, by reason of any conduct prohibited by RSA 126-EE:2 may commence a civil action.

18 III. Upon finding a violation of RSA 126-EE:2, the health care provider shall be entitled to  
19 recover all actual damages sustained by the health care provider, including damages for pain and  
20 suffering as well as the costs of the civil action, and reasonable attorney's fees.

21 IV. In no case shall recovery be less than \$10,000 for each violation, not including costs of  
22 the civil action and reasonable attorney's fees. These damage remedies shall in no way be exclusive  
23 of any other remedies afforded under any other state or federal law.

24 V. The court in a civil action for a violation of RSA 126-EE:2 may award injunctive relief  
25 including, but not limited to, ordering reinstatement of a health care provider to his or her prior job  
26 or position.

27 VI. Any violation of or failure to comply with the requirements of RSA 126-EE:3 by a health  
28 care institution shall be punished by a civil fine of not less than \$1,000 and not more than \$10,000  
29 per occurrence.

30 126-EE:5 Severability. If any provision of this chapter or the application thereof to any person  
31 or circumstances is held invalid, the invalidity does not affect other provisions or applications of the  
32 chapter which can be given effect without the invalid provisions or applications, and to this end the  
33 provisions of this chapter are severable.

34 3 Effective Date. This act shall take effect January 1, 2027.

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AMENDED ANALYSIS

This bill provides that health care providers have a right to conscientiously object to participating in providing abortion. The bill requires health care institutions to prominently post a notice to this effect and establishes civil remedies, including fines, for its violation.