

SB 551-FN - AS INTRODUCED

2026 SESSION

26-2147
09/08

SENATE BILL **551-FN**

AN ACT relative to legal protections for legal reproductive health care services.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Long, Dist 20; Sen. Reardon, Dist 15; Sen. Prentiss, Dist 5; Sen. Perkins Kwoka, Dist 21; Rep. Simpson, Rock. 33; Rep. Telerski, Hills. 11

COMMITTEE: Judiciary

ANALYSIS

This bill:

I. Declares that every individual present in the state has a right to reproductive health care as defined, and authorizes lawsuits against any who tortiously attempt to interfere with such right.

II. Prohibits government officials or police agencies from cooperating with any out of state investigation into protected health care activity, subject to certain exceptions.

III. Prohibits adverse actions or discipline from being taken by the office of professional licensure and certification and boards concerning certain legally protected health care activity, and prohibits health care providers or other state entities from sharing confidential communications or information regarding reproductive health care services with out of state agencies or individuals subject to certain exceptions.

IV. Prohibits malpractice insurers from taking into account certain provisions of protected health care activity.

V. Prohibits certain foreign judgments concerning protected health care activity from being given full faith and credit.

VI. Prohibits extraditing certain individuals for legally protected health care activity.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to legal protections for legal reproductive health care services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Reproductive Health Care Access. Amend RSA by inserting after chapter 132-A
2 the following new chapter:

3 CHAPTER 132-B

4 REPRODUCTIVE HEALTH CARE ACCESS

5 132-B:1 Definitions. In this chapter:

6 I. "Reproductive health care" means and includes all services, care, medications, and
7 products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral
8 health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing
9 nature relating to the human reproductive system provided in accordance with the constitution and
10 the laws of this state pursuant to RSA 132:33 and RSA 329:32 through RSA 329:53, whether
11 provided in person or by means of telehealth or telehealth services, which includes, but is not limited
12 to, all services, care, and products relating to pregnancy, assisted reproduction, contraception,
13 pregnancy loss, or the termination of a pregnancy.

14 II. "Legally protected health care activity" shall mean and include:

15 (a) The exercise and enjoyment, or the attempted exercise and enjoyment, by any person
16 of rights to reproductive health care secured by the laws of New Hampshire or the provision of
17 insurance coverage for such services;

18 (b) Any act or omission undertaken to aid or encourage, or attempt to aid or encourage,
19 any person in the exercise or attempted exercise of rights to reproductive health care as secured by
20 the laws of New Hampshire, or to provide insurance coverage for such services or care; provided,
21 however, that the provision of such reproductive health care by a person duly licensed under the
22 laws of this state and physically present in this state and the provision of insurance coverage for
23 such services or care shall be a legally protected health care activity if the service or care is
24 permitted under the laws of this state; and

25 (c) Shall not include any reproductive health care rendered below or in violation of an
26 applicable professional standard of care.

27 III. "Abusive litigation" shall mean and include litigation or other legal action to deter,
28 prevent, sanction, or punish any person engaging in legally protected health care activity by:

29 (a) Filing or prosecuting any action in any state other than New Hampshire where
30 liability, in whole or part, directly or indirectly, is based on legally protected health care activity that

1 occurred in New Hampshire, including any action in which liability is based on any theory of
2 vicarious, joint, or several liability derived therefrom; or

3 (b) Attempting to enforce any order or judgment issued in connection with any such
4 action by any party to the action or any person acting on behalf of a party to the action; provided,
5 however, that a lawsuit shall be considered to be based on conduct that occurred in New Hampshire
6 if any part of any act or omission involved in the course of conduct that forms the basis for liability in
7 the lawsuit occurs or is initiated in New Hampshire, whether or not such act or omission is alleged
8 or included in any pleading or other filing in the lawsuit.

9 132-B:2 Reproductive Health Care Access.

10 I. Every individual present in the state, including, but not limited to, an individual who is
11 under state control or supervision, shall have the fundamental right to reproductive health care as
12 defined in RSA 132-B:1, I. The right to reproductive health care shall not be abridged by any law,
13 rule, regulation, ordinance, or order issued by any state, county, or local governmental authority.
14 Any law, rule, regulation, ordinance, or order, in effect on or adopted after the effective date of this
15 act, that is determined to have the effect of limiting the statutory right to freedom of reproductive
16 choice and that does not conform with the provisions and the express or implied purposes of this act,
17 shall be deemed invalid and shall have no force or effect.

18 II. Any public act or record of a foreign jurisdiction that prohibits, criminalizes, sanctions,
19 authorizes a person to bring a civil action against, or otherwise interferes with a person, provider,
20 carrier, or other entity in New Hampshire that seeks, receives, causes, aids in access to, aids or
21 abets, or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or abet, or
22 provide, reproductive health care shall be an infringement with the exercise and enjoyment of the
23 rights secured by the laws of the New Hampshire and shall be a violation of the public policy of New
24 Hampshire.

25 132-B:3 Tortious Interference With Legally Protected Health Care Activity.

26 I. If a person, including any plaintiff, prosecutor, attorney, or law firm, whether or not
27 acting under color of law, engages or attempts to engage in abusive litigation that infringes on,
28 interferes with, or attempts to infringe on or interfere with legally protected health care activity as
29 defined in RSA 132-B:1, II, any aggrieved person, provider, carrier, or other entity, including any
30 defendant in such abusive litigation, may institute and prosecute a civil action for injunctive,
31 monetary, or other appropriate relief within 3 years after the cause of action accrues.

32 II. Any aggrieved person, provider, carrier, or other entity, including any defendant in such
33 abusive litigation, may move to modify or quash any subpoena issued in connection with such
34 abusive litigation on the grounds that the subpoena is unreasonable, oppressive, or inconsistent with
35 the public policy of the state pursuant to the New Hampshire rules of civil procedure.

36 III. If the court finds for the petitioner in an action authorized by this section, recovery shall
37 be in the amount of actual damages, which shall include damages for the amount of any judgment

1 issued in connection with any abusive litigation, and any and all other expenses, costs, or reasonable
2 attorney's fees incurred in connection with the abusive litigation.

3 IV. A court may exercise jurisdiction over a person in an action authorized by this section if:

4 (a) Personal jurisdiction is found;

5 (b) The person has commenced any action in any court in New Hampshire and, during
6 the pendency of that action or any appeal therefrom, a summons and complaint is served on the
7 person or the attorney appearing on the person's behalf in that action or as otherwise permitted by
8 law; or

9 (c) The exercise of jurisdiction is permitted under the Constitution of the United States.

10 V. This section shall not apply to a lawsuit or judgment entered in another state that is
11 based on conduct for which a cause of action exists under the laws of New Hampshire if the course of
12 conduct that forms the basis for liability had occurred in whole or in part in New Hampshire,
13 including any contract, tort, common law, or statutory claims.

14 132-B:4 Reproductive Health Care; Laws Governing Cases or Controversies Heard in New
15 Hampshire.

16 I. Notwithstanding any general or special law or common law conflict of law rule to the
17 contrary, the laws of New Hampshire shall govern in any case or controversy heard in the state
18 related to reproductive health care as defined in RSA 132-B:1, I, except as may be required by
19 federal law.

20 II. Notwithstanding any other provision in this chapter to the contrary, except as required
21 by federal law, a court shall not issue a summons where a prosecution is pending in another state
22 concerning legally protected health care as defined in RSA 132-B:1, II, or where a grand jury
23 investigation concerning legally protected health care activity has commenced or is about to
24 commence for a criminal violation of a law of such other state unless the acts forming the basis of the
25 prosecution or investigation would also constitute an offense in New Hampshire.

26 III. Notwithstanding any other provision in this chapter to the contrary, except as required
27 by federal law, a court of this state shall not order a person who is domiciled or found within this
28 state to give testimony or statement or produce documents or other things for use in connection with
29 any proceeding in a tribunal outside the state concerning legally protected health care activity, as
30 defined in RSA 132-B:1, II.

31 132-B:5 Cooperation With Out of State Investigations Regarding Legally Protected Health Care
32 Activity.

33 Notwithstanding any general or special law to the contrary, and except as required by federal
34 law, the state of New Hampshire, a political subdivision of this state, or any person acting under the
35 color of state, county, or municipal law shall be prohibited from expending or using any time, money,
36 facilities, property, personnel, or financial resources to cooperate with or provide information to any

1 federal agency or department, any out-of-state agency or department, or individual regarding the
2 provision of legally protected health care activity as defined by RSA 132-B:1, II.

3 2 Office of Professional Licensure and Certification; Complaints and Investigations. Amend
4 RSA 310:9, I(a) to read as follows:

5 (a) The office or the boards within the office may disclose information acquired in an
6 investigation to law enforcement, if it involves suspected criminal activity, to health licensing
7 agencies in this state or any other jurisdiction, or in response to specific statutory requirements or
8 court orders, ***except that the office or the boards shall be prohibited from disclosing***
9 ***information to any individual, out-of-state agency or department, quasi-law enforcement***
10 ***agent, or federal agency or department, or expend or use any time, money, facilities,***
11 ***property, equipment, personnel or other resources in relation to an investigation or inquiry***
12 ***regarding the provision or receipt of legally protected health care activity as defined by***
13 ***RSA 132-B:1, II. Nothing in this section shall prohibit the investigation of any criminal***
14 ***activity in this state which may involve reproductive health care services as defined by RSA***
15 ***132-B:1, I, provided that no information relating to any such services performed on a***
16 ***specific individual nor any communications related thereto may be shared with an out-of-***
17 ***state agency, department, or individual.***

18 3 Office of Professional Licensure and Certification; Complaints and Investigations. Amend
19 RSA 310:9, IV to read as follows:

20 IV. Allegations of misconduct received by the office, information and records acquired by the
21 office during an investigation, and reports and records made by the office because of its
22 investigation, shall be held confidential and shall be exempt from the disclosure requirements of
23 RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing, ***or***
24 ***unless the disciplinary hearing is regarding the provision of legally protected health care***
25 ***activity as defined by RSA 132-B:1, II.*** However, the office may disclose information acquired in
26 an investigation to law enforcement or licensing agencies in this state or any other jurisdiction, or in
27 accordance with specific statutory requirements or court orders, ***except that the office or the***
28 ***boards shall be prohibited from disclosing information to any individual, out-of-state***
29 ***agency or department, quasi-law enforcement agent, or federal agency or department, or***
30 ***expend or use any time, money, facilities, property, equipment, personnel or other resources***
31 ***in relation to an investigation or inquiry regarding the provision or receipt of legally***
32 ***protected health care activity as defined by RSA 132-B:1, II.***

33 4 New Paragraph; Office of Professional Licensure and Certification; Disciplinary Proceedings;
34 Non-Disciplinary Remedial Proceedings. Amend RSA 310:10 by inserting after paragraph XV the
35 following new paragraph:

36 XVI.(a) Notwithstanding any general or special law to the contrary, no person shall be
37 subject to discipline by the office or a board, including through the revocation, suspension, or

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1 cancellation of a certificate, registration, or license, or a reprimand, censure, or monetary fine, for
2 providing or assisting in the provision of legally protected health care activity as defined by RSA
3 132-B:1, II or for any judgment, discipline, or other sanction arising from the health care services if
4 the services as provided are lawful and consistent with the standard of conduct for the designated
5 profession in New Hampshire.

6 (b) No board shall make available for public dissemination on an individual's profile the
7 record of any criminal conviction or charge for a felony or serious misdemeanor, final disciplinary
8 action by a licensing board in another state, or a malpractice court judgment, arbitration award, or
9 settlement that resulted from providing or assisting in the provision of legally protected health care
10 activity as defined by RSA 132-B:1, II or any judgment, discipline, or other sanction arising from the
11 health care services if the services as provided are lawful and consistent with the standard of
12 conduct for the designated profession in New Hampshire.

13 (c) No board shall take adverse action on an application for a certificate, registration, or
14 licensure based on a criminal or civil action or disciplinary action by a licensing board of another
15 state or a medical malpractice claim in another state that resulted from providing or assisting in the
16 provision of legally protected health care activity as defined by RSA 132-B:1, II that, as provided, are
17 lawful and consistent with the standard of conduct for the designated profession in New Hampshire.

18 5 New Subparagraph; Patient Information. Amend RSA 332-I:2, I by inserting after
19 subparagraph (g) the following new subparagraph:

20 (h) Except as required by federal law, a health care provider or any New Hampshire
21 based entity that comes into the possession of protected health information shall not reveal any
22 confidential communication or information related to reproductive health care as defined by RSA
23 132-B:1, I, to an out-of-state agency, department, or individual without the consent of the patient.

24 6 New Section; Mandatory Risk Sharing Plans; Medical Malpractice Assigned Risk Plan.
25 Amend RSA 404-C:5 by inserting after section 5-a the following new section:

26 404-C:5-b Medical Malpractice Assigned Risk Plan.

27 No medical malpractice insurer shall discriminate against a medical provider or adjust or
28 otherwise calculate a medical provider's risk classification or premium charges on the basis that:

29 I. The medical provider offers reproductive health care as defined by RSA 132-B:1, I that is
30 unlawful in another state;

31 II. Another state's laws create potential or actual liability for those services; or

32 III. Abusive litigation against a provider concerning reproductive health care resulted in a
33 judgment against the provider, if such health care services would be lawful and consistent with good
34 medical practice as provided if they occurred entirely in New Hampshire.

35 7 New Section; Enforcement of Foreign Judgments; Exceptions. Amend RSA 524-A by inserting
36 after section 8 the following new section:

37 524-A:9 Exceptions.

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1 Except as required by federal law, a judgment creditor shall not file a copy of any foreign
2 judgment under this section if the judgment was issued in connection with any litigation concerning
3 legally protected health care activity, as defined in RSA 132-B:1, II. In any action filed to enforce a
4 foreign judgment issued in connection with abusive litigation concerning legally protected health
5 care activity, the court shall not give any force or effect to any judgment issued without jurisdiction
6 or due process or to any judgment that is penal in nature.

7 8 New Section; Fugitives from Justice; Duty of Governor; Exception. Amend RSA 612 by
8 inserting after section 2 the following new section:

9 612:2-a Fugitives from Justice; Duty of Governor; Exception.

10 Except as required by federal law, no demand for the extradition of a person subject to criminal
11 liability that is in whole or in part based on the alleged provision or receipt of, assistance in
12 provision or receipt of, material support for, or any theory of accomplice or conspiracy liability for
13 any legally protected health care activity performed in New Hampshire as defined in RSA 132-B:1, II
14 that was in accordance with the laws of the state where the person was present shall be recognized
15 by the governor unless the executive authority of the demanding state shall allege in writing that
16 the accused was physically present in the demanding state at the time of the commission of the
17 alleged crime, and that thereafter the accused fled from that state.

18 9 Fugitives from Justice; Extradition of Persons Not Present in Demanding State at Time of
19 Commission of Crime. Amend RSA 612:6 to read as follows:

20 612:6 Extradition of Persons Not Present in Demanding State at Time of Commission of Crime.
21 The governor of this state may also surrender, on demand of the executive authority of any other
22 state, any person in this state charged in such other state in the manner provided in RSA 612:3 with
23 committing an act in this state or in a third state, intentionally resulting in a crime in the state
24 whose executive authority is making the demand, and the provisions of this chapter not otherwise
25 inconsistent shall apply to such cases, even though the accused was not in that state at the time of
26 the commission of the crime and has not fled therefrom, **except as prohibited by RSA 612:2-a.**

27 10 Fugitives from Justice; Arrest Without a Warrant. Amend RSA 612:14 to read as follows:

28 612:14 Arrest Without a Warrant. The arrest of a person may be lawfully made also by any
29 peace officer or a private person without a warrant upon reasonable information that the accused
30 stands charged in the courts of a state with a crime punishable by death or imprisonment for a term
31 exceeding one year, but when so arrested the accused must be taken before a judge or magistrate
32 with all practicable speed, and complaint must be made against him, under oath, setting forth the
33 ground for the arrest as in RSA 612:13, and, thereafter, his answer shall be heard as if he had been
34 arrested on a warrant, **except as prohibited by RSA 612:2-a.**

35 11 Severability Clause. If any provision of this act, or the application thereof to any person or
36 circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the

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- 1 chapter which can be given effect without the invalid provisions or applications, and to that end the
- 2 provisions of this chapter are severable.
- 3 12 Effective Date. This act shall take effect upon its passage.

**SB 551-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to legal protections for legal reproductive health care services.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association