



To: Chair John Janigan, Vice Chair Jordan Ulery, and the House Ways and Means Committee
Re: Testimony in Opposition to HB 1338 restricting abortion providers from the definition of charitable organization for the purposes of games of chance.
Date: January 12, 2026
Position: INEXPEDIENT TO LEGISLATE

Background

Reproductive Equity Now works across New England to make equitable access to the full spectrum of reproductive health care a reality for all people. Advancing reproductive justice and eliminating barriers to abortion care are central to our mission.

HB 1338 unfairly excludes two nonprofit health care providers, Equality Health Center of Concord and Loving Health Center of Greenland, from participating in charitable gaming despite meeting eligibility requirements for the program. **The bill bypasses the authority of the Charitable Gaming Oversight Commission, which was established by the New Hampshire Legislature just last year, and sets a dangerous precedent by politicizing charitable gaming, potentially allowing for future legislatures to exclude other charitable, civic, and religious organizations from the program.**

HB 1338 bypasses the authority of the Charitable Gaming Oversight Commission

In 2025, the General Court of New Hampshire revised the membership and duties of New Hampshire's Charitable Gaming Oversight Commission ("Oversight Commission") and extended its tenure for an additional decade.¹ As mandated in statute, the Oversight Commission must prioritize making administrative or legislative recommendations to charitable gaming law, including "any possible changes needed to restructure or modify systems for allocating and overseeing the use of funds granted to the state and to charities and gaming operators participating in games of chance and in historical horse race gaming."² The commission's recommendations must be submitted to the Legislature in a report each year, with the first report due on or before November 1, 2026.³ HB 1338's proposed changes to the definition of charitable organization within the statutes governing games of chance in New Hampshire bypasses the oversight commission's authority to thoroughly debate and subsequently advise the Legislature on such matters. Furthermore, the four state representatives appointed to serve on the Oversight Commission are not co-sponsors of HB 1338, signaling their lack of support for this measure.⁴ To date, the prevailing sentiment of the Oversight Commission has been to oppose legislative involvement in picking which licensed charities with which gaming operators are allowed to partner.

¹ See H.B. 328, 2025 Sess., (N.H. 2025), ch. 274.

² RSA 284:6-c, V(b) (2025).

³ RSA 284:6-c, V(2025).

⁴ See The General Court of New Hampshire, *Racing and Charitable Gaming Study Commission, Committee Members*, <https://gc.nh.gov/statstudcomm/details.aspx?id=1734%20&rbl=1&txtkeyword=charitable> (last visited Jan. 12, 2026).

Furthermore, the previous iteration of the Oversight Commission, the Commission to Study the Effect of Recent Changes Made to Charitable Gaming (“Study Commission”), was tasked with examining if a uniform selection process for eligible charities should be established across charitable gaming locations.⁵ In November 2024, the study commission submitted a report to the Legislature recommending the pursuit of a more uniform approach to charity selection through rulemaking changes at the New Hampshire Lottery and Gaming Commission that involves engagement from licensed charitable gaming facilities, charitable beneficiaries, and the public.⁶ The sponsors of HB 1338 did not seek input from the aforementioned entities before suggesting changes to the definition of charitable organization for the purposes of games of chance.

HB 1338 sets a dangerous precedent of politicizing charitable gaming

In Fiscal Year 2024, the New Hampshire Lottery reported that charitable gaming brought in nearly \$245 million in total revenue, with over \$39 million being designated to non-profit organizations licensed by the New Hampshire Lottery Commission (“Lottery Commission”).⁷ As enacted by RSA: 287-D:6, to be deemed eligible by the lottery commission, charitable organizations must have a tax-exempt status of Internal Revenue Code (IRC) section 501(c)(3), (4), (7) (8), (10), or (19); business registration with with the Secretary of State's Office; and for organizations with an IRS 501(c)(3) tax exempt status, registration with the Department of Justice’s Charitable Trust Unit.⁸ Furthermore, organizations must submit a current list of members and a charitable purpose with outcomes aimed toward benefiting New Hampshire.⁹ Licensed charities are eligible to benefit from no more than 10 days of charitable gaming revenue at a licensed facility per calendar year.¹⁰

In 2023, 800 charities that met the aforementioned licensure requirements were beneficiaries of charitable gaming funds.¹¹ These charities included religious organizations, churches, civic groups, historical societies, health care providers, educational foundations, shooting sports clubs, humane societies, and more. By aiming to restrict a small subset of licensed charities from the program who meet all eligibility requirements and remain in good standing with the state, HB 1338 takes an unprecedented step toward politicizing charitable gaming and dictating with whom gaming operators are allowed to partner. This bill creates a pathway for restricting other eligible and licensed charities from participating in the program by choosing to value political considerations over public benefit.

⁵ RSA 284:6-c (2023).

⁶ Commission to Study the Effect of Recent Changes Made to Charitable Gaming Laws, Including the Newly Authorized Historical Horse Races, *Final Report to the Commission to Study the Effect of Recent Changes Made to Charitable Gaming Laws, Including the Newly Authorized Historical Horse Races*, Nov. 1, 2024, Available at <https://gc.nh.gov/statstudcomm/committees/1657/reports/New%20Hampshire%20Charitable%20Gaming%20Study%20Report.pdf>.

⁷ Arielle Mitropoulos, *Charitable gaming brings in millions of dollars to state, still leaves New Hampshire behind neighbors*, WMUR9 (May 6, 2025), <https://www.wmur.com/article/charitable-gaming-revenue-new-hampshire-05062025/64691322>.

⁸ RSA: 287-D:6, I(h) (2023).

⁹ RSA: 287-D:6, I(b) (2023).

¹⁰ RSA: 287-D:6, IV) (2023).

¹¹ See Commission to Study the Effect of Recent Changes Made to Charitable Gaming Laws, *supra* note 6, at 12.

Conclusion

Reproductive Equity Now encourages your opposition to HB 1338 and is committed to working further with legislators, community leaders, and advocates alike to ensure its defeat. We thank you for your consideration and for the opportunity to provide testimony and urge you to reject this proposal.

Respectfully submitted,

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