

Testimony for HB1313, repealing buffer zones for reproductive health care facilities
House Judiciary Committee
February 11, 2026

Dear Committee Members,

I am testifying today to ask you to vote Ought to Pass on HB1313, the Sidewalk Free Speech Act to repeal the unconstitutional buffer zone law which allows private abortion businesses to designate up to 25 feet of the public sidewalk and street as no-free-speech zones.

Here is a countdown of the top 10 myths about the New Hampshire buffer zone law to reinforce why this law needs to be repealed.

Myth #10 – The ACLU-NH supports buffer zones.

In 2019, Giles Bissonnette, legal director for the ACLU-NH, **said the following** about a proposal by a Manchester alderman to allow businesses in the downtown district to control the sidewalk outside their storefronts.

Individuals, of course, have a constitutionally protected right to be in public places. ... a court would likely view any concern that the presence of individuals and their possessions in public places may make others feel uncomfortable as insufficiently compelling to justify an intrusion on one's right to be in a public place, especially where the person being impacted has not committed a crime. The Constitution, of course, does not protect individuals from feeling uncomfortable.

In 2014, Gilles Bissonnette **submitted testimony** in defense of sidewalk chalkers in Keene:

It is worth noting that public sidewalks and streets, as the New Hampshire Supreme Court has explained, are "fundamental to the continuing vitality of our democracy, for 'time out of mind, [they] have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.'

Myth #9 – Ruth Bader Ginsburg supported buffer zones.

In 2014, a [unanimous US Supreme Court](#) decided that the Massachusetts buffer zone, which is almost identical to the New Hampshire buffer zone, is unconstitutional and Ruth Bader Ginsburg was one of those justices.

RGB told the AP: “It was not a compromise decision but a good decision to say yes, you can regulate, but it is speech so you have to be careful not to go too far.”

Learn more about her decision at [Ginsburg defends decision on abortion clinics’ buffer zones](#).

Myth #8 – The state of New Hampshire risks nothing by keeping the law on the books.

Leaving this law in place puts the state of New Hampshire on the hook for big money if an abortion facility posts a buffer zone. New Hampshire would have to defend against a lawsuit from those who are illegally blocked from being present on the public sidewalk and who could come after the state for millions of dollars in damages and attorneys’ fees.

The state of Massachusetts [paid \\$1.2 million](#) in attorney’s fees in 2014 when they lost their buffer zone case.

Myth #7 – Abortion facility buffer zones are no different than no soliciting zones around polling places.

These restrictions have been compared to the no soliciting zones outside polling places but there is no comparison. Anyone can stand or sit inside the no soliciting zone and chat with or call a friend or wait for a ride. The only thing that is restricted inside the no-soliciting zone is campaigning.

Myth #6 – No one is restricted or inconvenienced by buffer zones.

All an abortion business needs to do is post signs on the perimeter of the zone and the freedom to be present on taxpayer-owned and maintained property can be stopped. Even if someone is completely peaceful, praying silently, making a phone call, waiting for a ride, or chatting with a companion, they can be forced to leave by the authorities.

In Manchester, Planned Parenthood is part of a strip of commercial buildings on one side of the street and across the street, it is all residential. A buffer zone would put vigil participants on the sidewalk in front of private homes.

In Concord, a buffer zone around the Equality Health Center abortion facility would push vigil participants to the sidewalk outside a neighboring apartment building or across the street in front of Gibson's Bookstore.

In both these cases, this would inconvenience those residents and businesses that have nothing to do with the abortion facility.

Myth #5 – Only pro-life people would be blocked from the sidewalk by buffer zones.

If Planned Parenthood's unionized employees had a labor dispute with PP, a buffer zone would block them from being able to stand on the public sidewalk outside their employer and demand better work conditions.

Myth #4 – Buffer zones protect abortion facility staff and clients from violent acts.

Buffer zones don't provide any security. A bad actor can walk right through the zone to commit a crime. There aren't any fences or any kind of protection around the buffer zones. Someone could even make an appointment and be allowed inside the building where he could perform his illegal actions. The buffer zone won't stop weapons or bombs or any violent act.

And there are laws against harassment and assault. Any such illegal activity should be prosecuted.

Myth #3 – Abortion facilities need buffer zones to give their clients space to enter and leave their facilities.

The Lovering Health Center admitted in [their volunteer sign-up form](#) that they don't worry about people congregating outside their facility and they no longer recruit escorts to accompany their clients since they moved their abortion business from a small lot in Portsmouth to a building on a large piece of land in Greenland.

Outside their Portsmouth facility, there was crowding on the sidewalks but in Greenland, their clients can drive in and out on the long driveway and enter and leave the facility without interacting with anyone but the facility staff and other clients.

All the abortion businesses claim that the setup that Lovering has is ideal for their clients and staff but only Lovering has made the investment to provide it.

In Manchester, Planned Parenthood is located in a former auto parts store and the client parking lot is right next to the public sidewalk. The staff parking lot is very small and many staff members park on the street.

PP brags about how much they have invested in their Manchester building but they haven't invested in providing space needed for their staff to park or the space for the buffer they claim they desperately need between the sidewalk and their client parking lot.

In Concord, the Equality Health Center does not have a parking lot for their clients and all of their clients have to park on the street and come in the front door. There is crowding on the sidewalk between escorts, clients, and those who are there to witness.

What Planned Parenthood and the Equality Health Center want is to be able to take control of the public sidewalk and use it as a buffer instead of buying or leasing property that serves their staff and clients' needs.

Myth #2 – Clients are physically being blocked from entering abortion facilities and there is no way to stop this illegal behavior except with buffer zones.

There is a federal law against blocking entrances or driveways to abortion facilities. The [Freedom of Access to Clinic Entrances Act](#) of 1994 (FACE) makes it a federal crime to physically obstruct the entrance to a clinic or to use force, the threat of force, or physical obstruction, such as a sit-in, to interfere with, injure, or intimidate clinic workers or women seeking abortions or other reproductive health services.

Myth #1 – Buffer zones are currently in use to protect abortion facility staff and clients.

There are no buffer zones and there have never been buffer zones in the almost 12 years since then-Governor Maggie Hassan signed the law. Abortion businesses know that if they posted one it would be struck down by a judge as unconstitutional.

Please vote Ought to Pass on HB1313 and repeal this law which helps no one, protects no one, and is a serious infringement on our God-given and constitutionally-protected freedom of speech.

Beth Scaer, Nashua