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January 19, 2022

Senator Sharon Carson, Chairwoman
Senate Judiciary Committee
State House, Room 100
107 N. Main Street
Concord, NH 03301

RE: SB 399 repealing the fetal health protection act

Dear Chairwoman Carson and Members of the Senate Judiciary Committee:

Bi-State Primary Care Association and our members respectfully request SB 399 repealing the fetal health protection act be recommended ought to pass. Bi-State staff and our members will not attend legislative hearings due to the risk of COVID-19, and we thank you for the opportunity to submit written testimony to your committee electronically. Bi-State and our members write to you in strong support of SB 399.

Bi-State Primary Care Association (Bi-State) is a 501(c)(3) nonprofit organization, formed by two health and social service leaders in 1986 to advance access to comprehensive primary care and preventive services for all, with special emphasis on those most in need in New Hampshire and Vermont. Today, Bi-State represents 28 member organizations across both states that provide comprehensive primary care services to over 300,000 patients at 146 locations. Our members include community health centers, federally qualified health centers, area health education center programs, and Planned Parenthood of Northern New England. New Hampshire's 13 health centers serve approximately 112,000 patients at locations across the state, including in those districts represented by the senators on the Judiciary Committee.

Bi-State and our members strongly opposed the abortion ban included in the state budget last session. As you know, RSA §§329:43 – 329:50 ban abortion at or after 24 weeks with virtually no exceptions: The only exception included was for the physical health of the mother, but there were no exceptions for cases of rape, incest, or fatal fetal diagnoses.¹ The abortion ban also criminalized the services of doctors and included fines of up to \$100,000 and up to seven years in prison for simply providing care to their patients.² Statute now also requires that patients undergo an obstetric ultrasound prior to receiving abortion care, regardless of whether the pregnancy was the result of rape or incest or the stage of the pregnancy.³ This is inconsistent

¹ See N.H. Rev. Stat. Ann. §329:44 (2022).

² See N.H. Rev. Stat. Ann. §329:46 (2022).

³ N.H. Rev. Stat. Ann. §329:44 (2022).

with best medical practices and affects the ability of clinicians to deliver patient-centered, trauma-informed care.

Bi-State Primary Care Association and our members strongly believe patients have the right to make their own personal medical decisions in consultation with their health care providers. A patient and their provider know the real-life complexities that exist in the patient's life. It is impossible for statutes to consider and accommodate the difficult and unfortunate circumstances families find themselves in, and SB 399 acknowledges this. Pregnant patients deserve our compassion and support; they do not deserve intrusion or interference in the patient-provider relationship, or the determination of a family's circumstances that people outside of this relationship cannot understand.

Requiring patients to receive an ultrasound prior to accessing abortion care creates an unnecessary barrier to care. Ultrasounds cost money. While some patients can access ultrasounds at a reduced cost, they are not readily available or easily accessible for all. New Hampshire statutes now force a pregnant patient to endure a medical procedure that may not be necessary. This requirement eliminates the ability of clinicians to deliver trauma-informed care and instead shames patients and adds a barrier to abortion access.

The highly trained clinicians who treat complex pregnancies do not need or deserve the threat of criminal penalties and fines hanging over their heads while trying to do their jobs. Pregnancies are complex, and unfortunately sometimes result in serious complications later in pregnancy. Achieving the best possible health outcomes is paramount and depends on the skills and efforts of these trained clinicians. The abortion ban now in New Hampshire statute interferes with the patient-provider relationship and the ability of these clinicians to do their jobs.

For these reasons and more, we ask for your support of SB 399. We trust pregnant patients and their clinicians to know what is best for those pregnant patients. We ask you to do the same by supporting SB 399.

Sincerely,

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