

GENDER MATTERS

from the New Hampshire Women's Foundation

WHEN YOU KNOW THE FACTS, YOU CAN ACT!

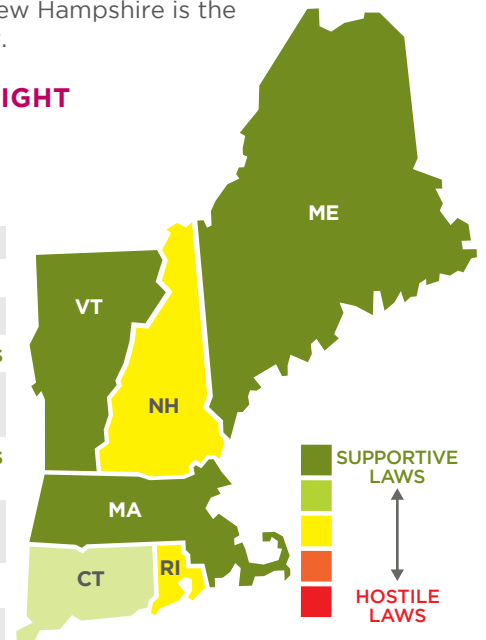
2022: ISSUE 2 Abortion Rights in New Hampshire

Abortion is legal in New Hampshire, and the “Live Free or Die” State has a long, bipartisan history of supporting abortion access. However, in June 2021, Governor Sununu signed the first abortion ban in modern history, banning abortion after 24 weeks. In June 2022, the U.S. Supreme Court, in *Dobbs v. Jackson Women's Health Organization*, eliminated the federal right to abortion, leaving abortion rights up to the states. New Hampshire is the only state in New England that has not protected the right to abortion in state law.

NEW HAMPSHIRE: ONLY NEW ENGLAND STATE TO NOT PROTECT RIGHT TO ABORTION

Source: Guttmacher Institute and the Center for Reproductive Rights, 2022.

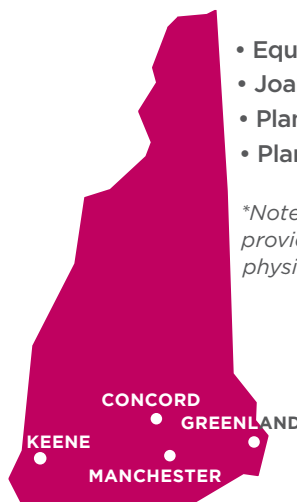
ABORTION LAWS		CT	ME	MA	NH	RI	VT
Hostile Abortion Laws	Abortion Ban at 24 weeks	No	No	Yes	Yes	No	No
	Abortion Ban at Viability	Yes	Yes	No	No	Yes	No
	Parental Involvement Required	No	No	Yes	Yes	Yes	No
Supportive Abortion Laws	State Law Protects Right to Abortion	Yes	Yes	Yes	No	Yes	Yes
	Constitutional Amendment to Protect Right to Abortion	No	No	No	No	No	No
	Medicaid Coverage for All or Most Medically Necessary Abortions	Yes	Yes	Yes	No	No	Yes
	Private Health Insurance Plans Must Cover Abortion	No	Yes	No	No	No	No
	Buffer Zone / Patient Safety Zone	No	Yes	Yes	Yes	No	No
	Protects Against Extradition	No	No	Yes	No	No	No



ABORTION LAWS IN NEW HAMPSHIRE

- Abortion is legal up to 24 weeks; after 24 weeks, there are exceptions for fatal fetal diagnosis and life of the pregnant person, but no exceptions for rape or incest.^{1,2}
- Health care providers who perform an abortion after 24 weeks can be charged with a Class B felony and be sued for damages in civil court.^{3,4}
- Parental notification is required before a minor under 18 years old may access abortion, unless authorization is granted by a New Hampshire Superior Court judge.⁵
- NH Medicaid will cover abortion only in the cases of rape, incest or life endangerment of the pregnant person.⁶

CLINICS PROVIDING ABORTION IN NEW HAMPSHIRE



- Equality Health Center, Concord, NH
- Joan G. Lovering Health Center, Greenland, NH
- Planned Parenthood, Keene, NH
- Planned Parenthood, Manchester, NH

*Note: There are other non-clinic abortion providers in the state including hospitals and physician offices.

In 2020, 2,050 abortions occurred in New Hampshire, the lowest rate among New England states.⁷ Nationally and in New Hampshire, abortion has declined due to a combination of factors, including increased use of long-acting reversible contraception.⁸

TIMELINE OF ABORTION LAWS IN NEW HAMPSHIRE⁹



PARENTAL NOTIFICATION

2003 – 2011

JUNE 19, 2003

Governor Craig Benson signs a bill requiring parental notification for people under 18 seeking abortion care, which lacked explicit exception to protect the health of the pregnant minor.

NOV. 30, 2005

Then-Attorney General Kelly Ayotte appeals the decision of the lower courts and argued *Ayotte v. Planned Parenthood of Northern New England* in the U.S. Supreme Court.

JAN. 16, 2006

The U.S. Supreme Court rules unanimously, 9-0, affirming the lower court's decision in favor of Planned Parenthood of Northern New England.

JUNE 29, 2007

Governor John Lynch signs legislation to repeal the parental notification law.

JUNE 22, 2011

The New Hampshire Legislature passes another parental notification bill, providing an exception for the health of the minor, overriding a veto by then-Governor John Lynch.

2022

JUNE 24, 2022

U.S. Supreme Court overturns *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization*, removing federal abortion protections and leaving abortion rights up to each state.

1973

JANUARY 22, 1973

The U.S. Supreme Court decides *Roe v. Wade*, protecting the right to abortion in the U.S.

1997

JUNE 3, 1997

Governor Jeanne Shaheen signs the repeal of three pre-Roe anti-abortion laws in New Hampshire. There were four Republican and five Democratic sponsors of the bill.

2021

JUNE 25, 2021

Governor Chris Sununu signs first abortion ban in modern New Hampshire history, prohibiting abortion after 24 weeks, without exceptions for rape, incest, or fatal fetal anomaly, and including an ultrasound mandate for all individuals seeking an abortion, regardless of medical necessity.

2022

MAY 27, 2022

Governor Sununu signs legislation which addressed some of the harm his abortion ban caused, by adding a critical exception for fatal fetal diagnoses and repealing the ultrasound mandate.

2022

SPRING 2022

The New Hampshire House and Senate rejects efforts to enshrine abortion rights before 24 weeks in state statute.

TERMINOLOGY

Buffer Zone / Patient Safety Zone:

Enacted laws that either prohibit acts such as vandalism and obstruction at abortion clinics or limit protests aimed at abortion clinics, to provide safe passage for patients and providers.¹⁰

Fatal Fetal Diagnosis: Condition likely to lead to the death of the fetus in utero or shortly after birth.¹¹

Medication Abortion: Includes the use of two medications, mifepristone and misoprostol, to safely end a pregnancy.¹²

Viability: The ability for a fetus to survive outside the uterus.¹³

POST-ROE POLICY PRIORITIES IN NEW HAMPSHIRE¹⁴

1. Pass proactive legislation to enshrine the right to access abortion in New Hampshire.
2. Amend New Hampshire's Constitution to enshrine the right to access abortion in New Hampshire.
3. Repeal current abortion restrictions.
4. Address disparities in abortion care based on geographic location, including for abortion later in pregnancy.
5. Support policies to ensure abortion and abortion-related care is covered for all patients, regardless of insurance.
6. Increase the number of providers who offer abortion care.
7. Defeat anti-abortion legislation in the State House.

*See the New Hampshire Abortion Access Coalition's site for the full agenda for the future of abortion access in New Hampshire: NHAbortionAccess.Org

A NOTE ON INCLUSIVE LANGUAGE

While women are the majority of people who need abortion care, our language in this report (including "pregnant person" and "people who can become pregnant") reflects and acknowledges that other marginalized groups, including trans men, nonbinary and genderqueer folks who have uteruses, also need access to abortion and reproductive health care.

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For citation references, see NHWomensFoundation.Org/GM2022AbortionRights



We invest in opportunity and equality for women and girls in New Hampshire through research, education, advocacy, grantmaking, and philanthropy.

Learn more at www.NHWomensFoundation.Org



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