

DIOCESE OF MANCHESTER

February 18, 2020

Senator Kevin Cavanaugh, Chair
and Members of the Senate Commerce Committee
State House
Concord, NH 03301

Re: SB 486 (Mandatory Insurance Coverage for Abortions)

Dear Senator Cavanaugh and Members of the Committee:

As Director of Public Policy for the Roman Catholic Diocese of Manchester, and on behalf of Bishop Peter Libasci, I want to respectfully register **our opposition to SB 486**.

It goes without saying that abortion is the issue that most sharply divides the body politic in this country today. As has been said, some look at the images of a child in the womb and see one of us. Others look at those same images and do *not* see one of us. Or they see one of us and yet they believe that there are reasons why the law should allow the taking of that life.

As you know, over the years this Diocese has actively advocated on many public issues where the fundamental principles of life and human dignity were at stake. We have for instance opposed the death penalty, supported stronger protections for victims of human trafficking, and taken positions on behalf of immigrants. We strongly oppose this bill for exactly the same reasons.

I would like to briefly discuss three of the specific grounds for our objection to SB 486.

First, the bill wrongly equates abortion with health care.

SB 486 seeks to equate abortion services with maternity services. As I assume no one would deny, maternity care is life-affirming and life-giving. It is thus health care in the truest sense. Abortion, on the other hand, treats pregnancy as if it were a disease to be cured. It indisputably involves the intentional ending of a life. Killing is not health care.

Moreover, because New Hampshire law contains almost no restrictions on when or why abortions can be performed, this bill would have the effect of mandating insurance coverage for any abortions done (for example) for purposes of sex selection, or because of a finding of Down syndrome or genetic abnormalities. Abortions done for purely eugenics-based purposes would mandatorily be in the orbit of coverage under SB 486.

Second, and closely related to this, SB 486 would deeply violate the conscience rights of employers and individuals who are morally opposed to abortion.

Under SB 486, all health insurance policies that cover maternity services would also have to cover abortions as well. This would mean that in New Hampshire the only maternity services coverage that anyone could offer or obtain would be under a policy that also provides abortion coverage. Hence, individuals who profoundly oppose abortion would be presented with this choice under the statute: either purchase insurance that includes abortion coverage, or refrain from offering or purchasing the health insurance at all. The same problem would be presented for employers with respect to the insurance plans they offer to employees. SB 486 would statutorily eliminate any possibility that New Hampshire citizens could offer or choose health plans that run in accord with the dictates of their consciences on abortion.

It should be noted that this moral quandary does not extend only to religious entities or to employers or employees with objections to abortion under all circumstances. By virtue of the fact that abortion in New Hampshire is essentially unrestricted, the moral quandary could even extend to those who actually support abortion rights but only as limited say to the earlier stages of a pregnancy.

Conscience is one of the most fundamental rights that we are vested with as human beings. Part 1 Article 4 of the New Hampshire Constitution says that rights of conscience are “in their very nature unalienable.” No one -least of all the government- should disregard the obligation that conscience lays upon another person. As Martin Luther King Jr. said in the last sermon of his life, “There comes a time when one must take the position that is neither safe nor politic nor popular, but he must do it because his conscience tells him it is right.” I urge even the members of the Committee who support abortion rights to vote against this bill out of respect for the conscience rights of your constituents who are profoundly opposed to abortion.

Third, SB 486 would, if passed, violate federal law.

In every year since 2004, Congress has included the so-called Weldon Amendment in the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act. The Amendment states in relevant part:

None of the funds made available in this Act may be made available to a... State or local government, if such... government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

On January 24, 2020, the US Department of Health and Human Services Office for Civil Rights issued a Notice of Violation to the State of California on the grounds that California had contravened the Weldon Amendment by mandating that all California health care plan issuers cover abortions (a copy of that Notice of Violation is attached). SB 486 would create exactly the same type of discriminatory mandate in New Hampshire (indeed, it appears that SB 486 is even

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more sweeping than the California mandate because California evidently included a narrow exemption for a limited set of “religious employers”, an exemption that is not contained in SB 486.)

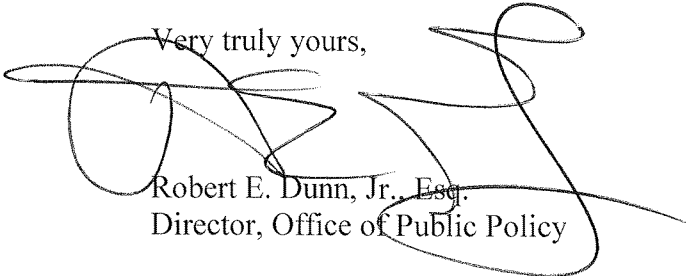
It is presumably because of the long-standing disputes over the applicability of the Weldon Amendment that proposed new RSA 417-D: 2-c in SB 486 includes the provision that the Commissioner of Insurance can grant exemptions to the SB 486 mandate as necessary to insure the receipt of federal funds. The uncertainty evidenced by this provision is yet one more reason why this bill should not be passed.

To conclude, I ask the Committee to consider how the vote on this bill will resonate in other areas. If we want our society to respect and value the child who is a refugee, or the child who is homeless, or the child who does not have access to health care, then we need to respect and value the child in the womb as well. If society designates certain ones of us as being expendable, we should not be surprised if society treats certain ones of us as expendable.

I respectfully urge the Committee to vote ITL on SB 486.

Thank you for your kind consideration of our views.

Very truly yours,



Robert E. Dunn, Jr., Esq.
Director, Office of Public Policy