



AMERICAN ATHEISTS

February 20, 2018

The Honorable Joseph Hagan
Chairperson, New Hampshire House Judiciary Committee
Legislative Office Building Rm. 208
33 N. State Street
Concord, New Hampshire 03301

Re: OPPOSITION for HB 1787, Testimony from American Atheists in opposition to a bill relating to the rights of conscience for medical professionals before the New Hampshire House Judiciary Committee

Dear Chairperson Hagan and Members of the House Judiciary Committee:

American Atheists, on behalf of its constituents in New Hampshire, writes in opposition to HB 1787, a controversial bill which would undermine the health and safety of New Hampshire citizens. HB 1787 allows health care providers and institutions to place their religious beliefs above the health and safety of patients by allowing them to refuse to provide necessary medical care. We urge you to vote against this dangerous and unnecessary bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of providers and institutions.

HB 1787 is unnecessary. There is simply no evidence that health care workers are regularly forced to provide contraception or reproduce health services such as abortion or sterilization against their religious beliefs in New Hampshire. In fact, the opposite is true. Hospitals and other health care institutions regularly accommodate the desire of workers to avoid certain procedures relating to reproductive services. The number of instances where a worker has been purportedly forced to engage in such activities unwillingly is shockingly low. At the federal level, the Department of Health and Human Services Office for Civil Rights reports that between 2008 and 2016, only 10 complaints were filed by health care workers related to religious belief.

Although advocates pretend that HB 1787 is about the religious freedom and consciences of individual health care workers, the bill is actually about protecting Catholic hospitals from liability as they continue to endanger New Hampshire women and subject them to substandard care. We can clearly see this bill

is not about religious liberty – it does nothing to protect the health care worker or the patient whose beliefs dictate that abortion services should be widely accessible, that contraception should be freely available to everyone, or that only the individuals involved should be able to determine if sterilization is the best option for them. Catholic hospitals regularly interfere with the ability of health care workers to offer such services. Why is the Catholic hospital’s religious liberty worth more than the conscientious health care worker or the patient’s religious liberty?

Although it address a nonexistent problem, HB 1787 will have a very real cost in terms of harm to New Hampshire citizens, particularly among low-income women, rural women, and women of color. Religious refusals are not merely a matter of individual rights because they always affects someone else’s health or access to care. In New Hampshire, more than 13% of all births occur at Catholic facilities, with even higher percentages for Black women, Latina women, and other women of color. In contravention of medical standards of care, such facilities prohibit health care workers from providing contraceptives, emergency contraception, sterilization, ectopic pregnancy treatments, abortion, and other reproductive services. These prohibitions apply regardless of the medical necessity or urgency of the procedure, the medical judgment of the provider, or the wishes of the patient. Application of these rules has been shown to negatively impact the health of patients,¹ and yet this bill would give Catholic hospitals free rein to engage in such practices without facing liability from the women they harm.

Moreover, HB 1787 lacks even basic measures to ensure the safety of the patients affected by a provider’s religious refusal. There is no obligation to inform the patient that their health is being subject to religious ideology rather than medical best practices or that certain services will not be provided even if medically necessary. There is no obligation to refer patients to other providers for relevant services – indeed, providers are specifically exempt from referral. The bill makes no exceptions for emergencies – In fact, it does the opposite by expressly clarifying that there is no defense even if the violation was necessary to protect a patient.

¹ See, e.g., Lori R. Freedman, Uta Landy, & Jody Steinauer, When There’s a Heartbeat: Miscarriage Management in Catholic-Owned Hospitals, 98 AMERICAN JOURNAL OF PUBLIC HEALTH 1774, 1774 (2008), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2636458/> (“Catholic-owned hospital ethics committees denied approval of uterine evacuation while fetal heart tones were still present, forcing physicians to delay care or transport miscarrying patients.”); Angel M. Foster, Amanda Dennis, Fiona Smith, Do Religious Restrictions Influence Ectopic Pregnancy Management? A National Qualitative Study, IBIS REPRODUCTIVE HEALTH, 21 WOMEN’S HEALTH ISSUES 24, 24 (2011), <https://www.ncbi.nlm.nih.gov/pubmed/21353977> (finding that physicians at Catholic hospitals “reported that, before initiating treatment, they were required to document nonviability through what they perceived as unnecessary paperwork, tests, and imaging studies.”); AMERICAN CIVIL LIBERTIES UNION, Health Care Denied: Patients and Physicians Speak Out About Catholic Hospitals and the Threat to Womens’ Health and Lives 8-9 (2016), https://aclunc.org/docs/20160505-aclu_catholic_hospital_report.pdf (reporting on Tamesha Means, who was repeatedly discharged from a Catholic hospital emergency room while miscarrying and Mindy Swank, who was forced to carry a nonviable pregnancy for seven weeks because of her hospital’s compliance with the ERDs).

We urge you, please do not put the interests of Catholic hospitals above the health and safety of your citizens. Please do not pass this dangerous legislation while falsely proclaiming it to be about religious freedom. If you should have any questions regarding American Atheists' opposition to HB 1787, please contact me at 908.276.7300 x9 or by email at agill@atheists.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'AG', is positioned above the typed name.

Alison Gill, Esq.
Legal and Policy Director
American Atheists

CC: All members of the New Hampshire House Judiciary Committee