



## THE NEW HAMPSHIRE SENATE AND HOUSE DEMOCRATIC OFFICES

June 22, 2023

Governor Christopher T. Sununu  
State House  
107 N. Main Street  
Concord, NH 03301

Dear Governor Sununu,

As we approach one year since the United States Supreme Court overturned nearly 50 years of precedent in the *Dobbs vs. Jackson Women's Health Organization* case, **we are asking you to work with us to protect abortion rights in New Hampshire.**

One year ago, the Court removed the federal constitutional right to abortion, making clear: protection and regulation of abortion is now strictly a policy decision for state elected officials. Granite Staters are anxiously waiting for us to act to protect their fundamental rights. As New Hampshire's elected leaders, it is our job to respond to the will of [71% of our constituents who identify as pro-choice](#) by protecting abortion rights in New Hampshire.

For the past two years, New Hampshire Democrats have worked to mitigate the harm of our state's first abortion ban in modern history. Last year, we championed and successfully passed legislation to add a critical exception for a fatal fetal diagnosis to this ban and to remove the unnecessary and harmful mandatory ultrasound provision for all abortion care. Thank you for signing those critical provisions into law.

Unfortunately, we still do not have anything in our state law protecting the right to an abortion before 24 weeks – and with *Roe v. Wade* overturned, there are no federal constitutional protections. **In short:** Granite Staters currently have no statutory right or protection for an abortion prior to 24 weeks.

We are facing a crisis in our country when it comes to reproductive freedom and a critical point in New Hampshire. Following the *Dobbs* decision, the Court has left a fractured legal landscape that requires time, resources, and tenacity to navigate. Despite our best efforts, the New Hampshire Legislature has not finalized any abortion protections since *Roe v. Wade* was overturned, even as states hostile to abortion rights are already attempting to reach into other states to impose their own anti-abortion agenda.

New Hampshire has a long history of taking bold action around abortion; in 1991, we were the first in the nation to [urge the FDA to approve medication abortion](#), citing that “the issue is

freedom of choice in medical treatment.” We hope we can continue that tradition of support for medical freedom.

New Hampshire has been, and continues to be, a pro-choice state. A survey from [Breakthrough Campaigns](#) shows that a supermajority of Granite Staters - 87% - support reproductive freedom and 64% of Granite Staters expect state elected officials to protect or expand abortion rights. New Hampshire residents deserve, and are asking for, protection and legal clarity of their fundamental rights. Words are just not enough. They want action.

Executive Councilor Cinde Warmington has also understood the need to protect access to abortion, and called on you to take bold and affirmative action. **Now today, we are again requesting that you take the following affirmative actions to protect access to reproductive health care in New Hampshire:**

1. Join the [Washington state lawsuit](#), along with 17 other state Attorneys General, in which a federal judge has issued a preliminary injunction that would protect the availability of mifepristone in states bringing the lawsuit. You have said that the Supreme Court made a “[good call](#)” to allow the use of mifepristone as the case continues, however, this case is far from over. We need to protect access to medication abortion here in New Hampshire right now. Signing onto this case would make clear that New Hampshire agrees that medication abortion is safe, in accordance with its long safety record, and that the FDA should not rescind its 2000 approval of mifepristone.
2. Sign an executive order to protect and safeguard access to abortion for all Granite Staters ([similar to the one Governor Mills signed in Maine](#)) and to protect the patients and providers of our state from the overreach of other state governments and out-of-state organizations.
3. Proactively work with the Legislature to:
  - a. Codify the right to safe, legal abortion, which was removed by the Supreme Court's decision to overturn *Roe v. Wade* last year;
  - b. At a minimum, remove the civil and criminal penalties from the abortion ban, to protect providers delivering abortion care and maternal fetal health care in our state.
4. Prioritize ensuring that NH Family Planning contracts, including for the three providers [who made up around 75% of the program](#) and have been without funding since July 1, 2021, are expeditiously brought before the Executive Council and supported. If the Executive Council refuses to accept those three providers back into the program, then you must find a way to replace their funding to help meet the needs of essential health care for low-income women.

We anxiously await your response and your swift action.

Sincerely,



Senator Donna Soucy  
Senate Democratic Leader  
District 18, Manchester



Representative Matt Wilhelm  
House Democratic Leader  
Hillsborough District 40, Manchester



Senator Cindy Rosenwald  
Senate Deputy Democratic Leader  
District 13, Nashua



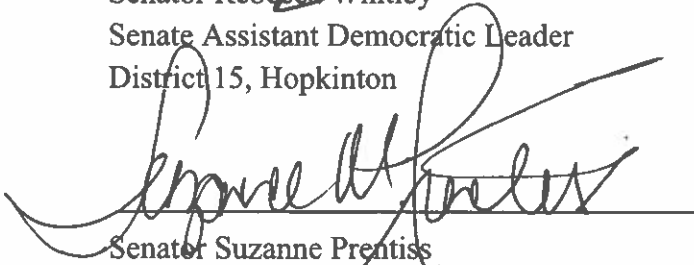
Representative Alexis Simpson  
House Deputy Democratic Leader  
Rockingham District 33, Exeter



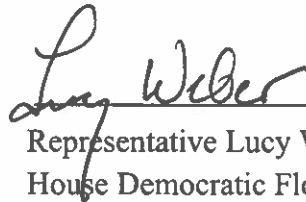
Senator Rebecca Whitley  
Senate Assistant Democratic Leader  
District 15, Hopkinton



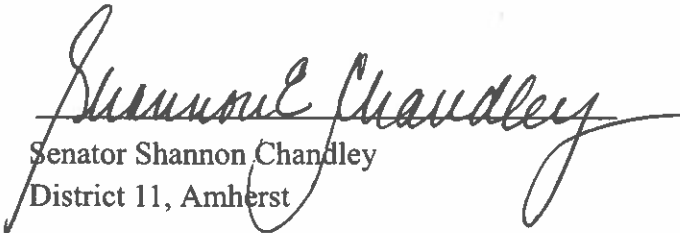
Representative Karen Ebel  
House Democratic Leader Pro Tempore  
Merrimack District 7, New London



Senator Suzanne Prentiss  
District 5, Lebanon



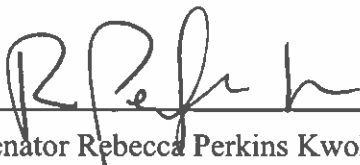
Representative Lucy Weber  
House Democratic Floor Leader  
Cheshire District 5, Walpole



Senator Shannon Chandley  
District 11, Amherst



Representative Sharon Nordgren  
House Senior Democratic Advisor  
Grafton District 12, Hanover



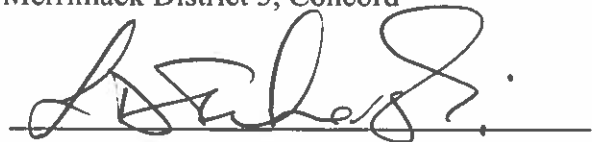
Senator Rebecca Perkins Kwoka  
District 21, Portsmouth



Representative Mary Jane Wallner  
House Senior Democratic Advisor  
Merrimack District 5, Concord



Senator Debra Altschiller  
District 24, Stratham



Representative Laura Telerski  
House Democratic Advisor  
Hillsborough District 11, Nashua