

CHAPTER 122
SB 162-FN - FINAL VERSION

03/18/2021 0778s
03/18/2021 0850s
04/01/2021 1054s
3Jun2021... 1402h
3Jun2021... 1763h

2021 SESSION

21-0464
04/10

SENATE BILL ***162-FN***

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight and establishes assessment procedures for a child placed in a qualified residential treatment program.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~.
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 122:1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,
2 I(b)(12) to read as follows:

3 (12) Moneys received under RSA 457:29, **457:32-b, and 631:2-b, V** which shall be
4 credited to the special fund for domestic violence programs **established in RSA 173-B:15**.

5 122:2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to
6 read as follows:

7 (15) Money received under RSA **125-F:22**, 143:11, **143:22-a, 143-A:6**, and 184:85,
8 which shall be credited to the public health services special fund **established in RSA 143:11, III**.

9 122:3 Compensation of Certain State Officers; Health and Human Services Positions Amended.
10 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

11 GG Department of health and human services director of [~~program planning and~~
12 ~~integrity~~] **Medicaid enterprise development**

13 122:4 Compensation of Certain State Officers; Health and Human Services Positions Amended.
14 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

15 JJ Department of health and human services associate commissioner [~~of human~~
16 ~~services and behavioral health~~]

17 JJ Department of health and human services associate commissioner [~~of~~
18 ~~operations~~]

19 JJ Department of health and human services associate commissioner [~~for~~
20 ~~population health~~]

21 [~~JJ Department of health and human services associate commissioner,~~
22 ~~operations~~]

23 ~~JJ Department of health and human services associate commissioner, population~~
24 ~~health~~]

25 122:5 Department of Health and Human Services; Emergency Services Plan. The department of
26 health and human services in collaboration with all New Hampshire hospitals that operate
27 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,

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1 the senate president and the governor's office by September 1, 2021 that details the necessary
2 emergency services offered for medical treatment of both physical and behavioral health. Such a
3 plan shall include any recommendations for future legislation or required funding to ensure
4 sufficient physical and behavioral health services.

5 122:6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-
6 A:1, VIII by inserting after subparagraph (b) the following new subparagraph:

7 (c) The bureau chief for emergency preparedness and response with the department of
8 health and human services, division of health public services who:

9 (1) Has the authority and responsibility to engage in the prevention and control of
10 public health incidents or emergencies;

11 (2) As a job requirement is fully certified as an emergency preparedness official
12 qualified to administer emergency planning, response and recovery activities in the event of natural
13 disasters, public health crises or similar incidents; and

14 (3) As a job requirement shall meet all physical, mental, educational, and other
15 qualifications for continuing certification as an emergency preparedness official that may be
16 established by the certifying authority.

17 122:7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as
18 follows:

19 IV. Upon request of the department of health and human services, the department of justice
20 is authorized to institute civil action to collect a penalty imposed pursuant to this section. The
21 attorney general shall have the exclusive power to compromise, mitigate, or remit such civil
22 penalties as are referred to ~~[him]~~ **the attorney general** for collection. All civil penalties collected
23 under this section shall be forwarded to the state treasurer. The state treasurer shall deposit all
24 moneys received under this section, and interest received on such money, to the public health
25 services special fund, ~~[which shall be nonlapsing]~~, **established in RSA 143:11, from which the**
26 **department of health and human services shall pay expenses incident to the**
27 **administration of this chapter.**

28 122:8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-
29 A:4, III to read as follows:

30 III. The department shall establish an office of the ombudsman to provide assistance to
31 clients ~~[and employees]~~ of the department by investigating and resolving complaints regarding any
32 matter within the jurisdiction of the department including services or assistance provided by the
33 department or its contractors. The ombudsman's office may provide mediation or other means for
34 informally resolving complaints. The records of the ombudsman's office shall be confidential and
35 shall not be disclosed without the consent of the client ~~[or employee]~~ on whose behalf the complaint
36 is made, except as may be necessary to assist the service provider ~~[or the employee's supervisor]~~ to
37 resolve the complaint, or as required by law.

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122:9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables for class 90 grant lines, is repealed.

122:10 New Section; Department of Health and Human Services; Status in Retirement System. Amend RSA 126-A by inserting after section 5-e the following new section:

126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any person who is or becomes the bureau chief for emergency preparedness with the department's division of health public services, shall be included in the definition of group II under RSA 100-A:1, VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h) or VIII(c), any person not already a group II member for at least 10 years during or prior to his or her appointment shall be eligible for or remain as a group I member for the duration of service as the bureau chief for emergency preparedness.

122:11 Repeal. The following are repealed:

I. RSA 126-A:50 through RSA 126-A:59, RSA 126-A:61, and RSA 126-A:63, relative to the housing security guarantee program.

II. RSA 6:12, I(b)(255), relative to moneys deposited in the homeless housing and access revolving loan fund, established in RSA 126-A:63.

122:12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter shall not apply to alternative treatment centers registered under RSA 126-X:7 or to individuals who have been issued a registry identification card under RSA 126-X:4 only with respect to the therapeutic use of cannabis; this chapter shall still apply to alternative treatment centers and these individuals with respect to tobacco products.***

122:13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to read as follows:

I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, device, or e-liquid ~~[except individuals who have been issued a registry identification card under RSA 126-X:4 may purchase, possess and use e-liquids containing cannabis and applicable devices as allowed under RSA 126-X].~~

122:14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read as follows:

(b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances. ~~[Such visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New Hampshire patient.]~~

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122:15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as follows:

XI. "Registry identification card" means a document indicating the date issued, ***effective date***, and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual as a qualifying patient or a designated caregiver.

122:16 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVII to read as follows:

XVII. "Written certification" means documentation of a qualifying medical condition by a provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of issuing registry identification cards, after having completed a full assessment of the patient's medical history and current medical condition made in the course of a provider-patient relationship. ~~[The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the certifying provider's name, medical specialty, and signature shall be specified on the written certification.]~~

122:17 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2 by inserting after paragraph XVI the following new paragraph:

XVII. Authorized employees of the department shall not be subject to arrest by state or local law enforcement, prosecution, or penalty under state or municipal law, or search, when possessing, transporting, delivering, or transferring cannabis and cannabis infused products for the purposes of regulatory oversight related to this chapter.

122:18 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as follows:

(c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and educational materials to qualifying patients ~~[who have designated the alternative treatment center to provide for them]~~, to designated caregivers on behalf of the qualifying patients ~~[who have designated the alternative treatment center]~~, or to other alternative treatment centers.

122:19 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic Use of Cannabis. Amend RSA 126-X:3, VII-VIII to read as follows:

VII. The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of rules adopted by the department or for violation of any other provision of this chapter, ***including for obtaining more than 2 ounces of cannabis in any 10-day period in violation of RSA 126-X:8, XIII(b)***, and the qualifying patient or designated caregiver shall be subject to any other penalties established in law for the violation.

VIII. A facility caregiver shall treat cannabis in a manner similar to ***controlled prescription*** medications with respect to its storage, security, and administration when assisting qualifying patients with the therapeutic use of cannabis.

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122:20 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-X:4, I(a)-(b) to read as follows:

(a) Written certification ~~[as defined in RSA 126-X:1]~~ ***which includes the date of issuance, the patient's qualifying medical condition, symptoms, or side effects, and the certifying provider's name, medical specialty, and signature. If a written certification has been previously issued for fewer than 3 years, a provider may extend the written certification, provided that the written certification shall not exceed 3 years.***

(b) An application or a renewal application accompanied by the application or renewal fee. ***A renewal application and fee shall not be required if the applicant receives an extension to the written certification previously issued for fewer than 3 years.***

122:21 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, I(e) and the introductory paragraph of I(f) to read as follows:

(e) Name~~[-address, and telephone number]~~ of the applicant's provider.

(f) Name~~[-address,]~~ and date of birth of the applicant's designated caregiver, if any. A qualifying patient shall have only one designated caregiver, except as follows:

122:22 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, II(d) to read as follows:

(d) Name, residential and mailing address, and date of birth of each qualifying patient for whom the applicant will act as designated caregiver, except that if the qualifying patient is homeless, no residential address is required. ~~[An applicant shall not act as a designated caregiver for more than 5 qualifying patients.]~~

122:23 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend the introductory paragraph in RSA 126-X:4, IV and RSA 126-X:4, IV(a)-(b) to read as follows:

IV. The department shall create and issue a registry identification card to a person applying as a qualifying patient or designated caregiver within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the ~~[date of issuance]~~ ***effective date of the card***, unless the provider states in the written certification that the certification should expire at an earlier ~~[specified date]~~ ***or later effective date, not to exceed 3 years***, then the registry identification card shall expire on that date. Registry identification cards shall contain all of the following:

(a) Name, mailing address, and date of birth of the qualifying patient or designated caregiver.

(b) The date of issuance, ***effective date***, and expiration date of the registry identification card.

122:24 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, VII(a) to read as follows:

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VII.(a) The department shall track the number of qualifying patients ~~[who have designated each alternative treatment center]~~ and issue a weekly written statement to the alternative treatment center identifying the number of qualifying patients ~~[who have designated that alternative treatment center]~~ along with the registry identification numbers of each qualifying patient and each qualifying patient's designated caregiver.

122:25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, VIII to read as follows:

VIII. In addition to the weekly reports, the department shall also provide written notice to an alternative treatment center which identifies the names and registration identification numbers of a qualifying patient and his or her designated caregiver whenever ~~[any]~~ **either** of the following events occur:

(a) A qualifying patient ~~[designates the alternative treatment center to serve his or her needs]~~ **is registered as a participating patient** under this chapter; or

(b) ~~[A qualifying patient revokes the designation of the alternative treatment center; or~~

(c) A qualifying patient ~~[who has designated the alternative treatment center]~~ loses his or her status as a qualifying patient under this chapter.

122:26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, IX(a) to read as follows:

IX.(a) A qualifying patient shall notify the department before changing his or her designated caregiver ~~[or alternative treatment center]~~.

122:27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, XI(a) to read as follows:

XI.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, **effective date of registry identification**, date of registry identification card expiration, **and** random 10-digit identification number~~[-, and registry identification number of the qualifying patient's designated alternative treatment center, if any]~~. The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

122:28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, XI(b)(5) to read as follows:

(5) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has ~~[made a legal determination that there is probable cause]~~ **reason** to believe the information is false or falsified.

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122:29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to read as follows:

(b) The form and content of providers' written certifications, ***including the administrative process for tracking extensions pursuant to RSA 126-X:4, I.***

122:30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, VII(a) to read as follows:

(a) Records of the disposal of cannabis that is not distributed by the alternative treatment center to qualifying patients ~~[who have designated the alternative treatment center to cultivate for them]~~.

122:31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, XV(a)-(b) to read as follows:

XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of the following quantities:

(1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6 ounces of usable cannabis per qualifying patient; and

(2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying patient ~~[who has designated the alternative treatment center to provide him or her with cannabis for therapeutic use]~~ ***registered as a qualifying patient under this chapter.***

(b) An alternative treatment center or alternative treatment center agent shall not dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

(1) A qualifying patient ~~[who has designated the relevant alternative treatment center]~~; or

(2) Such patient's designated caregiver; or

(3) Another alternative treatment center.

122:32 Repeal. The following are repealed:

I. RSA 126-X:4, I(g), relative to patients designating an alternative treatment center.

II. RSA 126-X:4, II(e), relative to street address of the alternative treatment center.

III. RSA 126-X:4, IX(e), relative to failure of a qualifying patient or designated caregiver for providing changes to name, address or designated caregiver.

IV. RSA 126-X:6, I(e), relative to departmental rules regarding certain fines.

122:33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA;3, I(e)-(f) to read as follows:

(e) Funds received from the assessment under RSA 404-G; ~~[and]~~

(f) ***Revenue from the Medicaid enhancement tax to meet the requirements provided in RSA 167:64; and***

(g) Funds recovered or returnable to the fund that were originally spent on the cost of coverage of the granite advantage health care program.

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122:34 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

122:35 Communicable Disease; Mosquito Control Fund. Amend RSA 141-C:25, I to read as follows:

I. There is hereby established a nonlapsing and continually appropriated mosquito control fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of offsetting the cost of mosquito control activities including, but not limited to, the purchase and application of chemical pesticides. The purpose of the fund is to provide financial assistance, when needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement activities in response to a declared threat to the public health. ~~[Any balance remaining in the mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general fund.]~~

122:36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA 143:11, III to read as follows:

III. ***There is hereby established in the state treasury the public health services special fund, which shall be kept separate and distinct from all other funds. The fund shall be nonlapsing and continually appropriated to the department of health and human services.*** All fees collected under this subdivision shall be forwarded to the state treasurer~~[-The state treasurer]~~ ***who*** shall credit all ~~[moneys received under this subdivision,]~~ ***such moneys*** and interest received on such money, to ~~[a special]~~ ***the*** fund from which ~~[he]~~ ***the department of health and human services*** shall pay all the expenses of the department incident to the administration of this subdivision. ~~[This fund shall not lapse.]~~

122:37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA 143:22-a to read as follows:

143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human services shall prescribe and collect fees for certificates for establishments which process or pack shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected under this subdivision shall be forwarded to the state treasurer to be deposited in the ~~[general fund]~~ ***public health services special fund established in RSA 143:11. The department of health and human services shall use such funds to pay expenses of the department incident to the administration of this subdivision.***

122:38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

VI. From the amounts collected by the commissioner under paragraph V, up to \$300,000 each fiscal year may be included in the state biennial operating budget as restricted revenue to support the activities required in this chapter. ***The state treasurer shall credit all moneys received under this paragraph, and interest received on such money, to the public health services special fund, established under RSA 143:11, from which the department shall pay expenses incident to the administration of this chapter.***

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1 122:39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as
2 follows:

3 I. If within 30 days after the date of a testate or intestate patient's death in any nursing
4 home no petition for probate has been filed under any section of RSA 553 and the gross value of the
5 personal property remaining at the nursing home belonging to the deceased, including any amount
6 left in a patient account, is no more than [~~\$5,000~~] **\$10,000**, the nursing home administrator shall file
7 in the probate court in the county where the nursing home is located an affidavit for the purpose of
8 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing
9 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The
10 nursing home administrator shall not file a death certificate with the probate court, but shall attest
11 to the death in the affidavit. If the nursing home patient died testate and if the nursing home
12 administrator has the will or a copy of the will, the nursing home administrator shall file the same
13 in the probate court in the county where the nursing home is located. The probate court shall waive
14 all filing fees.

15 122:40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective
16 date of this section.

17 122:41 Repeal. RSA 151-E:11, II, relative to an annual report on the utilization of non-nursing
18 home services, is repealed.

19 122:42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory
20 paragraph of RSA 161-F:46 to read as follows:

21 Any person, including, but not limited to, physicians, other health care professionals, social
22 workers, clergy, and law enforcement officials, suspecting or believing in good faith that any adult
23 who is or who is suspected to be vulnerable, **at the time of the incident**, has been subjected to
24 abuse, neglect, self-neglect, or exploitation or is, **or was** living in hazardous conditions shall report
25 or cause a report to be made as follows:

26 122:43 Repeal. The following are repealed:

27 I. RSA 161-F:64, relative to an annual report on review of homemaker services.

28 II. RSA 161-I:4, VI, relative to reports regarding the home and community-based care
29 waiver for the elderly and chronically ill.

30 III. RSA 165:20-c, relative to liability for support and reimbursement from the state.

31 IV. RSA 165:35, relative to rulemaking for forms and claims for reimbursement from the
32 state.

33 V. RSA 167:3-j, III, relative to semi-annual reports on net savings realized for aid to the
34 permanently and totally disabled grants.

35 122:44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as
36 follows:

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1 165:2-a Expense of General Assistance. The financial responsibility for general assistance for
2 assisted persons shall be the responsibility of the town or city in which the person making
3 application resides, except as otherwise provided in RSA 165:1-c ~~[and 165:20-e]~~.

4 122:45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA
5 167:4-a, VI to read as follows:

6 VI. The department, in coordination with financial institutions doing business in the state,
7 may develop and operate a data match system, using automated data exchanges to the maximum
8 extent feasible, in which each financial institution is required to provide, when requested by the
9 department and subject to reasonable reimbursement as set forth in Public Law 110-252, up to 5
10 years of information regarding the name, record address, social security number or other taxpayer
11 identification number, monthly account balance, and other identifying information for each applicant
12 or recipient who maintains an account at the financial institution, as identified by the department
13 by name and social security number or other taxpayer identification number. The system shall be
14 based on a cost-effective search algorithm and shall include means to assure compliance with the
15 provisions of this section. ~~[The department shall provide a status report regarding the~~
16 ~~implementation of the data match system to the oversight committee on health and human services,~~
17 ~~established in RSA 126 A:13, on or before November 1, 2010, and annually thereafter, until~~
18 ~~implementation has been fully completed. The report shall summarize the department's findings~~
19 ~~and recommendations to date, including savings generated by both incremental asset identification~~
20 ~~and the time and labor associated with the process, the feedback and reactions of applicants and~~
21 ~~recipients, any barriers to implementation, anticipated future actions, and the department's~~
22 ~~assessment of the relative success of the project.]~~

23 122:46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend
24 RSA 169-C by inserting after section 12-f the following new section:

25 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,
26 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,
27 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or
28 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or
29 neglect.

30 122:47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

31 II. Upon receipt by the department of a written request and verified proof of identity, an
32 individual shall be informed by the department whether that individual's name is listed in the
33 founded reports maintained in the central registry. It shall be unlawful for any employer other than
34 those providing services pursuant to RSA 169-B, RSA 169-C, RSA 169-D, and RSA 135-C, and those
35 specified in RSA 170-E ~~[and]~~, RSA 170-G:8-c, **and RSA 171-A** to require as a condition of
36 employment that the employee submit his or her name for review against the central registry of

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1 founded reports of abuse and neglect. Any violation of this provision shall be punishable as a
2 violation.

3 122:48 Child Day Care Licensing; Definitions. RSA 170-E:2, IV(g) is repealed and reenacted to
4 read as follows:

5 (g) "School-age program" means a child day care agency providing child day care before
6 or after, or before and after, regular school hours, and all day any time school is not in session, for 6
7 or more children enrolled in school, who are 4 years and 8 months of age or older, and which is not
8 licensed under RSA 170-E:56. The number of children shall include all children present during the
9 period of the program, including those children related to the caregiver.

10 122:49 New Section; Residential Care and Child-Placing Agency Licensing; Deemed Licensed.
11 Amend RSA 170-E by inserting after section 31 the following new section:

12 170-E:31-a Deemed Licensed. Any qualified residential treatment program accredited by
13 organizations as specified in Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G), as
14 amended, shall submit a completed license application or renewal application. Such child care
15 institutions and child care agencies defined as group homes, specialized care, or homeless youth
16 programs, shall be deemed licensed under this subdivision and shall be exempt from inspections
17 carried out under RSA 170-E:31, IV. This section shall only apply to the activities or portions of the
18 facility or agency accredited under Title 42 of the Social Security Act, 42 U.S.C. section 672(k)(4)(G),
19 as amended.

20 122:50 Recreation Camp Licensing; Availability of Epinephrine Auto-Injector. Amend RSA 170-
21 E:61 to read as follows:

22 170-E:61 Availability of Epinephrine Auto-Injector. The recreational camp nurse or, if a nurse
23 is not assigned to the camp, the recreational camp administrator shall maintain for the use of a child
24 with severe allergies at least one epinephrine auto-injector, provided by the child or the child's
25 parent or guardian, ~~[in the nurse's office or in a similarly accessible location]~~ **which shall be**
26 **readily accessible to the recreational camp staff caring for children requiring such**
27 **medications.**

28 122:51 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA
29 170-E by inserting after section 63 the following new section:

30 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not
31 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with
32 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's
33 parent or guardian, which shall be readily accessible to the recreational camp staff caring for
34 children requiring such medications.

35 122:52 New Paragraph; Services for Children, Youth, and Families; Peer Support Program.
36 Amend RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

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VIII. The commissioner may establish a confidential peer support program for the purpose of providing critical incident stress management and crisis intervention services for staff exposed to critical incidents and trauma through the course of their employment.

(a) In this section:

(1) "Critical incident" means any incident that has a high emotional impact on the responders, or is beyond the realm of a person's usual experience that overwhelms his or her sense of vulnerability and/or lack of control over the situation.

(2) "Critical incident stress" means a normal reaction to an abnormal event that has the potential to interfere with normal functioning and that results from the response to a critical incident or long-term occupational exposure to a series of critical incident responses over a period of time that are believed to be causing debilitating stress that is affecting an emergency service provider and his or her work performance or family situation. This may include, but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job, personality changes, or loss of ability to function.

(3) "Critical incident stress management" means a process of crisis intervention designed to assist employees in coping with the psychological trauma resulting from response to a critical incident.

(4) "Critical incident stress management and crisis intervention services" means consultation, counseling, debriefing, defusing, intervention services, management, prevention, and referral provided by a critical incident stress management team member.

(5) "Critical incident stress management team" or "team" means the group of one or more trained volunteers, including members of peer support groups who offer critical incident stress management and crisis intervention services following a critical incident or long term or continued, debilitating stress being experienced by employees and affecting them or their family situation.

(6) "Critical incident stress management team member" or "team member" means an employee, including any specially trained to provide critical incident stress management and crisis intervention services as a member of an organized team.

(7) "Debriefing" means a closed, confidential discussion of a critical incident relating to the feelings and perceptions of those directly involved prior to, during, and after a stressful event. It is intended to provide support, education, and an outlet for associated views and feelings. Debriefings do not provide counseling or an operational critique of the incident.

(b)(1) Any information divulged to the team or a team member during the provision of critical incident stress management and crisis intervention services shall be kept confidential and shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records kept by critical incident stress management team members are not subject to subpoena, discovery, or introduction into evidence in a criminal, civil, or administrative action. Except as provided in subparagraph (c), no person, whether critical incident stress management team member or team

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1 leader providing or receiving critical incident stress management and crisis intervention services,
2 shall be required to testify or divulge any information obtained solely through such crisis
3 intervention.

4 (2) In any civil action against any individual, or the department, including the state
5 of New Hampshire, arising out of the conduct of a member of such team, this section is not intended
6 and shall not be admissible to establish negligence in any instance where requirements herein are
7 higher than the standard of care that would otherwise have been applicable in such action under
8 state law.

9 (c) A communication shall not be deemed confidential pursuant to this section if:

10 (1) The communication indicates the existence of a danger to the individual who
11 receives critical incident stress management and crisis intervention services or to any other person
12 or persons;

13 (2) The communication indicates the existence of past child abuse or neglect of the
14 individual, abuse of an adult as defined by law, or family violence as defined by law; or

15 (3) The communication indicates the existence of a danger to the individual who
16 receives critical incident stress management and crisis intervention services or to any other person
17 or persons.

18 122:53 New Paragraph; Services for Children, Youth, and Families; Procurement Model for
19 Services. Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

20 I-a. The commissioner shall employ a procurement model for administering the provision of
21 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G
22 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases
23 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a
24 contracted provider, the commissioner may approve and shall pay for placement with another
25 certified provider on a temporary basis if the commissioner determines that the placement is
26 necessary to meet the juvenile's immediate treatment needs.

27 122:54 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials
28 relating to missing children issues and matters, is repealed.

29 122:55 Services for the Developmentally Disabled; Funding for Wait List. Amend the
30 introductory paragraph of RSA 171-A:1-a, I to read as follows:

31 I. The department of health and human services and area agencies shall provide services to
32 eligible persons under this chapter and persons eligible for the brain injury program under RSA 137-
33 K in a timely manner. The department and area agencies shall provide ***funding for*** services in
34 such a manner that:

35 122:56 Coverage Plan for Services to Individuals with Developmental Disabilities. The
36 department of health and human services in collaboration with the department of education, the
37 Disability Rights Center-New Hampshire, and the representatives of the 10 area agencies shall

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1 develop a plan by October 1, 2021 that provides coverage for services to individuals with
2 developmental disabilities aged 18-21 enrolled in school and determined eligible for developmental
3 services that are not the responsibility of the local education agency, another state agency, or
4 another division of the department. Such a plan shall estimate the number of eligible individuals
5 likely to need such services, the costs of providing such services, and reimbursement mechanisms for
6 service providers.

7 122:57 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read
8 as follows:

9 II. ~~[Beginning with the fiscal year ending June 30, 2010, and thereafter,]~~ The department of
10 health and human services shall incorporate ***in its appropriation requests*** the cost of fully
11 funding services to eligible persons, in accordance with the requirements of paragraph I, and as
12 otherwise required under RSA 171-A, and the legislature shall appropriate sufficient funds to meet
13 such costs and requirements.

14 122:58 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

15 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence
16 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic
17 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The
18 state treasurer shall deposit all fees received by the department under RSA 457:29, ***457:32-b, and***
19 ***631:2-b, V*** in the fund. All moneys deposited in the fund shall be continually appropriated for the
20 purposes of the domestic violence grant program and shall not lapse.

21 122:59 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read
22 as follows:

23 342:9 Termination of Granite Workforce Program.

24 I. The commissioner of the department of health and human services shall be responsible for
25 determining, every 3 months commencing no later than December 31, 2018, whether available TANF
26 reserve funds total at least \$5,000,000. If at any time the commissioner determines that available
27 TANF reserve funds have fallen below \$5,000,000, the commissioners of the departments of health
28 and human services and employment security shall, within 20 business days of such determination,
29 terminate the granite workforce program. The commissioners shall notify the governor, the speaker
30 of the house of representatives, the president of the senate, the chairperson of the fiscal committee of
31 the general court, and granite workforce participants of the program's pending termination. ***The***
32 ***commissioners shall have the discretion to limit granite workforce program services based***
33 ***on the availability of appropriated, available, or reserve funds.***

34 II. If at any time the New Hampshire granite advantage health care program, established
35 under RSA 126-AA, terminates, the commissioners of the departments of health and human services
36 and employment security shall terminate the granite workforce program. The date of the granite

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workforce program's termination shall align with that of the New Hampshire granite advantage health care program.

III. If the work and community engagement waiver is held invalid, or is not approved, or is withdrawn by the Centers for Medicare and Medicaid Services, the granite workforce program shall be suspended until such time that the work and community engagement waiver is approved or revalidated.

122:60 Health Facility Licensure; Effective Dates Amended. Amend 2020, 39:72, V-VI to read as follows:

V. Sections 55-57~~[, 64-67, and 69]~~ **and 64** of this act shall take effect July 1, 2020.

VI. Sections 5~~[, 60]~~ **and 60**~~[, and 68]~~ of this act shall take effect July 1, 2021.

122:61 Milk Sanitation Code; Terms Defined. Amend RSA 184:79, XIII to read as follows:

XIII. The term "milk plant" means any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled, packaged, or prepared for distribution, except an establishment where milk or milk products are sold at retail only. **This term shall include wash stations where milk tank trucks are cleaned and sanitized.**

122:62 Milk Sanitation Code; License Fees. Amend RSA 184:85, IV to read as follows:

IV. All fees collected under this section shall be forwarded to the state treasurer. The state treasurer shall credit all moneys received under this section, and interest received on such money, to ~~[a]~~ **the public health services** special fund **established in RSA 143:11**, from which ~~[he]~~ **the department** shall pay all the expenses of the department incident to the licensing and regulation of milk plants, milk distributors and milk producer-distributors. ~~[This fund shall not lapse.]~~

122:63 New Subdivision; Administration of Epinephrine. Amend RSA 329 by inserting after section 1-g the following new subdivision:

Administration of Epinephrine

329:1-h Administration of Epinephrine.

I. In this section:

(a) "Administer" means the direct application of an epinephrine auto-injector to the body of an individual.

(b) "Authorized entity" means any entity or organization in which allergens capable of causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized entity shall not include an elementary or secondary school or a postsecondary educational institution eligible to establish policies and guidelines for the emergency administration of epinephrine under RSA 200-N.

(c) "Epinephrine auto-injector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(d) "Health care practitioner" means a person who is lawfully entitled to prescribe, administer, dispense, or distribute controlled drugs.

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1 (e) "Provide" means to furnish one or more epinephrine auto-injectors to an individual.

2 II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an
3 authorized entity for use in accordance with this section, and pharmacists and health care
4 practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name
5 of an authorized entity.

6 III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors
7 pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors
8 shall be stored in a location readily accessible in an emergency and in accordance with the
9 instructions for use, and any additional requirements that may be established by board of medicine.
10 An authorized entity shall designate employees or agents who have completed the training required
11 by paragraph V to be responsible for the storage, maintenance, control, and general oversight of
12 epinephrine auto-injectors acquired by the authorized entity.

13 IV. An employee or agent of an authorized entity, or other individual, who has completed the
14 training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this
15 section to:

16 (a) Provide an epinephrine auto-injector to any individual who the employee agent or
17 other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or
18 caregiver of such individual, for immediate administration, regardless of whether the individual has
19 a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

20 (b) Administer an epinephrine auto-injector to any individual who the employee, agent,
21 or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the
22 individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with
23 an allergy.

24 V.(a) An employee, agent, or other individual described in paragraph IV shall complete an
25 anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis
26 training program. Such training shall be conducted by a nationally-recognized organization
27 experienced in training unlicensed persons in emergency health care treatment or an entity or
28 individual approved by the board of medicine. Training may be conducted online or in person and, at
29 a minimum, shall cover:

30 (1) How to recognize signs and symptoms of severe allergic reactions, including
31 anaphylaxis;

32 (2) Standards and procedures for the storage and administration of an epinephrine
33 auto-injector; and

34 (3) Emergency follow-up procedures.

35 (b) The entity or individual that conducts the training shall issue a certificate, on a form
36 developed or approved by the board of medicine to each person who successfully completes the
37 anaphylaxis training program.

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VI. No authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts the training described in paragraph V, shall be liable for any injuries or related damages that result from any act or omission pursuant to this section, unless such injury or damage is the result of willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered to be the practice of medicine or any other profession that otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any other immunity or defense that may be available under state law. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside of this state if the entity would not have been liable for such injuries or related damages had the provision or administration occurred within this state, or is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

122:64 Guardians and Conservators; Termination of Guardianship. Amend RSA 464-A:40, V(a) to read as follows:

V.(a) If, within 30 days after the date of a testate or intestate ward's death, no petition for probate has been filed under any section of RSA 553 and the gross value of the personal property remaining in the possession of the guardian belonging to the deceased, including any amount left in designated accounts for the ward, is no more than [~~\$5,000~~] **\$10,000**, the guardian may file in the probate court in the county having jurisdiction over the guardianship an affidavit for the purpose of disposing of such deceased ward's estate. Once approved by the court, the guardian shall be authorized to dispose of the ward's accounts in a manner consistent with the court's order. The form of the affidavit, and the rules governing proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33.

122:65 Custody and Escheat of Unclaimed or Abandoned Property; Filing of Claim. Amend RSA 471-C:26, I(c)(2)-(3) to read as follows:

(2) Except as provided in subparagraphs (5)-(7), in the case of a closed estate where the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in share form, in accordance with the final distribution of assets as approved by the probate court.

(3) Except as provided in subparagraphs (5)-(7), in the absence of an open estate or probate court decree of final distribution, and the unclaimed property is valued at less than [~~\$5,000~~] **\$10,000** and does not include securities in share form, by the surviving spouse of the deceased owner, or, if there is no surviving spouse, then to the next of kin in accordance with the provisions of RSA 561:1.

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122:66 Applicability. Sections 64-65 of this act shall apply to affidavits or claims filed on or after the effective date of this section.

122:67 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1, VII by inserting after subparagraph (g) the following new subparagraph:

(h) The bureau chief for emergency preparedness and response with the department of health and human services, division of health public services who:

(1) Has the authority and responsibility to engage in the prevention and control of public health incidents or emergencies;

(2) As a job requirement is fully certified as an emergency preparedness official qualified to administer emergency planning, response and recovery activities in the event of natural disasters, public health crises or similar incidents; and

(3) As a job requirement shall meet all physical, mental, educational, and other qualifications for continuing certification as an emergency preparedness official that may be established by the certifying authority.

122:68 Department of Health and Human Services; Plan for Legislation. The department of health and human services shall consult with representatives of case management agencies and providers to discuss potential licensure of case managers and present a plan for draft legislation to the speaker of the house of representatives and the senate president by November 1, 2021.

122:69 New Section; Delinquent Children; Placement in a Qualified Residential Treatment Program. Amend RSA 169-B by inserting after section 19-c the following new section:

169-B:19-d Placement in a Qualified Residential Treatment Program. For any child placed in a qualified residential treatment program, as defined in the federal Family First Prevention Services Act of 2017, the court shall:

I. Order an assessment to be completed within 30 days of placement by a qualified individual as defined by the federal Family First Prevention Services Act of 2017; and

II. Review the assessment and issue an order approving the placement or changing the placement within 60 days of placement.

122:70 New Section; Child Protection Act; Placement in a Qualified Residential Treatment Program. Amend RSA 169-C by inserting after section 19-e the following new section:

169-C:19-f Placement in a Qualified Residential Treatment Program. For any child placed in a qualified residential treatment program, as defined in the federal Family First Prevention Services Act of 2017, the court shall:

I. Order an assessment to be completed within 30 days of placement by a qualified individual as defined by the federal Family First Prevention Services Act of 2017; and

II. Review the assessment and issue an order approving the placement or changing the placement within 60 days of placement.

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1 122:71 New Section; Children in Need of Services; Placement in a Qualified Residential
2 Treatment Program. Amend RSA 169-D by inserting after section 9-c the following new section:

3 169-D:9-d Placement in a Qualified Residential Treatment Program. For any child placed in a
4 qualified residential treatment program, as defined in the federal Family First Prevention Services
5 Act of 2017, the court shall:

6 I. Order an assessment to be completed within 30 days of placement by a qualified
7 individual as defined by the federal Family First Prevention Services Act of 2017; and

8 II. Review the assessment and issue an order approving the placement or changing the
9 placement within 60 days of placement.

10 122:72 Effective Date.

11 I. Sections 3-4, 6, 10, 12-32, and 67 of this act shall take effect 60 days after its passage.

12 II. Sections 39-40 and 64-66 of this act shall take effect July 1, 2021.

13 III. The remainder of this act shall take effect upon its passage.

Approved: July 09, 2021

Effective Date:

I. Sections 3-4, 6, 10, 12-32 and 67 shall take effect Sept. 7, 2021.

II. Sections 39-40 and 64-66 shall take effect July 1, 2021.

III. Remainder shall take effect July 9, 2021

