

Amendment to SB 162-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Application of Receipts; Fund for Domestic Violence Grant Program. Amend RSA 6:12,
4 I(b)(12) to read as follows:

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

7 2 Application of Receipts; Public Health Services Special Fund. Amend RSA 6:12, I(b)(15) to
8 read as follows:

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

11 3 Compensation of Certain State Officers; Health and Human Services Positions Amended.
12 Amend the following position in RSA 94:1-a, I(b), grade GG to read as follows:

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

15 4 Compensation of Certain State Officers; Health and Human Services Positions Amended.
16 Amend the following positions in RSA 94:1-a, I(b), grade JJ to read as follows:

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

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

21 JJ Department of health and human services associate commissioner ~~[for~~
22 ~~population health]~~

23 ~~[JJ—Department of health and human services associate commissioner,~~
24 ~~operations~~

25 ~~JJ—Department of health and human services associate commissioner, population~~
26 ~~health]~~

27 5 Department of Health and Human Services; Emergency Services Plan. The department of
28 health and human services in collaboration with all New Hampshire hospitals that operate
29 emergency facilities shall draft a plan to be presented to the speaker of the house of representatives,
30 the senate president and the governor's office by September 1, 2021 that details the necessary
31 emergency services offered for medical treatment of both physical and behavioral health. Such a

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1 plan shall include any recommendations for future legislation or required funding to ensure
2 sufficient physical and behavioral health services.

3 6 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,
4 VIII by inserting after subparagraph (b) the following new subparagraph:

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

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

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

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

15 7 Radiological Health Programs; Civil Penalties. Amend RSA 125-F:22, IV to read as follows:

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

25 8 Department of Health and Human Services; Office of the Ombudsman. Amend RSA 126-A:4,
26 III to read as follows:

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

35 9 Repeal. RSA 126-A:5, II-a, relative to an annual report of an aggregate schedule of payables
36 for class 90 grant lines, is repealed.

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1 10 New Section; Department of Health and Human Services; Status in Retirement System.
2 Amend RSA 126-A by inserting after section 5-e the following new section:

3 126-A:5-f Status in Retirement System. For purposes of classification under RSA 100-A, any
4 person who is or becomes the bureau chief for emergency preparedness with the department's
5 division of health public services, shall be included in the definition of group II under RSA 100-A:1,
6 VII(h) and VIII(c) under the retirement system, provided that, notwithstanding RSA 100-A:1, VII(h)
7 or VIII(c), any person not already a group II member for at least 10 years during or prior to his or
8 her appointment shall be eligible for or remain as a group I member for the duration of service as the
9 bureau chief for emergency preparedness.

10 11 Repeal. The following are repealed:

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

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

15 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

16 126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from
17 the possibility of addiction, disability, and death resulting from the use of tobacco products by
18 ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter***
19 ***shall not apply to individuals who have been issued a registry identification card under***
20 ***RSA 126-X:4 or alternative treatment centers registered under RSA 126-X:7 with respect to***
21 ***the therapeutic use of cannabis.***

22 13 Youth Access to and Use of Tobacco Products; Possession and Use. Amend RSA 126-K:6, I to
23 read as follows:

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

28 14 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read
29 as follows:

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

35 15 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XI to read as
36 follows:

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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.

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.]~~

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.

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.

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.

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

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(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.***

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:

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.]~~

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.

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

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~~

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1 ~~alternative treatment center~~] along with the registry identification numbers of each qualifying
2 patient and each qualifying patient's designated caregiver.

3 25 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-
4 X:4, VIII to read as follows:

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

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

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

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

14 26 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-
15 X:4, IX(a) to read as follows:

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

18 27 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-
19 X:4, XI(a) to read as follows:

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

29 28 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-
30 X:4, XI(b)(5) to read as follows:

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

34 29 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, I(b) to
35 read as follows:

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

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1 30 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-
2 X:8, VII(a) to read as follows:

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

6 31 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-
7 X:8, XV(a)-(b) to read as follows:

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

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

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

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

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

19 (2) Such patient's designated caregiver; or

20 (3) Another alternative treatment center.

21 32 Repeal. The following are repealed:

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

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

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

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

27 33 New Hampshire Granite Advantage Health Care Trust Fund. Amend RSA 126-AA:3, I(e)-(f)
28 to read as follows:

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

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

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

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

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

36 I. There is hereby established a nonlapsing and continually appropriated mosquito control
37 fund to assist cities, towns, and mosquito control districts by providing funding for the purpose of

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1 offsetting the cost of mosquito control activities including, but not limited to, the purchase and
2 application of chemical pesticides. The purpose of the fund is to provide financial assistance, when
3 needed, to cities, towns, and mosquito control districts engaging in mosquito control and abatement
4 activities in response to a declared threat to the public health. ~~[Any balance remaining in the~~
5 ~~mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general~~
6 ~~fund.]~~

7 36 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA
8 143:11, III to read as follows:

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

17 37 Sanitary Production and Distribution of Food; Shellfish Certificate Fees. Amend RSA
18 143:22-a to read as follows:

19 143:22-a Shellfish Certificate Fees. The commissioner of the department of health and human
20 services shall prescribe and collect fees for certificates for establishments which process or pack
21 shellfish. Such fees shall be in accordance with rules adopted under RSA 541-A. All fees collected
22 under this subdivision shall be forwarded to the state treasurer to be deposited in the ~~[general fund]~~
23 ***public health services special fund established in RSA 143:11. The department of health***
24 ***and human services shall use such funds to pay expenses of the department incident to the***
25 ***administration of this subdivision.***

26 38 Food Service Licensure; Application. Amend RSA 143-A:6, VI to read as follows:

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

33 39 Nursing Home Administrators; Patient Accounts. Amend RSA 151-A:15, I to read as follows:

34 I. If within 30 days after the date of a testate or intestate patient's death in any nursing
35 home no petition for probate has been filed under any section of RSA 553 and the gross value of the
36 personal property remaining at the nursing home belonging to the deceased, including any amount
37 left in a patient account, is no more than ~~[\$5,000]~~ ***\$10,000***, the nursing home administrator shall file

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1 in the probate court in the county where the nursing home is located an affidavit for the purpose of
2 disposing of such deceased patient's estate. The form of the affidavit, and the rules governing
3 proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33. The
4 nursing home administrator shall not file a death certificate with the probate court, but shall attest
5 to the death in the affidavit. If the nursing home patient died testate and if the nursing home
6 administrator has the will or a copy of the will, the nursing home administrator shall file the same
7 in the probate court in the county where the nursing home is located. The probate court shall waive
8 all filing fees.

9 40 Applicability. Section 39 of this act shall apply to affidavits filed on or after the effective date
10 of this section.

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

13 42 Protective Services to Adults; Reports of Adult Abuse. Amend the introductory paragraph of
14 RSA 161-F:46 to read as follows:

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

20 43 Repeal. The following are repealed:

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

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

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

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

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

29 44 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as
30 follows:

31 165:2-a Expense of General Assistance. The financial responsibility for general assistance for
32 assisted persons shall be the responsibility of the town or city in which the person making
33 application resides, except as otherwise provided in RSA 165:1-c [~~and 165:20-e~~].

34 45 Public Assistance; Financial Disclosure by Applicants and Recipients. Amend RSA 167:4-a,
35 VI to read as follows:

36 VI. The department, in coordination with financial institutions doing business in the state,
37 may develop and operate a data match system, using automated data exchanges to the maximum

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

16 46 New Section; Child Protection Act; Investigatory Interviews and Evaluations. Amend RSA
17 169-C by inserting after section 12-f the following new section:

18 169-C:12-g Investigatory Interviews and Evaluations. The court may order a parent, guardian,
19 custodian, or other caregiver to produce a child for the purpose of an investigatory interview,
20 including a multidisciplinary team interview in accordance with RSA 169-C:34-a or an interview or
21 evaluation by any other expert necessary for the purpose of the investigation of suspected abuse or
22 neglect.

23 47 Child Protection Act; Central Registry. Amend RSA 169-C:35, II to read as follows:

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

32 48 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to
33 read as follows:

34 CHAPTER 170-A
35 INTERSTATE COMPACT
36 FOR THE PLACEMENT OF CHILDREN

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170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter, based upon the enactment of the Interstate Compact for the Placement of Children into law by the thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

ARTICLE I

Purpose

The purpose of this Interstate Compact for the Placement of Children is to:

I. Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner.

II. Facilitate ongoing supervision of a placement, the delivery of services, and communication between the states.

III. Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.

IV. Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.

V. Provide for uniform data collection and information sharing between member states under this compact.

VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement of and which provide services to children otherwise subject to this compact.

VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.

VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.

ARTICLE II

Definitions

As used in this compact:

I. "Approved placement" means the public child-placing agency in the receiving state has determined that the placement is both safe and suitable for the child.

II. "Assessment" means an evaluation of a prospective placement by a public child-placing agency in the receiving state to determine if the placement meets the individualized needs of the child, including, but not limited to, the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child-placing agency.

III. "Child" means an individual who has not attained the age of 18.

IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

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1 V. “Default” means the failure of a member state to perform the obligations or
2 responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

3 VI. “Home study” means an evaluation of a home environment conducted in accordance with
4 the applicable requirements of the state in which the home is located and that documents the
5 preparation and the suitability of the placement resource for placement of a child in accordance with
6 the laws and requirements of the state in which the home is located.

7 VII. “Indian tribe” means any Indian tribe, band, nation, or other organized group or
8 community of Indians recognized as eligible for services provided to Indians by the Secretary of the
9 Interior because of their status as Indians, including any Alaskan native village as defined in section
10 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

11 VIII. “Interstate Commission for the Placement of Children” means the commission that is
12 created under Article VIII of this compact and which is generally referred to as the “Interstate
13 Commission.”

14 IX. “Jurisdiction” means the power and authority of a court to hear and decide matters.

15 X. “Legal risk placement” or “legal risk adoption” means a placement made preliminary to
16 an adoption where the prospective adoptive parents acknowledge in writing that a child can be
17 ordered returned to the sending state or the birth mother’s state of residence, if different from the
18 sending state, and a final decree of adoption shall not be entered in any jurisdiction until all
19 required consents are obtained or are dispensed with in accordance with applicable law.

20 XI. “Member state” means a state that has enacted this compact.

21 XII. “Noncustodial parent” means a person who, at the time of the commencement of court
22 proceedings in the sending state, does not have sole legal custody of the child or has joint legal
23 custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

24 XIII. “Nonmember state” means a state which has not enacted this compact.

25 XIV. “Notice of residential placement” means information regarding a placement into a
26 residential facility provided to the receiving state, including, but not limited to, the name, date, and
27 place of birth of the child, the identity and address of the parent or legal guardian, evidence of
28 authority to make the placement, and the name and address of the facility in which the child will be
29 placed. Notice of residential placement shall also include information regarding a discharge and any
30 unauthorized absence from the facility.

31 XV. “Placement” means the act by a public or private child-placing agency intended to
32 arrange for the care or custody of a child in another state.

33 XVI. “Private child-placing agency” means any private corporation, agency, foundation,
34 institution, or charitable organization, or any private person or attorney, that facilitates, causes, or
35 is involved in the placement of a child from one state to another and that is not an instrumentality of
36 the state or acting under color of state law.

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1 XVII. “Provisional placement” means a determination made by the public child-placing
2 agency in the receiving state that the proposed placement is safe and suitable, and, to the extent
3 allowable, the receiving state has temporarily waived its standards or requirements otherwise
4 applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of
5 the receiving state requirements regarding training for prospective foster or adoptive parents shall
6 not delay an otherwise safe and suitable placement.

7 XVIII. “Public child-placing agency” means any government child welfare agency or child
8 protection agency or a private entity under contract with such an agency, regardless of whether the
9 entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which
10 facilitates, causes, or is involved in the placement of a child from one state to another.

11 XIX. “Receiving state” means the state to which a child is sent, brought, or caused to be sent
12 or brought.

13 XX. “Relative” means someone who is related to the child as a parent, stepparent, sibling by
14 half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with
15 such significant ties to the child that the nonrelative may be regarded as a relative as determined by
16 the court in the sending state.

17 XXI. “Residential facility” means a facility providing a level of care that is sufficient to
18 substitute for parental responsibility or foster care and that is beyond what is needed for assessment
19 or treatment of an acute condition. For purposes of the compact, the term “residential facility” does
20 not include institutions primarily educational in character, hospitals, or other medical facilities.

21 XXII. “Rule” means a written directive, mandate, standard, or principle issued by the
22 Interstate Commission promulgated pursuant to Article XI of this compact that is of general
23 applicability and that implements, interprets, or prescribes a policy or provision of the compact. A
24 rule has the force and effect of an administrative rule in a member state and includes the
25 amendment, repeal, or suspension of an existing rule.

26 XXIII. “Sending state” means the state from which the placement of a child is initiated.

27 XXIV. “Service member’s permanent duty station” means the military installation where an
28 active duty United States Armed Services member is currently assigned and is physically located
29 under competent orders that do not specify the duty as temporary.

30 XXV. “Service member’s state of legal residence” means the state in which the active duty
31 United States Armed Services member is considered a resident for tax and voting purposes.

32 XXVI. “State” means a state of the United States, the District of Columbia, the
33 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the
34 Northern Mariana Islands, and any other territory of the United States.

35 XXVII. “State court” means a judicial body of a state that is vested by law with
36 responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status
37 offenses of individuals who have not attained the age of 18.

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1 XXVIII. "Supervision" means monitoring provided by the receiving state once a child has
2 been placed in a receiving state pursuant to this compact.

3 ARTICLE III

4 Applicability

5 I. Except as otherwise provided in paragraph II, this compact shall apply to:

6 (a) The interstate placement of a child subject to ongoing court jurisdiction in the
7 sending state, due to allegations or findings that the child has been abused, neglected, or deprived as
8 defined by the laws of the sending state; provided, however, that the placement of such a child into a
9 residential facility shall only require notice of residential placement to the receiving state prior to
10 placement.

11 (b) The interstate placement of a child adjudicated delinquent or unmanageable based
12 on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

13 (1) The child is being placed in a residential facility in another member state and is
14 not covered under another compact; or

15 (2) The child is being placed in another member state and the determination of
16 safety and suitability of the placement and services required is not provided through another
17 compact.

18 (c) The interstate placement of any child by a public child-placing agency or private
19 child-placing agency as a preliminary step to a possible adoption.

20 II. The provisions of this compact shall not apply to:

21 (a) The interstate placement of a child in a custody proceeding in which a public child-
22 placing agency is not a party; provided, however, that the placement is not intended to effectuate an
23 adoption.

24 (b) The interstate placement of a child with a nonrelative in a receiving state by a parent
25 with the legal authority to make such a placement; provided, however, that the placement is not
26 intended to effectuate an adoption.

27 (c) The interstate placement of a child by one relative with the lawful authority to make
28 such a placement directly with a relative in a receiving state.

29 (d) The placement of a child, not subject to paragraph I, into a residential facility by his
30 or her parent.

31 (e) The placement of a child with a noncustodial parent, provided that:

32 (1) The noncustodial parent proves to the satisfaction of a court in the sending state
33 a substantial relationship with the child;

34 (2) The court in the sending state makes a written finding that placement with the
35 noncustodial parent is in the best interests of the child; and

36 (3) The court in the sending state dismisses its jurisdiction in interstate placements
37 in which the public child-placing agency is a party to the proceeding.

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1 (f) A child entering the United States from a foreign country for the purpose of adoption
2 or leaving the United States to go to a foreign country for the purpose of adoption in that country.

3 (g) Cases in which a child who is a United States citizen living overseas with his or her
4 family, at least one of whom is in the United States Armed Services and stationed overseas, is
5 removed and placed in a state.

6 (h) The sending of a child by a public child-placing agency or a private child-placing
7 agency for a visit as defined by the rules of the Interstate Commission.

8 III. For purposes of determining the applicability of this compact to the placement of a child
9 with a family member in the United States Armed Services, the public child-placing agency or
10 private child-placing agency may choose the state of the service member's permanent duty station or
11 the service member's declared legal residence.

12 IV. Nothing in this compact shall be construed to prohibit the concurrent application of the
13 provisions of this compact with other applicable interstate compacts, including the Interstate
14 Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The
15 Interstate Commission may, in cooperation with other interstate compact commissions having
16 responsibility for the interstate movement, placement, or transfer of children, promulgate similar
17 rules to ensure the coordination of services, timely placement of children, and reduction of
18 unnecessary or duplicative administrative or procedural requirements.

19 ARTICLE IV

20 Jurisdiction

21 I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and
22 (c), concerning private and independent adoptions, and in interstate placements in which the public
23 child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction
24 over a child with respect to all matters of custody and disposition of the child which it would have
25 had if the child had remained in the sending state. Such jurisdiction shall also include the power to
26 order the return of the child to the sending state.

27 II. When an issue of child protection or custody is brought before a court in the receiving
28 state, such court shall confer with the court of the sending state to determine the most appropriate
29 forum for adjudication.

30 III. In cases that are before courts and subject to this compact, the taking of testimony for
31 hearings before any judicial officer may occur in person or by telephone, audio-video conference, or
32 such other means as approved by the rules of the Interstate Commission, and judicial officers may
33 communicate with other judicial officers and persons involved in the interstate process as may be
34 permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

35 IV. In accordance with its own laws, the court in the sending state shall have authority to
36 terminate its jurisdiction if:

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1 (a) The child is reunified with the parent in the receiving state who is the subject of
2 allegations or findings of abuse or neglect, only with the concurrence of the public child-placing
3 agency in the receiving state;

4 (b) The child is adopted;

5 (c) The child reaches the age of majority under the laws of the sending state;

6 (d) The child achieves legal independence pursuant to the laws of the sending state;

7 (e) A guardianship is created by a court in the receiving state with the concurrence of
8 the court in the sending state;

9 (f) An Indian tribe has petitioned for and received jurisdiction from the court in the
10 sending state; or

11 (g) The public child-placing agency of the sending state requests termination and has
12 obtained the concurrence of the public child-placing agency in the receiving state.

13 V. When a sending state court terminates its jurisdiction, the receiving state child-placing
14 agency shall be notified.

15 VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court
16 sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined
17 by the laws of the receiving state committed by the child in the receiving state which would be a
18 violation of its laws.

19 VII. Nothing in this article shall limit the receiving state's ability to take emergency
20 jurisdiction for the protection of the child.

21 VIII. The substantive laws of the state in which an adoption will be finalized shall solely
22 govern all issues relating to the adoption of the child, and the court in which the adoption proceeding
23 is filed shall have subject matter jurisdiction regarding all substantive issues relating to the
24 adoption, except:

25 (a) When the child is a ward of another court that established jurisdiction over the child
26 prior to the placement;

27 (b) When the child is in the legal custody of a public agency in the sending state; or

28 (c) When a court in the sending state has otherwise appropriately assumed jurisdiction
29 over the child prior to the submission of the request for approval of placement.

30 IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is
31 authorized as an "approved placement" by the public child-placing agency in the receiving state.

32 **ARTICLE V**

33 **Placement Evaluation**

34 I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state,
35 the public child-placing agency shall provide a written request for assessment to the receiving state.

36 II. For placements by a private child-placing agency, a child may be sent or brought, or
37 caused to be sent or brought, into a receiving state upon receipt and immediate review of the

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1 required content in a request for approval of a placement in both the sending and receiving state
2 public child-placing agencies. The required content to accompany a request for approval shall
3 include all of the following:

4 (a) A request for approval identifying the child, the birth parents, the prospective
5 adoptive parents, and the supervising agency, signed by the person requesting approval.

6 (b) The appropriate consents or relinquishments signed by the birth parents in
7 accordance with the laws of the sending state or, where permitted, the laws of the state where the
8 adoption will be finalized.

9 (c) Certification by a licensed attorney or authorized agent of a private adoption agency
10 that the consent or relinquishment is in compliance with the applicable laws of the sending state or,
11 where permitted, the laws of the state where finalization of the adoption will occur.

12 (d) A home study.

13 (e) An acknowledgment of legal risk signed by the prospective adoptive parents.

14 III. The sending state and the receiving state may request additional information or
15 documents prior to finalization of an approved placement, but they may not delay travel by the
16 prospective adoptive parents with the child if the required content for approval has been submitted,
17 received, and reviewed by the public child-placing agency in both the sending state and the receiving
18 state.

19 IV. Approval from the public child-placing agency in the receiving state for a provisional or
20 approved placement is required as provided for in the rules of the Interstate Commission.

21 V. The procedures for making the request for an assessment shall contain all information
22 and be in such form as provided for in the rules of the Interstate Commission.

23 VI. Upon receipt of a request from the public child-placing agency of the sending state, the
24 receiving state shall initiate an assessment of the proposed placement to determine its safety and
25 suitability. If the proposed placement is a placement with a relative, the public child-placing agency
26 of the sending state may request a determination for a provisional placement.

27 VII. The public child-placing agency in the receiving state may request from the public child-
28 placing agency or the private child-placing agency in the sending state, and shall be entitled to
29 receive, supporting or additional information necessary to complete the assessment or approve the
30 placement.

31 VIII. The public child-placing agency in the receiving state shall approve a provisional
32 placement and complete or arrange for the completion of the assessment within the timeframes
33 established by the rules of the Interstate Commission.

34 IX. For a placement by a private child-placing agency, the sending state shall not impose
35 any additional requirements to complete the home study that are not required by the receiving state,
36 unless the adoption is finalized in the sending state.

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X. The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements.

ARTICLE VI

Placement Authority

I. Except as otherwise provided in this compact, no child subject to this compact shall be placed in a receiving state until approval for such placement is obtained.

II. If the public child-placing agency in the receiving state does not approve the proposed placement, then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

III. If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

(a) The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable administrative procedures act.

(b) If a determination not to approve the placement of the child in the receiving state is overturned upon review, the placement shall be deemed approved; provided, however, that all administrative or judicial remedies have been exhausted or the time for such remedies has passed.

ARTICLE VII

Placing Agency Responsibility

I. For the interstate placement of a child made by a public child-placing agency or state court:

(a) The public child-placing agency in the sending state shall have financial responsibility for:

(1) The ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and

(2) As determined by the public child-placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.

(b) The receiving state shall only have financial responsibility for:

(1) Any assessment conducted by the receiving state; and

(2) Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child-placing agencies of the receiving and sending states.

(c) Nothing in this section shall prohibit public child-placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

II. For the placement of a child by a private child-placing agency preliminary to a possible adoption, the private child-placing agency shall be:

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1 (a) Legally responsible for the child during the period of placement as provided for in the
2 law of the sending state until the finalization of the adoption.

3 (b) Financially responsible for the child absent a contractual agreement to the contrary.

4 III. The public child-placing agency in the receiving state shall provide timely assessments,
5 as provided for in the rules of the Interstate Commission.

6 IV. The public child-placing agency in the receiving state shall provide, or arrange for the
7 provision of, supervision and services for the child, including timely reports, during the period of the
8 placement.

9 V. Nothing in this compact shall be construed to limit the authority of the public child-
10 placing agency in the receiving state from contracting with a licensed agency or person in the
11 receiving state for an assessment or the provision of supervision or services for the child or otherwise
12 authorizing the provision of supervision or services by a licensed agency during the period of
13 placement.

14 VI. Each member state shall provide for coordination among its branches of government
15 concerning the state's participation in and compliance with the compact and Interstate Commission
16 activities through the creation of an advisory council or use of an existing body or board.

17 VII. Each member state shall establish a central state compact office which shall be
18 responsible for state compliance with the compact and the rules of the Interstate Commission.

19 VIII. The public child-placing agency in the sending state shall oversee compliance with the
20 provisions of the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., for placements subject to
21 the provisions of this compact, prior to placement.

22 IX. With the consent of the Interstate Commission, states may enter into limited
23 agreements that facilitate the timely assessment and provision of services and supervision of
24 placements under this compact.

25 **ARTICLE VIII**

26 **Interstate Commission for the Placement of Children**

27 The member states hereby establish, by way of this compact, a commission known as the "Interstate
28 Commission for the Placement of Children." The activities of the Interstate Commission are the
29 formation of public policy and are a discretionary state function. The Interstate Commission shall:

30 I. Be a joint commission of the member states and shall have the responsibilities, powers,
31 and duties set forth herein and such additional powers as may be conferred upon it by subsequent
32 concurrent action of the respective legislatures of the member states.

33 II. Consist of one commissioner from each member state who shall be appointed by the
34 executive head of the state human services administration with ultimate responsibility for the child
35 welfare program. The appointed commissioner shall have the legal authority to vote on policy-
36 related matters governed by this compact binding the state.

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1 XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
2 improve, or use any property, real, personal, or mixed.

3 XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
4 property, real, personal, or mixed.

5 XIII. To establish a budget and make expenditures.

6 XIV. To adopt a seal and bylaws governing the management and operation of the Interstate
7 Commission.

8 XV. To report annually to the legislatures, the governors, the judiciary, and the state
9 advisory councils of the member states concerning the activities of the Interstate Commission during
10 the preceding year. Such reports shall also include any recommendations that may have been
11 adopted by the Interstate Commission.

12 XVI. To coordinate and provide education, training, and public awareness regarding the
13 interstate movement of children for officials involved in such activity.

14 XVII. To maintain books and records in accordance with the bylaws of the Interstate
15 Commission.

16 XVIII. To perform such functions as may be necessary or appropriate to achieve the
17 purposes of this compact.

18 **ARTICLE X**

19 **Organization and Operation of the Interstate Commission**

20 **I. Organization.**

21 (a) Within 12 months after the first Interstate Commission meeting, the Interstate
22 Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out
23 the purposes of the compact.

24 (b) The Interstate Commission's rules shall establish conditions and procedures under
25 which the Interstate Commission shall make its information and official records available to the
26 public for inspection or copying.

27 **II. Meetings.**

28 (a) The Interstate Commission shall meet at least once each calendar year. The
29 chairperson may call additional meetings and, upon the request of a simple majority of the member
30 states, shall call additional meetings.

31 (b) Public notice shall be given by the Interstate Commission of all meetings, and all
32 meetings shall be open to the public.

33 (c) The bylaws may provide for meetings of the Interstate Commission to be conducted
34 by telecommunication or other electronic communication.

35 **III. Officers and staff.**

36 (a) The Interstate Commission may, through its executive committee, appoint or retain a
37 staff director for such period, upon such terms and conditions, and for such compensation as the

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1 Interstate Commission may deem appropriate. The staff director shall serve as secretary to the
2 Interstate Commission but shall not have a vote. The staff director may hire and supervise such
3 other staff as may be authorized by the Interstate Commission.

4 (b) The Interstate Commission shall elect, from among its members, a chairperson and a
5 vice chairperson of the executive committee, and other necessary officers, each of whom shall have
6 such authority and duties as may be specified in the bylaws.

7 IV. Qualified immunity, defense, and indemnification.

8 (a) The Interstate Commission's staff director and its employees shall be immune from
9 suit and liability, either personally or in their official capacity, for a claim for damage to or loss of
10 property or personal injury or other civil liability caused or arising out of or relating to an actual or
11 alleged act, error, or omission that occurred or that such person had a reasonable basis for believing
12 occurred within the scope of Interstate Commission employment, duties, or responsibilities;
13 provided, however, that such person shall not be protected from suit or liability for damage, loss,
14 injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of
15 such person.

16 (b)(1) The liability of the Interstate Commission's staff director and employees or
17 Interstate Commission representatives, acting within the scope of such person's employment or
18 duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of
19 liability set forth under the Constitution and laws of that state for state officials, employees, and
20 agents. The Interstate Commission is considered to be an instrumentality of the states for the
21 purposes of any such action. Nothing in this subsection shall be construed to protect such person
22 from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional
23 or willful and wanton misconduct of such person.

24 (2) The Interstate Commission shall defend the staff director and its employees and,
25 subject to the approval of the attorney general or other appropriate legal counsel of the member
26 state, shall defend the commissioner of a member state in a civil action seeking to impose liability
27 arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate
28 Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for
29 believing occurred within the scope of Interstate Commission employment, duties, or responsibilities;
30 provided, however, that the actual or alleged act, error, or omission did not result from intentional or
31 willful and wanton misconduct on the part of such person.

32 (3) To the extent not covered by the state involved, a member state, or the Interstate
33 Commission, the representatives or employees of the Interstate Commission shall be held harmless
34 in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such
35 persons arising out of an actual or alleged act, error, or omission that occurred within the scope of
36 Interstate Commission employment, duties, or responsibilities, or that such persons had a
37 reasonable basis for believing occurred within the scope of Interstate Commission employment,

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1 duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did
2 not result from intentional or willful and wanton misconduct on the part of such persons.

3 ARTICLE XI

4 Rulemaking Functions of the Interstate Commission

5 I. The Interstate Commission shall promulgate and publish rules in order to effectively and
6 efficiently achieve the purposes of the compact.

7 II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws
8 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles
9 of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1
10 (2000), or such other administrative procedure acts as the Interstate Commission deems
11 appropriate, consistent with due process requirements under the United States Constitution as now
12 or hereafter interpreted by the United States Supreme Court. All rules and amendments shall
13 become binding as of the date specified, as published with the final version of the rule as approved
14 by the Interstate Commission.

15 III. When promulgating a rule, the Interstate Commission shall, at a minimum:

16 (a) Publish the proposed rule's entire text stating the reasons for that proposed rule;

17 (b) Allow and invite any and all persons to submit written data, facts, opinions, and
18 arguments, which information shall be added to the record and made publicly available; and

19 (c) Promulgate a final rule and its effective date, if appropriate, based on input from
20 state or local officials or interested parties.

21 IV. Rules promulgated by the Interstate Commission shall have the force and effect of
22 administrative rules and shall be binding in the compacting states to the extent and in the manner
23 provided for in this compact.

24 V. Not later than 60 days after a rule is promulgated, an interested person may file a
25 petition in the United States District Court for the District of Columbia or in the federal district
26 court where the Interstate Commission's principal office is located for judicial review of such rule. If
27 the court finds that the Interstate Commission's action is not supported by substantial evidence in
28 the rulemaking record, the court shall hold the rule unlawful and set it aside.

29 VI. If a majority of the legislatures of the member states rejects a rule, those states may by
30 enactment of a statute or resolution in the same manner used to adopt the compact cause that such
31 rule shall have no further force and effect in any member state.

32 VII. The existing rules governing the operation of the Interstate Compact on the Placement
33 of Children superseded by this act shall be null and void no less than 12 months but no more than 24
34 months after the first meeting of the Interstate Commission created hereunder, as determined by
35 the members during the first meeting.

36 VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate
37 rules addressing the following:

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- (a) Transition rules.
- (b) Forms and procedures.
- (c) Timelines.
- (d) Data collection and reporting.
- (e) Rulemaking.
- (f) Visitation.
- (g) Progress reports and supervision.
- (h) Sharing of information and confidentiality.
- (i) Financing of the Interstate Commission.
- (j) Mediation, arbitration, and dispute resolution.
- (k) Education, training, and technical assistance.
- (l) Enforcement.
- (m) Coordination with other interstate compacts.

IX. Upon determination by a majority of the members of the Interstate Commission that an emergency exists:

(a) The Interstate Commission may promulgate an emergency rule only if it is required to:

- (1) Protect the children covered by this compact from an imminent threat to their health, safety, and well-being;
- (2) Prevent loss of federal or state funds; or
- (3) Meet a deadline for the promulgation of an administrative rule required by federal law.

(b) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

(c) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII

Oversight, Dispute Resolution, and Enforcement

I. Oversight.

(a) The Interstate Commission shall oversee the administration and operation of the compact.

(b) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its

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1 rules shall be binding in the compacting states to the extent and in the manner provided for in this
2 compact.

3 (c) All courts shall take judicial notice of the compact and the rules in any judicial or
4 administrative proceeding in a member state pertaining to the subject matter of this compact.

5 (d) The Interstate Commission shall be entitled to receive service of process in any
6 action in which the validity of a compact provision or rule is the issue for which a judicial
7 determination has been sought and shall have standing to intervene in any proceedings. Failure to
8 provide service of process to the Interstate Commission shall render any judgment, order, or other
9 determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the
10 Interstate Commission.

11 II. Dispute resolution.

12 (a) The Interstate Commission shall attempt, upon the request of a member state, to
13 resolve disputes which are subject to the compact and which may arise among member states and
14 between member and nonmember states.

15 (b) The Interstate Commission shall promulgate a rule providing for both mediation and
16 binding dispute resolution for disputes among compacting states. The costs of such mediation or
17 dispute resolution shall be the responsibility of the parties to the dispute.

18 III. Enforcement. If the Interstate Commission determines that a member state has
19 defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or
20 rules of the Interstate Commission, the Interstate Commission may:

21 (a) Provide remedial training and specific technical assistance;

22 (b) Provide written notice to the defaulting state and other member states of the nature
23 of the default and the means of curing the default. The Interstate Commission shall specify the
24 conditions by which the defaulting state must cure its default;

25 (c) By majority vote of the members, initiate against a defaulting member state legal
26 action in the United States District Court for the District of Columbia or, at the discretion of the
27 Interstate Commission, in the federal district where the Interstate Commission has its principal
28 office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate
29 Commission. The relief sought may include both injunctive relief and damages. In the event judicial
30 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including
31 reasonable attorney's fees; or

32 (d) Avail itself of any other remedies available under state law or the regulation of
33 official or professional conduct.

34 ARTICLE XIII

35 Financing of the Commission

36 I. The Interstate Commission shall pay, or provide for the payment of, the reasonable
37 expenses of its establishment, organization, and ongoing activities.

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1 II. The Interstate Commission may levy on and collect an annual assessment from each
2 member state to cover the cost of the operations and activities of the Interstate Commission and its
3 staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget
4 as approved by its members each year. The aggregate annual assessment amount shall be allocated
5 based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule
6 binding upon all member states.

7 III. The Interstate Commission shall not incur obligations of any kind prior to securing the
8 funds adequate to meet those obligations, nor shall the Interstate Commission pledge the credit of
9 any of the member states, except by and with the authority of the member state.

10 IV. The Interstate Commission shall keep accurate accounts of all receipts and
11 disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the
12 audit and accounting procedures established under its bylaws. However, all receipts and
13 disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified
14 or licensed public accountant, and the report of the audit shall be included in and become part of the
15 annual report of the Interstate Commission.

16 **ARTICLE XIV**

17 **Member States, Effective Date, and Amendment**

18 I. Any state is eligible to become a member state.

19 II. The compact shall become effective and binding upon legislative enactment of the
20 compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007, or
21 upon enactment of the compact into law by the thirty-fifth state. Thereafter, it shall become
22 effective and binding as to any other member state upon enactment of the compact into law by that
23 state. The executive heads of the state human services administration with ultimate responsibility
24 for the child welfare program of nonmember states or their designees shall be invited to participate
25 in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact
26 by all states.

27 III. The Interstate Commission may propose amendments to the compact for enactment by
28 the member states. No amendment shall become effective and binding on the member states unless
29 and until it is enacted into law by unanimous consent of the member states.

30 **ARTICLE XV**

31 **Withdrawal and Dissolution**

32 I. Withdrawal.

33 (a) Once effective, the compact shall continue in force and remain binding upon each and
34 every member state, provided that a member state may withdraw from the compact by specifically
35 repealing the statute which enacted the compact into law.

36 (b) Withdrawal from this compact shall be by the enactment of a statute repealing the
37 compact. The effective date of withdrawal shall be the effective date of the repeal of the statute.

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1 (c) The withdrawing state shall immediately notify the president of the Interstate
2 Commission in writing upon the introduction of legislation repealing this compact in the
3 withdrawing state. The Interstate Commission shall then notify the other member states of the
4 withdrawing state's intent to withdraw.

5 (d) The withdrawing state is responsible for all assessments, obligations, and liabilities
6 incurred through the effective date of withdrawal.

7 (e) Reinstatement following withdrawal of a member state shall occur upon the
8 withdrawing state reenacting the compact or upon such later date as determined by the members of
9 the Interstate Commission.

10 II. Dissolution of compact.

11 (a) This compact shall dissolve effective upon the date of the withdrawal or default of the
12 member state which reduces the membership in the compact to one member state.

13 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be
14 of no further force or effect, and the business and affairs of the Interstate Commission shall be
15 concluded and surplus funds shall be distributed in accordance with the bylaws.

16 ARTICLE XVI

17 Severability and Construction

18 I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or
19 provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

20 II. The provisions of this compact shall be liberally construed to effectuate its purposes.

21 III. Nothing in this compact shall be construed to prohibit the concurrent applicability of
22 other interstate compacts to which the states are members.

23 ARTICLE XVII

24 Binding Effect of Compact and Other Laws

25 I. Other laws. Nothing in this compact prevents the enforcement of any other law of a
26 member state that is not inconsistent with this compact.

27 II. Binding effect of the compact.

28 (a) All lawful actions of the Interstate Commission are binding upon the member states.

29 (b) All agreements between the Interstate Commission and the member states are
30 binding in accordance with their terms.

31 (c) In the event any provision of this compact exceeds the constitutional limits imposed
32 on the legislature or executive branch of any member state, such provision shall be ineffective to the
33 extent of the conflict with the constitutional provision in question in that member state.

34 ARTICLE XVIII

35 Indian Tribes

36 Notwithstanding any other provision in this compact, the Interstate Commission may promulgate
37 guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the

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compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

49 Adoption; Assessment. Amend RSA 170-B:18, IV to read as follows:

IV. The department or a licensed child-placing agency making the required assessment may request other departments or licensed child-placing agencies within or outside this state to make the assessment or designated portions thereof as may be appropriate. Where such written assessments are made, a written report shall be filed with the court; provided, however, said report shall not violate RSA 170-A, the interstate compact ~~on~~ **for** the placement of children.

50 Applicability Sections 48-49 of this act, relative to the 2009 edition of the Interstate Compact for the Placement of Children, shall take effect on the date that the commissioner of the department of health and human services certifies to the director of the office of legislative services and the secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009 edition of the Interstate Compact for the Placement of Children.

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

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

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

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

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

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

1 *readily accessible to the recreational camp staff caring for children requiring such*
2 *medications.*

3 54 New Section; Recreation Camp Licensing; Availability of Asthma Inhalers. Amend RSA 170-
4 E by inserting after section 63 the following new section:

5 170-E:63-a Availability of Asthma Inhalers. The recreational camp nurse or, if a nurse is not
6 assigned to the camp, the recreational camp administrator shall maintain for the use of a child with
7 asthma at least one metered dose inhaler or a dry powder inhaler, provided by the child or the child's
8 parent or guardian, which shall be readily accessible to the recreational camp staff caring for
9 children requiring such medications.

10 55 New Paragraph; Services for Children, Youth, and Families; Peer Support Program. Amend
11 RSA 170-G:3 by inserting after paragraph VII the following new paragraph:

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

15 (a) In this section:

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

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

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

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

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

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

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

8 (b)(1) Any information divulged to the team or a team member during the provision of
9 critical incident stress management and crisis intervention services shall be kept confidential and
10 shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records
11 kept by critical incident stress management team members are not subject to subpoena, discovery, or
12 introduction into evidence in a criminal, civil, or administrative action. Except as provided in
13 subparagraph (c), no person, whether critical incident stress management team member or team
14 leader providing or receiving critical incident stress management and crisis intervention services,
15 shall be required to testify or divulge any information obtained solely through such crisis
16 intervention.

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

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

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

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

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

31 56 New Paragraph; Services for Children, Youth, and Families; Procurement Model for Services.
32 Amend RSA 170-G:4-d by inserting after paragraph I the following new paragraph:

33 I-a. The commissioner shall employ a procurement model for administering the provision of
34 therapeutic-based residential behavioral health treatment services provided pursuant to RSA 170-G
35 and RSA 135-F. All contracts shall incorporate the use of trauma-focused models of care. In cases
36 where the unique needs of a juvenile or the capacity of a contracted provider prevent the use of a
37 contracted provider, the commissioner may approve and shall pay for placement with another

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1 certified provider on a temporary basis if the commissioner determines that the placement is
2 necessary to meet the juvenile's immediate treatment needs.

3 57 Repeal. RSA 170-G:8-b, IV, relative to an annual report of informational materials relating
4 to missing children issues and matters, is repealed.

5 58 Services for the Developmentally Disabled; Funding for Wait List. Amend the introductory
6 paragraph of RSA 171-A:1-a, I to read as follows:

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

11 59 Committee Established to Study Gaps in Developmental Services for Individuals Still in
12 School.

13 I. There is established a committee to study gaps in developmental services for individuals
14 still in school.

15 II. (a) The members of the committee shall be as follows:

16 (1) Two members of the senate, one of whom shall be from the majority party and
17 one of whom shall be from the minority party, appointed by the president of the senate.

18 (2) Three members of the house of representatives, appointed by the speaker of the
19 house of representatives.

20 (b) Members of the committee shall receive mileage at the legislative rate when
21 attending to the duties of the committee.

22 III. The committee shall study gaps in developmental services for individuals still in school
23 including, but not limited to, barriers to successful partnership with the mental health services
24 system for individuals with co-occurring mental health diagnoses; the protections provided to
25 individuals receiving services pursuant to RSA 171-A; and other gaps identified by the governor's
26 commission on disability; analysis and report required by 2019, 346:242.

27 IV. The committee shall solicit information and assistance from any governmental entity,
28 organization or person as the committee determines necessary in carrying out its duties including,
29 but not limited to, the university of New Hampshire institute on disability, the department of health
30 and human services, the New Hampshire council on developmental disabilities, Granite State
31 Independent Living, Community Support Network, Inc., Disability Rights Center-NH, the
32 developmental services quality council of the department of health and human services, the
33 governor's commission on disability, and any other relevant stakeholders including individuals with
34 developmental disabilities and their families and/or guardians.

35 V. The members of the study committee shall elect a chairperson from among the members.
36 The first meeting of the committee shall be called by the senate member. The first meeting of the

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1 committee shall be held within 45 days of the effective date of this section. Three members of the
2 committee shall constitute a quorum.

3 VI. The committee shall report its findings and any recommendations for proposed
4 legislation to the president of the senate, the speaker of the house of representatives, the senate
5 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

6 60 Services for the Developmentally Disabled; Wait List. Amend RSA 171-A:1-a, II to read as
7 follows:

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

13 61 Fund for Domestic Violence Grant Program. Amend RSA 173-B:15 to read as follows:

14 173-B:15 Fund for Domestic Violence Grant Program. A special fund for domestic violence
15 programs is established. The sole purpose of the fund shall be to provide revenues for the domestic
16 violence program established in RSA 173-B:16, and shall not be available for any other purpose. The
17 state treasurer shall deposit all fees received by the department under RSA 457:29, ***457:32-b, and***
18 ***631:2-b, V*** in the fund. All moneys deposited in the fund shall be continually appropriated for the
19 purposes of the domestic violence grant program and shall not lapse.

20 62 Granite Workforce Program. Amend 2018, 342:9, as amended by 2019, 346:158, to read as
21 follows:

22 342:9 Termination of Granite Workforce Program.

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

33 II. If at any time the New Hampshire granite advantage health care program, established
34 under RSA 126-AA, terminates, the commissioners of the departments of health and human services
35 and employment security shall terminate the granite workforce program. The date of the granite
36 workforce program's termination shall align with that of the New Hampshire granite advantage
37 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.

63 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~~[5]~~ **and 60**~~[-and 68]~~ of this act shall take effect July 1, 2021.

64 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.***

65 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.]~~

66 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.

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

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

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

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

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

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

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

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

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

33 (3) Emergency follow-up procedures.

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

67 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.

68 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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1 69 Applicability. Sections 67-68 of this act shall apply to affidavits or claims filed on or after the
2 effective date of this section.

3 70 New Subparagraph; New Hampshire Retirement System; Definitions. Amend RSA 100-A:1,
4 VII by inserting after subparagraph (g) the following new subparagraph:

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

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

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

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

15 71 Effective Date.

16 I. Sections 48-49 of this act shall take effect as provided in section 50 of this act.

17 II. Sections 3-4, 6, 10, 12-32, and 70 of this act shall take effect 60 days after its passage.

18 III. Sections 39-40 and 67-69 of this act shall take effect July 1, 2021.

19 IV. The remainder of this act shall take effect upon its passage.

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2021-0778s

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.