

Rep. Marsh, Carr. 8
Rep. Knirk, Carr. 3
Rep. Merchant, Sull. 4
May 11, 2021
2021-1402h
04/10

Amendment to SB 162-FN

1 Amend the bill by replacing section 12 with the following:

2
3 12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

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

11
12 Amend RSA 170-A, as inserted by section 48 of the bill, by inserting after RSA 170-A:1 the following
13 new RSA sections:

14
15 170-A:2 Financial Responsibility. Financial responsibility for any child placed pursuant to the
16 provisions of the Interstate Compact for the Placement of Children shall be determined in
17 accordance with the provisions of Article XIII of the compact in the first instance. However, in the
18 event of partial or complete default of performance under the compact, the provisions of RSA 546-A
19 and RSA 546-B shall apply.

20 170-A:3 Designation of Agencies and Officials. The "appropriate public authorities" as used in
21 the Interstate Compact for the Placement of Children shall, with reference to this state, mean the
22 department of health and human services and said department shall receive and act with reference
23 to notices. The commissioner designated in Article VIII, paragraph II of the Interstate Compact for
24 the Placement of Children shall mean the commissioner of the department of health and human
25 services.

26 170-A:4 Authority. The officers and agencies of this state and its subdivisions having authority
27 to place children are hereby empowered to enter into agreements with appropriate officers or
28 agencies of or in other party states pursuant to Article VII, and Article XVII paragraph II of the
29 Interstate Compact for the Placement of Children. Any such agreement which contains a financial
30 commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not

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1 be binding unless it has the approval in writing of the commissioner of the department of health and
2 human services in the case of the state and of the chief local fiscal officer in the case of a subdivision
3 of the state.

4 170-A:5 Placement by and Jurisdiction of Courts. Any court having jurisdiction to place
5 delinquent children may place such a child in an institution of or in another state pursuant to Article
6 III of the Interstate Compact for the Placement of Children and shall retain jurisdiction unless
7 terminated pursuant to Article IV paragraph IV.

8 170-A:6 Designation of Administrator.

9 I. As used in Article VIII of the Interstate Compact for the Placement of Children, the term
10 "executive head" means the governor. The "executive head of the state human services
11 administration" in Article XIV means the commissioner of the department of health and human
12 services.

13 II. Nothing in this act shall be construed to authorize the establishment of a new division or
14 the hiring of additional personnel to carry out the intent of this compact.

15 170-A:7 Rulemaking. The commissioner of the department of health and human services shall
16 adopt rules under Article XI of the compact in accordance with RSA 541-A.

17
18 Amend the bill by inserting after section 71 the following and renumbering the original section 72 to
19 read as 75:

20
21 72 New Section; Delinquent Children; Placement in a Qualified Residential Treatment Program.
22 Amend RSA 169-B by inserting after section 19-c the following new section:

23 169-B:19-d Placement in a Qualified Residential Treatment Program. For any child placed in a
24 qualified residential treatment program, as defined in the federal Family First Prevention Services
25 Act of 2017, the court shall:

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

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

30 73 New Section; Child Protection Act; Placement in a Qualified Residential Treatment Program.
31 Amend RSA 169-C by inserting after section 19-e the following new section:

32 169-C:19-f Placement in a Qualified Residential Treatment Program. For any child placed in a
33 qualified residential treatment program, as defined in the federal Family First Prevention Services
34 Act of 2017, the court shall:

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

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

3 74 New Section; Children in Need of Services; Placement in a Qualified Residential Treatment
4 Program. Amend RSA 169-D by inserting after section 9-c the following new section:

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

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

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

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AMENDED ANALYSIS

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