

May 25, 2023
No. 24A

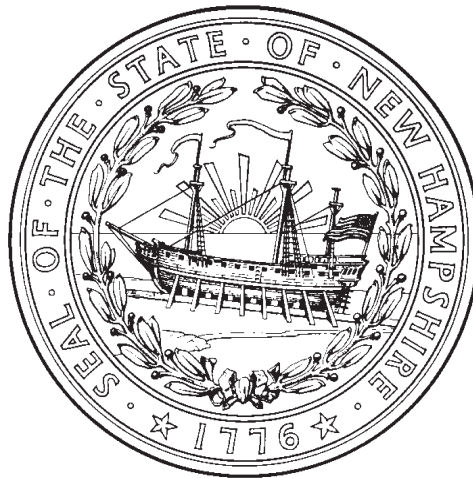
STATE OF NEW HAMPSHIRE

Website Address: <http://gencourt.state.nh.us>

Senate Meeting Schedule Website Address:
<http://gencourt.state.nh.us/senate/schedule/dailyschedule.aspx>

All Standing Committee hearings will be livestreamed on the NH Senate's YouTube channel:
<https://www.youtube.com/NewHampshireSenateLivestream>

Links are also available on the Senate Meeting Schedule.



First Year of the 168th Session of the
New Hampshire General Court

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON THURSDAY, JUNE 1, 2023 AT
10:00 A.M. IN THE SENATE CHAMBER**

The Senate Session on Thursday, June 1, 2023, in the Senate Chamber will be
live streamed at the following link:

<https://youtube.com/live/5ENvXTfi2tg?feature=share>

Please note, this link will not be live until the Senate Session on
Thursday, June 1, 2023 at 10:00 A.M.

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REGULAR CALENDAR REPORTS

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 358, relative to the filing and adoption of proposed administrative rules.
Ought to Pass with Amendment, Vote 5-0.
Senator Pearl for the committee.

FINANCE

HB 97-FN, establishing an additional penalty for a violation of privacy.
Ought to Pass, Vote 6-0.
Senator Gray for the committee.

JUDICIARY

HB 287-FN, removing testing equipment from the definition of drug paraphernalia in the controlled drug act.
Ought to Pass with Amendment, Vote 5-0.
Senator Carson for the committee.

HB 315, prohibiting provocation based on the defendant's religion, race, creed, sexual orientation, national origin, political beliefs or affiliation, sex, or gender identity.
Inexpedient to Legislate, Vote 3-2.
Senator Gannon for the committee.

HB 400-FN, relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer.
Re-refer to Committee, Vote 5-0.
Senator Carson for the committee.

HB 610-FN, expanding the definition of providers who can certify patients of the therapeutic cannabis program.
Ought to Pass, Vote 5-0.
Senator Gannon for the committee.

AMENDMENTS

Senate Judiciary
May 30, 2023
2023-2060s
07/05

Amendment to HB 287-FN

Amend the title of the bill by replacing it with the following:

AN ACT removing fentanyl and xylazine testing equipment from the definition of drug paraphernalia in the controlled drug act.

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

1 New Paragraph; Occupations and Professions; Controlled Drug Act; Definitions. Amend RSA 318-B:1 by inserting after paragraph X-a the following new paragraph:

X-b. Notwithstanding the provisions of RSA 318-B:1, X-a, “drug paraphernalia” shall not include fentanyl test strips, xylazine test strips, or other materials used or intended for use in testing for the presence of fentanyl, xylazine, or a fentanyl or xylazine analog in a substance, unless possessed in conjunction with other evidence forming the basis of a criminal charge involving the manufacturing, possessing with the intent to sell, or compounding pursuant to RSA 318-B:2, I.

2 Effective Date. This act shall take effect 60 days after its passage.

2023-2060s

AMENDED ANALYSIS

This bill removes fentanyl and xylazine testing paraphernalia in certain instances from the definition of drug paraphernalia in the controlled drug act.

Senate Executive Departments and Administration

May 31, 2023

2023-2072s

05/10

Amendment to HB 358

Amend the bill by replacing RSA 541-A:15, I as inserted by section 7 of the bill with the following:

I. The director of legislative services shall compile, index, and publish~~[-or require agencies to publish;-]~~ all effective rules adopted by each agency. The text of an adopted rule as filed with the director and which is effective shall *then* be the official version of the rule~~[-]~~. ***The director shall publish the adopted rule text online in a format as determined by the director. The agency shall be notified when the text is published. The agency shall then have 120 days to certify that the published rule is accurate. If [unless or until a version prepared for publication, which may have] editorial changes not affecting the substance of the rule[-is certified by the agency as the same in substance as originally filed:-] are needed, or an error in the publishing process is identified, then the agency shall notify the director, and such changes shall be made by the director and certified by the agency that it is the same in substance as originally filed. If the agency does not notify the director within the 120-day deadline, then it will be presumed that the agency has reviewed the published language and agreed that it is the certified version and shall be published online by the director in a format as determined by the director.*** The certified version shall *then* be the official version. Both the adopted rule as-filed and as-certified may be an electronic document and still be the official version if in compliance with RSA 541-A:1, V-a and VI and the drafting and procedure manual for administrative rules under RSA 541-A:8. The official version of the rule shall be available to the public by the agency and the director pursuant to RSA 541-A:14, IV ***as described in the drafting and procedure manual under RSA 541-A:8.***

Amend the bill by replacing section 8 with the following:

8 Rules; Filing Required. Amend RSA 541-A:16, III to read as follows:

III. A rule shall become effective as of 12:01 a.m. on the day after the filing of the adopted rule or as of 12:01 a.m. on the date specified by the agency pursuant to RSA 541-A:14, IV, RSA 541-A:14-a, III, or RSA 541-A:19, X, or such other ***later*** date ~~[and time]~~ as specified, provided that filing occurs before such effective date ~~[and time]~~. Except as provided in RSA 541-A:14-a, a rule adopted under RSA 541-A:14, IV shall expire after the last day of the tenth year following its becoming effective, unless sooner amended, readopted, or repealed.

Amend RSA 541-A:19-c, VI(c) as inserted by section 14 of the bill by replacing it with the following:

(c) ***Deemed not to be in the public interest, including the existence of substantive inconsistencies between the form and the rule whose provisions incorporate the form by reference or set forth the requirements of the form pursuant to RSA 541-A:19-b; or***

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

18 Transition; Application. The provisions of this act shall govern the following on or after the effective date of this act:

- I. All rulemaking initiated by filing a notice of rulemaking under RSA 541-A:6.
- II. All interim rules initiated by filing a proposed interim rule under RSA 541-A:19, II.
- III. All expedited revisions to forms initiated by filing a notice of rulemaking under RSA 541-A:19-c, III.
- IV. All notices submitted to the director of legislative services for publication in the rulemaking register.

HEARINGS

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THURSDAY, JUNE 1, 2023

FINANCE, Room 100, SH

Sen. Gray (C), Sen. Innis (VC), Sen. Bradley, Sen. Birdsell, Sen. Pearl, Sen. D'Allesandro, Sen. Rosenwald
1:00 p.m.

EXECUTIVE SESSION

The Senate Finance Committee will meet 30 minutes after the conclusion of the Senate Session or at 1:00 p.m., whichever is later.