HB 1172 - AS INTRODUCED

2024 SESSION

HOUSE BILL 1172

AN ACT relative to meetings of condominium boards and committees.


COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill exempts certain condominium board meetings and committees from notice requirements governing meetings of the association.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1172 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to meetings of condominium boards and committees.

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

1 Meetings of the Board of Directors and Committees of the Association. Amend RSA 356-B:37-c to read as follows:

356-B:37-c Meetings of the Board of Directors and Committees of the Association. The following requirements apply to meetings of the board of directors and committees of the association authorized to act for the association:

I. For purposes of this section, a gathering of board members at which the board members do not conduct association business is not a meeting of the board of directors. A meeting of the board of directors also shall not include informational sessions held by board members to obtain and compare vendor proposals, including but not limited to, landscaping, lawn care, snow removal, septic services, well services, insurance, window cleaning, and common area maintenance; provided that the review and vote on any motions resulting from the informational session shall be conducted at the next scheduled board meeting.

The board of directors and its members may not use incidental or social gatherings of board members or any other method to evade the open meeting requirements of this section.

II. Not less than once each quarter, and at such additional times as may be specified in the condominium bylaws, the board of directors shall, subject to the provisions of RSA 356-B:37-d, hold an open regular meeting during which unit owners shall be afforded a reasonable opportunity to comment on any matter affecting the association. At its discretion, the board of directors may meet in a meeting not open to unit owners provided the meeting is recorded and the recording is made available to unit owners for up to 30 days upon request.

III. Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the bylaws shall give notice of each meeting of the board of directors to each board member and to the unit owners. The notice shall be given at least 10 days before the meeting, or 5 days before the meeting if at least 70 percent of the unit owners are full-time residents, and shall state the time, date, place, and agenda of the meeting.

IV. If any materials are distributed to the board of directors before the meeting, the board of directors at the same time shall make copies of those materials reasonably available to unit owners, except that the board of directors need not make available copies of unapproved minutes or matters that are to be considered in executive session.
V. In the case of self-managed community associations, meetings of the board of directors or committees expressly for purposes of implementation of decisions made in open meetings shall be exempt from the requirements of RSA 356-B:37, 356-B:37-a, and this section.

VI. This section shall not apply to small condominiums governed by RSA 356-B:37, VII.

VII. This section shall not apply to a committee if the association's bylaws do not permit the committee to expend association funds or to sign contracts on behalf of the association.

2 Effective Date. This act shall take effect January 1, 2025.
<table>
<thead>
<tr>
<th>Date</th>
<th>Session</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/16/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/21/2024 01:15 am LOB 302-304</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/13/2024 (Vote 18-0; CC) HC 12 P. 5</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Commerce; SJ 8</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>S</td>
<td>Hearing: 04/09/2024, Room 100, SH, 10:10 am; SC 14</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1172, relative to meetings of condominium boards and committees.

Hearing Date: April 9, 2024

Time Opened: 10:14 a.m.  Time Closed: 10:23 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi and Innis

Members of the Committee Absent: Senators Soucy and Chandley

Bill Analysis: This bill exempts certain condominium board meetings and committees from notice requirements governing meetings of the association.

Sponsors:

Who supports the bill: Representative Allison Knab, Senator Debra Altschiller, Dick Swett (Vineyards Condo)

Who opposes the bill: Julie Smith

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Allison Knab

- This bill was introduced on behalf of multiple condominium associations in Representative Knab’s town. The associations felt the notice period for meetings were onerous. It also was unclear if subcommittees, such as a meeting with landscapers, had to be noticed.
- Under this bill, the 10-day notice period would remain; however, a 5-day notice period would be required if 70 percent or more of residents are full-time.
- If a condominium committee met with contractors, they would not be subject to the noticing requirement as long as they are not executing a contract or making official decisions.
- Representative Knab said this bill would make the process less onerous, while keeping the traditional requirements intact.

Dick Swett, Vineyards Condominium

- This bill would make three changes.
First, this bill would expedite and improve the efficiency in selecting vendors and contracts.

- Often times, board of directors have two or three vendors make a presentation to ensure there is a fair bid. Since there is limited availability of highly rated vendors, time is essential.
- This would be applicable only to information exchanges. All authorizations would have to be made at the next open meeting of the board.

Second, there would be a 5-day notice if 70 percent or more of the unit owners are full-time residents. This would provide boards with greater flexibility with scheduling meetings and crafting agendas. The 10-day notice would remain in effect for residents who are long-term renters, seasonal occupants, or short-term rental owners.

- Meeting requirements would remain unchanged. Boards would be required to state the meeting time, date, location, and agenda.
- Mr. Swett said public bodies had fewer requirements under RSA 91-A than condominium boards do. Under RSA 91-A:2, public bodies can post a notice in two public places 24 hours prior to a meeting without stating an agenda. Compared to RSA 91-A, Mr. Swett said the 5-day notice exemption was an acceptable provision.

Third, a new paragraph would be added to clarify that all committees are required to follow the meeting requirements set forth in RSA 356-B:37-c.

- Under this change, committees would be exempt in circumstances where bylaws do not authorize them to expend funds or enter into contracts.
- The role of committees is very limited, and they make recommendations for board approval or disapproval.

**Senator Gannon** said he has owned condominiums from a long distance, so it is harder for him to attend meetings. He said he would have a harder time participating if there were a 5-day notice.

- **Mr. Swett** said he would have a 10-day notice because he was not a resident occupant of the association.

**Senator Gannon** asked if 70 percent of the owners with the 5-day notice could influence absentee owners.

- **Mr. Swett** said he did not think so.

**Summary of testimony presented in opposition**: None

**Neutral Information Presented**: None
HOUSE BILL 1559-FN

AN ACT repealing the chapter relative to cash dispensing machines.

SPONSORS: Rep. Hunt, Ches. 14

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill repeals RSA 399-F relative to cash dispensing machines.

This is a request by the banking department.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT repealing the chapter relative to cash dispensing machines.

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

1 1 Repeal. RSA 399-F, relative to cash dispensing machines, is repealed.
2 2 Effective Date. This act shall take effect upon its passage.
AN ACT repealing the chapter relative to cash dispensing machines.

FISCAL IMPACT:
The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than $10,000 in each of the fiscal years 2024 through 2027.

AGENCIES CONTACTED:
Banking Department
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 10:30 am LOB 302-304</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 01:15 pm LOB 302-304</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/13/2024 (Vote 18-0; CC) HC 12 P. 9</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/28/2024 HJ 1</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Commerce; SJ 8</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 10:20 am; SC 16</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 18</td>
</tr>
</tbody>
</table>
Senate Commerce Committee
Aaron Jones 271-2609

HB 1559-FN, repealing the chapter relative to cash dispensing machines.

Hearing Date: April 23, 2024

Time Opened: 10:31 a.m.                  Time Closed: 10:35 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi, Innis, Soucy and Chandley

Members of the Committee Absent : None

Bill Analysis: This bill repeals RSA 399-F relative to cash dispensing machines.

This is a request by the banking department.

Sponsors:
Rep. Hunt

Who supports the bill: Representative John Hunt, Bob Lamberti (NH Banking Department)

Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative John Hunt

- This bill would repeal the cash dispensing statute.
- These machines are not banks; instead, they are non-depositories.
- Over the years, the Legislature has lowered their fees.
- Representative Hunt said there were no consumer protections for knowing where these machines are located, and there have not been many consumer complaints.
- Senator Soucy said she has received complaints about cryptocurrency ATMs, and she asked if that could be addressed.
  - Representative Hunt said the Banking Department does not regulate cryptocurrency; instead, the Consumer Protection Bureau could regulate it.
• Senator Soucy said it did not have to be the Department, but it could be some other form of identification.
  o Representative Hunt said they have taken a position that cryptocurrency is a commodity, not monetary. Therefore, the regulatory authority would be with the Attorney General’s Office.

**Bob Lamberti, Deputy General Counsel, New Hampshire Banking Department**

• This bill was designed to repeal the entire statute because its costs outweigh its benefits.
• In the entire time the Department has enforced the statute, there has been one complaint in their records. That complaint was resolved without further intervention.
• These machines would still be regulated under the Consumer Protection Act.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None

AJ  
Date Hearing Report completed: April 24, 2024
HOUSE BILL 1125

AN ACT relative to requiring public notice and comment at all county commissioner and delegation meetings.


COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires public notice and comment at all county commissioner and delegation meetings.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to requiring public notice and comment at all county commissioner and delegation meetings.

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

1 New Section; County Commissioner and Delegation Meetings; Public Notice and Comment.

Amend RSA 91:A by inserting after section 2-b the following new section:

91-A:2-c County Commissioner and Delegation Meetings; Public Notice and Comment.

I. In addition to all requirements set forth in RSA 91-A:2, county commissions and delegations shall allow public comment from county residents during a period specified by the chair of the delegation.

II. Any person who resides in the county for which the meeting is being held shall be permitted, within the parameters of this section, to participate in public comment session as designated by the chair. Every county resident wishing to provide spoken comment at a meeting shall be granted at least 3 minutes to speak. The allotted time for comment shall be the same for every person.

III. Notice for all non-emergency county commission and delegation meetings shall be posted as required in RSA 91-A:2.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Municipal and County Government</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 10:20 am LOB 301-303</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 09:30 am LOB 307</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-0784h</td>
</tr>
<tr>
<td></td>
<td></td>
<td>02/21/2024 (Vote 16-3; RC) HC 9 P. 26</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment # 2024-0784h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>FLAM # 2024-0854h (Rep. Stavis): AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0784h and 2024-0854h: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Election Law and Municipal Affairs; SJ 7</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 103, LOB, 09:40 am; SC 13</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1125, relative to requiring public notice and comment at all county commissioner and delegation meetings.

**Hearing Date:** April 2, 2024

**Members of the Committee Present:** Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

**Members of the Committee Absent:** None

**Bill Analysis:** This bill requires public notice and comment at all county commissioner and delegation meetings.

**Sponsors:**
- Rep. Burroughs
- Rep. Maggiore
- Rep. Stavis
- Rep. Thackston
- Rep. Hunt

**Who supports the bill:** Rep. Anita Burroughs, Janet Lucas, Daniel Richardson

**Who opposes the bill:** Julie Smith

**Summary of testimony presented in support:**

**Representative Anita Burroughs**

- The goal of this bill is to allow public comment at all county commissioner and delegation meetings.
- In Caroll County they always have a good number of people who want to come out and give their opinions.
- She believes it is a good thing for our democracy when people show up to testify.
- HB 1125 ensures that people who come to these meetings will have the ability to speak for up to 3 minutes.
- The commissioners are not required to take questions.
- Senator Murphy asked what was taken out of the original bill.
  - Rep. Burroughs replied that the ability to have remote testimony was taken out.
- Senator Soucy asked if there was any discussion of the County Delegation having their meetings here in Concord for a specific discussion.
  - Rep. Burroughs replied that there was no discussion of that, only that it has to comply with 91:A and the meeting needs to be noticed. The same process could happen if the meeting was here.

**Summary of testimony presented in opposition:** None

TJM
**Date Hearing Report completed:** April 8, 2024
HOUSE BILL 1126

AN ACT relative to candidate requests for absentee ballot information.

SPONSORS: Rep. Berry, Hills. 39

COMMITTEE: Election Law

ANALYSIS

This bill expands the information reported to candidates requesting absentee ballot information.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1126 - AS AMENDED BY THE HOUSE

14Mar2024... 0957h 24-2614 12/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to candidate requests for absentee ballot information.

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

1 Absentee Ballots; Information for Candidates. Amend RSA 657:15, III to read as follows:

III. Candidates whose names appear on the ballot for statewide office and persons bearing a notarized request from candidates whose names appear on the ballot for statewide office may obtain a statewide list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B from the secretary of state. Information on the statewide absentee voter list shall be limited to voter name and address where registered, voter ID number, voter's party, the type of election the absentee ballot was requested in, the date the absentee ballot was requested, the date the absentee ballot was sent or handed to the voter, and the date that the absentee ballot was returned.

2 Effective Date. This act shall take effect 60 days after its passage.
Amendment to HB 1126

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

2

3 1 Absentee Ballots; Information for Candidates. Amend RSA 657:15, III to read as follows:

4 III. Candidates whose names appear on the ballot for statewide office and persons bearing a
5 notarized request from candidates whose names appear on the ballot for statewide office may obtain
6 a statewide list of absentee voter applicants, excluding voters who have presented to the supervisors
7 of the checklist valid protective orders pursuant to RSA 173-B from the secretary of state.
8 Information on the statewide absentee voter list shall be limited to voter name and address where
9 registered, voter ID number, voter's party, the type of election the absentee ballot was
10 requested in, the date the absentee ballot was requested, the date the absentee ballot was sent
11 or handed to the voter, and the date that the absentee ballot envelope was returned.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Public Hearing: 02/13/2024 10:40 am LOB 307</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/20/2024 02:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/05/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0957h, 03/05/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Amendment # 2024-0957h: AA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0957h: MA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs: SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 103, LOB, 09:55 am; SC 15</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1694s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

HB 1126, relative to candidate requests for absentee ballot information.

Hearing Date: April 16, 2024

Members of the Committee Present: Senators Gray, Abbas and Soucy

Members of the Committee Absent: Senators Murphy and Perkins Kwoka

Bill Analysis: This bill expands the information reported to candidates requesting absentee ballot information.

Sponsors: Rep. Berry

Who supports the bill: Representative Ross Berry, Representative Clayton Wood, Dan Healy, Eric Pauer, Daniel Richardson

Who opposes the bill: Dorene Lengyel, Janet Lucas

Who is neutral on the bill: Erin Hennessey, Deputy Secretary of State

Summary of testimony presented in support:

Representative Berry

- This bill completes a four-year process to increase candidate access to the absentee ballot request list.
- Last term a bill passed that guaranteed access to an electronic copy of the checklist.
- When that bill was passed it inadvertently excluded information that would be available in a paper copy.
- HB 1126 is a housekeeping measure to clear that up.

Dan Healey – NH City and Town Clerks Association

- They are in support of this bill as a few years ago this report was available to candidates the way this language is written.
- He has a problem with the change that was just recommended.
- The date received has always been when we get the materials back.
- After election day the clerks can go back into the election portal and put the reason for rejection of the ballot which could be that the ballot was missing.
- The current report consists of date requested, date mailed, and date received.
- If there was a problem with the ballot that would be noted and candidates can see that on the report.
- Senator Gray commented that the Deputy Secretary wants to be specific in the law and asked if having ballot or ballot/envelope would be incorrect in any way.
  - Mr. Healey stated that he believes it is clear in the report now and he has never received an envelope without a ballot in it.
Senator Gray commented that he has as a moderator and if Mr. Healey, Deputy Secretary Hennessey and Representative Berry want to submit language they can agree on the Committee can have an amendment drafted.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Erin Hennessey – Deputy Secretary of State

- The new Statewide Voter Registration System would be able to produce this report for candidates that would like it.
- She recommends a minor change in the language on line 9 where it references the date that the absentee ballot was returned.
- Clerks are unable to open an affidavit envelope just to make sure an absentee ballot is in there.
- There is really no way to know if the date they receive the envelope is the date they receive the absentee ballot.
- She suggests they change the language to say absentee materials or some other reference.
- Senator Gray asked if it would be better if they added ballot/envelope.
  - Deputy Secretary Hennessey replied yes or absentee materials.
- Senator Gray asked Representative Berry if he would mind that change.
  - Representative Berry stated that he did not think it was necessary but sure they could add it.
- Senator Abbas asked if they could just stamp the envelope with the date that they receive it and then record that date.
  - Deputy Secretary Hennessey replied that the clerk records in the state system the date the absentee envelope is received so that voters can look it up and confirm that the clerk has it. Her concern is that since this bill is a report required to the candidate, she would want them to understand there may not have been a ballot in the envelope received by the clerk.

TJM
Date Hearing Report completed: April 19, 2024
HB 1370-FN - AS INTRODUCED

HOUSE BILL 1370-FN

AN ACT relative to durable and tamper-proof containers for preserving ballots.


COMMITTEE: Election Law

ANALYSIS

This bill modifies the requirements for ballot preserving containers provided by the secretary of state.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1370-FN - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to durable and tamper-proof containers for preserving ballots.

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

1 Preservation of Ballots; Secretary of State to Prepare Containers, Sealers. Amend RSA 659:97 to read as follows:

   659:97 Secretary of State to Prepare Containers, Sealers. The secretary of state shall, before any state election, prepare and distribute to each town and ward clerk secure, durable, reusable, transportable, and stackable containers to be used for preserving ballots and sealers to seal each such container. [He] The secretary of state shall prepare special durable and easily transportable containers capable of being secured and with tamper-evident sealers to be used for preserving any special and separate ballots for questions to voters. The secretary of state shall prescribe the size and form of such containers, locks, and tamper-evident sealers and shall prescribe the form of any endorsement blank printed upon the sealers, provided that the blank is in substance consistent with the provisions of RSA 659:95.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to durable and tamper-proof containers for preserving ballots.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] N/A

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill requires the Secretary of State to prepare and provide, to each town and ward clerk, ballot preserving containers which are secure, durable, reusable, transportable, and stackable.

The Department of State indicates the current distribution to the town and ward clerks include custom-sized cardboard boxes, red tape designed to be tamper-evident, and sealers that necessitate signatures, although they lack tamper-evident features. Currently, the Department ships electronic ballot-counted ballots in custom-sized boxes to prevent damage, considering ballot sizes and quantities. For manual count towns, folded ballots are transported in the smallest available boxes. Due to the multiple sized and custom boxes needed to comply with this bill the Department would need to contract with a reusable, lockable container manufacturer to purchase the boxes.
The Department notes, RSA 33-A:3-a, XXXVI mandates the retention of federal election ballots and related documents by town clerks until the contest is resolved or at least 22 months after the election, whichever is longer. The secretary of state anticipates procuring reusable containers for the initial 5 elections (1 presidential primary, 2 state primaries, and 2 state general elections), with minimal additional purchases afterward for replacements or increased ballot shipments, provided municipalities return the reusable containers after the retention period.

The Department assumes the cost to coordinate the return shipment of all state elections containers would be bore by the Department as well as the increased cost from the change in the container resulting in increased shipping costs from and to the Department. The exact cost is currently unknown. The Department plans to solicit proposals for lockable, durable, reusable, transportable, and stackable containers, along with container locks and tamper-evident sealers. However, the costs for these new containers, locks, and sealers cannot be determined at this time but would result in an indeterminable increase to State General Funds starting in FY 2025.

The New Hampshire Municipal Association states to comply with the bill they would need training, but it is assumed the Department of State would cover this costs. Any other incidental costs would be minimal.

AGENCIES CONTACTED:
Department of State and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law  HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 02:30 pm LOB 306-308</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Executive Session: 02/08/2024 03:00 pm LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass  02/08/2024 (Vote 15-4; RC)</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass: MA DV 254-120 03/14/2024  HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, LOB, 10:10 am; SC 17</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 05/16/2024; SC 19</td>
</tr>
</tbody>
</table>
HB 1370-FN, relative to durable and tamper-proof containers for preserving ballots.

Hearing Date: April 30, 2024

Members of the Committee Present: Senators Gray, Murphy and Perkins Kwoka

Members of the Committee Absent: Senators Soucy and Abbas

Bill Analysis: This bill modifies the requirements for ballot preserving containers provided by the secretary of state.

Sponsors:
Rep. Panek

Who supports the bill: Representative Ross Berry, Representative Robert Wherry, Representative Heath Howard, Eric Pauer

Who opposes the bill: Dan Healey (NH City and Town Clerks Association)

Summary of testimony presented in support:

Representative Ross Berry

- This is a bill that will make storing ballots easier and more secure.
- The new containers are durable so they will last longer and polling locations will need less of them.
- There is a video from 2012 that shows how easy it is to remove the seal put on the cardboard boxes.
- Representatives have heard many complaints about that over the years.
- HB 1370 will get them to a system that instills more confidence with the voters that the ballots have not been tampered with.
- The new containers are sustainable because you can use them over and over and over again.
- Senator Murphy asked if the Secretary of State took a position on this bill in the House Committee.
  - Rep. Berry replied that he believes they were not opposed to it but he does not remember if they were completely in support.
Summary of testimony presented in opposition:

Daniel Healey – President, NH City and Clerks Association

- They feel that the current system works well.
- The cardboard boxes are easy to store and dispose of.
- They are concerned with having enough of the containers on Election Day.
- If they run out of the tamper proof containers on Election Day they will have nothing to put the ballots in.
- Currently, they use the cardboard boxes and put seals on them.
- They store the boxes for state and federal elections, 22 months and for local elections, 6 months.
- Tamper proof containers will add bulk to their storage and he has heard from some communities that they do not have the space.
- They have a lot of questions about the process and the cost of implementing this new system.
- He believes that the bill is not clear about how to seal the containers or if they can reuse the containers once the ballots are disposed of.
- He understands that the Secretary of State would provide the initial containers but beyond that there is no guidance.
- Senator Murphy asked if the current cardboard boxes come from the Secretary of State.
  - Mr. Healey replied that they do and for the last few elections they have provided plenty. In the past they have run out of boxes and had to secure more.
- Senator Gray asked if the Secretary of State’s office currently provides different color boxes for different purposes.
  - Mr. Healey replied that they do. They provide red boxes for the regular ballots, blue boxes for the absentee materials.

TJM
Date Hearing Report completed: May 3, 2024
HOUSE BILL 1596-FN

AN ACT requiring a disclosure of deceptive artificial intelligence usage in political advertising.


COMMITTEE: Election Law

________________________________________

AMENDED ANALYSIS

This bill requires the disclosure of media created using artificial intelligence and deepfakes used in political advertising.

Explanation: Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT requiring a disclosure of deceptive artificial intelligence usage in political advertising.

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

1 New Section; Synthetic Media and Deceptive and Fraudulent Deep Fakes. Amend RSA 664 by inserting after section 14-b the following new section:

   664:14-c Synthetic Media and Deceptive and Fraudulent Deepfakes.

   I. In this section:

   (a) "Synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been created or intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video.

   (b) "Artificial intelligence" or "AI" is the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

   (c) "Generative AI" is AI that can generate text, images, or other media in response to prompts.

   (d) "Deepfake" means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

   II. Except as provided in paragraph III, a person, corporation, committee, or other entity shall not, within 90 days of an election at which a candidate for elective office will appear on the ballot, distribute a message created using artificial intelligence or generative AI that the person, corporation, committee or other entity knows or should have known is a deepfake, as defined in paragraph I, of a candidate or party on the state or local ballot.

   III.(a) The prohibition in paragraph II shall not apply if the audio or visual media includes a disclosure stating: "This ________ has been manipulated or generated by artificial intelligence technology and depicts speech or conduct that did not occur."

   (b) The blank in the disclosure required by subparagraph (a) shall be filled with whichever of the following terms most accurately describes the media:

      (1) Image.
(2) Video.
(3) Audio.

(c) For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

(d) If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than 2 minutes each.

IV.(a) A candidate whose appearance, action, or speech is depicted through the use of a deceptive and fraudulent deepfake in violation of paragraph II may seek injunctive or other equitable relief prohibiting the publication of such deceptive and fraudulent deepfake.

(b) A candidate whose appearance, action, or speech is depicted using a deceptive and fraudulent deepfake in violation of paragraph II may also bring an action for general or special damages against the sponsor. The court may award a prevailing party reasonable attorneys' fees and costs. This section shall not limit or preclude a plaintiff from securing or recovering any other available remedy.

V. This section shall not apply to any of the following:

(a) An interactive computer service provider or user as defined in 47 U.S.C. section 230 unless such provider or user was the creator of the deepfake prohibited by paragraph II.

(b) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite radio or television operator, programmer, or producer, Internet website or online platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite television operator, Internet website or online platform, or other periodical when such entity is paid to publish, distribute or broadcast an election communication including a deepfake prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer provided by the creator or sponsor of the election communication.

(d) A video, audio or any other media that constitutes satire or parody or the production of which is substantially dependent on the ability of one or more individuals to physically or verbally impersonate another person without reliance on artificial intelligence.
VI. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

2 Effective Date. This act shall take effect August 1, 2024.
AN ACT requiring a disclosure of deceptive artificial intelligence usage in political advertising.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>Revenue Fund</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>County Revenue</strong></td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td><strong>Local Revenue</strong></td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Department of Justice indicates this bill would amend RSA 664 by adding a new section 664:14-c, which would prohibit the use of synthetic media and deep fakes of candidates or parties on state or local ballots. The Department's Election Law Unit enforces the State's election laws, including those found in RSA chapter 664. The Election Law Unit would be responsible for investigating and prosecuting reported violations of this bill. The Department states the Unit has finite resources and when fully staffed, the Unit has two full-time attorneys, two full-time
investigators, and one investigative paralegal. The Unit does not have specialized hardware or software that may be necessary to distinguish between genuine media and synthetic or deep fake media and it does not have the necessary specialized training. Because of the anonymity of conduct on the Internet, investigations of reported unlawful conduct on the Internet would require additional resources to identify the responsible person. To the extent reported violations of this bill would involve synthetic media and deep fakes distributed online, the Department would require additional resources to investigate those violations. The Department states it is not possible to calculate the additional expenditures that would result from the bill. In addition, enforcement of the new law would require the diversion of existing resources from enforcement of existing election laws to investigation and prosecution of reported violations of this bill. The additional resources required cannot be determined because the Department cannot predict:

1. How many persons will distribute synthetic media or deep fakes in violation of the proposed legislation.

2. How many reports of violations of the proposed legislation that the Unit will receive.

3. How many reported violations would involve synthetic media or deep fakes distributed on the Internet, where the investigations of these reported violations would require additional resources to determine the identity of the person who distributed the media or deep fake.

4. The resources that would be required to investigate and prosecute a typical violation of the proposed legislation.

5. What specialized equipment or software that might be necessary to distinguish between genuine media and synthetic or deep fake media, and the cost of such specialized equipment or software.

6. What specialized training staff would require to effectively investigate and identify synthetic or deep fake media, and the cost of such training.

The Judicial Branch indicates it is not possible to estimate how this change in law would impact the number of filings in the courts. Because the bill would establish a new cause of action, it is expected that civil litigation would increase. Common costs for civil cases include the following:

<table>
<thead>
<tr>
<th>Average Costs in Superior Court</th>
<th>FY 2024</th>
<th>FY 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complex Civil Case</td>
<td>$1,321</td>
<td>$1,347</td>
</tr>
<tr>
<td>Routine Civil Case</td>
<td>$494</td>
<td>$504</td>
</tr>
<tr>
<td>Superior Court Fees</td>
<td>As of 2/12/2020</td>
<td></td>
</tr>
<tr>
<td>Original Entry Fee</td>
<td>$280</td>
<td></td>
</tr>
<tr>
<td>Third-Party Claim</td>
<td>$280</td>
<td></td>
</tr>
<tr>
<td>Motion to Reopen</td>
<td>$160</td>
<td></td>
</tr>
</tbody>
</table>

AGENCIES CONTACTED:
Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association
Amendment to HB 1596-FN

Amend RSA 664:14-c as inserted by section 1 of the bill by replacing it with the following:

664:14-c Synthetic Media and Deceptive and Fraudulent Deepfakes.

I. In this section:

(a) "Synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been created or intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video.

(b) "Artificial intelligence" or "AI" is the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

(c) "Generative AI" is AI that can generate text, images, or other media in response to prompts.

(d) "Deepfake" means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

II. Except as provided in paragraph III, a person, corporation, committee, or other entity shall not, within 90 days of an election at which a candidate for elective office will appear on the ballot, distribute a message created using artificial intelligence or generative AI that the person, corporation, committee or other entity knows or should have known is a deepfake, as defined in paragraph I, of a candidate, election official, or party on the state or local ballot.

III.(a) The prohibition in paragraph II shall not apply if the audio or visual media includes a disclosure stating: "This ________ has been manipulated or generated by artificial intelligence technology and depicts speech or conduct that did not occur."

(b) The blank in the disclosure required by subparagraph (a) shall be filled with whichever of the following terms most accurately describes the media:

(1) Image.
(2) Video.
(3) Audio.
(c) For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

(d) If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than 2 minutes each.

IV.(a) A candidate or election official whose appearance, action, or speech is depicted through the use of a deceptive and fraudulent deepfake in violation of paragraph II may seek injunctive or other equitable relief prohibiting the publication of such deceptive and fraudulent deepfake.

(b) A candidate or election official whose appearance, action, or speech is depicted using a deceptive and fraudulent deepfake in violation of paragraph II may also bring an action for general or special damages against the sponsor. The court may award a prevailing party reasonable attorneys' fees and costs. This section shall not limit or preclude a plaintiff from securing or recovering any other available remedy.

V. This section shall not apply to any of the following:

(a) An interactive computer service provider as defined in 47 U.S.C. section 230.

(b) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite radio or television operator, programmer, or producer, Internet website or online platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite television operator, Internet website or online platform, or other periodical when such entity is paid to publish, distribute or broadcast an election communication including a deepfake prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer provided by the creator or sponsor of the election communication.

(d) A video, audio or any other media that constitutes satire or parody or the production of which is substantially dependent on the ability of one or more individuals to physically or verbally impersonate another person without reliance on artificial intelligence.
VI. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law  HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 02:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>==CANCELLED== Public Hearing: 02/20/2024 01:50 pm LOB 306-308</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/27/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>03/05/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/11/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/19/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 03/18/2024 (Vote 10-10; RC) HC 12 P. 28</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1209h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1209h and 2024-1363h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Reconsider OTPA (Rep. Berry): MF VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs: SJ 8</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 103, LOB, 10:00 am; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1823s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1596-FN, requiring a disclosure of deceptive artificial intelligence usage in political advertising.

Hearing Date:       April 23, 2024

Members of the Committee Present: Senators Gray, Murphy and Soucy

Members of the Committee Absent: Senators Abbas and Perkins Kwoka

Bill Analysis:     This bill requires the disclosure of media created using artificial intelligence and deepfakes used in political advertising.

Sponsors:
- Rep. Brennan
- Rep. Cormen
- Rep. D. McGuire
- Sen. Whitley
- Rep. McGhee
- Rep. Boehm
- Rep. Massimilla
- Sen. Fenton
- Rep. Berry
- Rep. Kenney
- Sen. Perkins Kwoka


Who opposes the bill: Krysten Evans, Patricia Spalding, Julie Smith, Maura McHugh, Danielle Van Dusen, Christine Alexander, Sarah Murray, Suzanne Haldane, John Tuthill

Summary of testimony presented in support:

Representative Angela Brennan

- This is a bi-partisan bill that begins to address the use of artificial intelligence as it relates to elections.
- HB 1596 is enthusiastically supported by the Secretary of State.
- 2024 is the first election year where artificial intelligence is at everyone’s fingertips.
- What once cost thousands of dollars can now be done in a couple of minutes using a phone app.
- NH experienced this when a recording sounding like President Biden encouraged voters to not participate in the primary.
- Deceptive media is used to trick the viewer or listener into believing something that did not actually occur in real life.
- The 2024 election is a perfect storm ripe for dirty tricks.
- The dissemination of deceptive information is detrimental to our democracy.
• This bill requires disclosure of deceptively manipulated media often referred to as fraudulent deep fakes.
• The definitions in this bill are consistent with other AI bills that the house has sent over to the Senate.
• This bill is the only one that can go into effect this year and prohibits deep fake information from being disseminated within 90 days of a candidate appearing on the ballot.
• The limited time frame is to try and alleviate any First Amendment concerns.
• The disclosure must appear or be heard easily by the average viewer or listener.
• For a video the disclosure must appear for the duration of the video.
• The bill gives other requirements for disclosure and provides a path for candidates to pursue injunctive relief to stop distribution of the deceptive deep fake as well as to seek damages.
• It does not prescribe to the courts what action they should take.
• There are also a number of safe harbors in the bill.
• The aim is to hold the sponsor of the deep fake accountable.

Representative Kat McGee

• A lie can get around the world before the truth can put its boots on.
• Once a lie is released people will believe it even when the truth comes out.
• She believes that as a society we have been pretty lenient with lies.
• This erodes trusts and the whole system of democracy is weakened.
• Truth is essential to a successful democracy.
• Lawmakers need to find ways to protect the public from these deceptive practices.
• HB 1596 seeks to give New Hampshire some guard rails against deep fakes.
• It provides that creators must label their content so that the people of New Hampshire are not deceived.
• There is no first amendment issue with this legislation.
• You can still put out deceptive information you just have to label it so there is full transparency for the viewer.

Linda Bundy

• Examples of artificial intelligence are frequently in the news demonstrating both positive and negative applications.
• Political advertising is an areas that can invite misuse.
• HB 1596 requires disclosure of deceptive AI in political advertising within 90 days of a candidate’s appearance on the ballot.
• Last week Secretary Scanlan testified in Washington regarding the AI generated robo call that imitated President Biden during NH’s Presidential Primary.
• Secretary Scanlan noted the importance of not allowing “malicious and illegal attempts to suppress the vote or manipulate the outcome of an election.”
• This bill addresses first amendment safeguards and is bi-partisan, common sense legislation.

Liz Tentarelli – League of Women Voters

• The League of Women Voters and other companies have brought suit against the groups that are behind the robo call imitating President Biden.
• NH needs this bill

Erin Hennessey – Deputy Secretary of State

• In addition to candidates, she suggests they add election officials to the language.
• With this technology someone could send a message that imitated the city or town clerk changing the date of the election or other potentially dangerous messages.

Jamie Burnett – Public Affairs for Google

• They agree with the intent of this bill and think it is well written.
• One concern they have appears on page 2, under the exemptions section of the bill.
• On line 21, the language looks to exempt interactive computer services.
• The qualifying language that appears after section 230, they believe, will continue to cover interactive computer services if companies used the interactive computer services to create content that would be prohibited under the bill.
• If someone used Google's AI tool to create and distribute prohibited content, the intent of the bill would be that Google is exempt but the language actually would have that exemption nullified.
• This has happened in other states and they have begun to clarify that language to make it more consistent with federal law.
• He will work with Representative Brennan on an amendment.

Autumn Raschik Goodwin – Open Democracy Action

• As artificial intelligence and technology rapidly advances it is becoming easier to spread fraudulent information.
• The more public appearances or voice recordings, the more accurate and believable the resulting deep fake will be.
• Every event elected officials attend where there is a photo, video or audio recording is another data point for AI can use to make a false digital copy.
• Secretary Scanlan has expressed his concern with how easy it has become to create false recordings.
• Creating deep fakes used to cost and exorbitant amount of time and money but now can be achieved with relative ease using one of many readily available software programs.
• HB 1596 is legislation that will protect the public from bad faith actors that wish to disrupt our democracy.

Summary of testimony presented in opposition: None
HOUSE BILL 194-FN

AN ACT requiring the director of the division of historical resources to compile and maintain a list of public monuments.

SPONSORS: Rep. Germana, Ches. 1; Rep. Toll, Ches. 15

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill requires the director of the division of historical resources to compile and maintain a list of public monuments.

Explanation:
Matter added to current law appears in bold italics.
Matter removed from current law appears in brackets and struckthrough.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT requiring the director of the division of historical resources to compile and maintain a list of public monuments.

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

1 Division of Historical Resources; Duties of Director. Amend RSA 12-A:10-l to read as follows:

12-A:10-l Division of Historical Resources; Director.

(a) There is hereby established within the department the division of historical resources, which shall also be known as the state historic preservation office, under the supervision of an unclassified director of historical resources. The director of historical resources shall be responsible for administering the state historic preservation program in accordance with RSA 227-C.

(b) Once every 10 years, the director of the division of historical resources shall work with local communities throughout the state to compile a survey of all monuments in the state maintained by local or state authorities, including physical markers of a historical event, individual, group of individuals, or geographical sites of historical or cultural significance, maintain such list, and make such survey available to the public through the division’s Internet site or web page, as well as to the department of education to be made available to educational institutions in the state.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT requiring the director of the division of historical resources to compile and maintain a list of public monuments.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:
The Office of Legislative Budget Assistant states this bill, as amended, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:
Department of Natural and Cultural Resources
Amendment to HB 194-FN

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

AN ACT requiring the director of the division of historical resources to compile and maintain a list of public monuments and requiring legislative approval of the amendment or removal of historical markers.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Historical Markers; Amendment and Removal. Amend RSA 236:41 to read as follows:

236:41 Historic Preservation Office.

The state historic preservation office established under RSA 227-C shall consult with the commissioner of transportation on the marker program. Before placing any marker, the commissioner shall secure the state historic preservation office's approval of the marker, its location and its wording. The state historic preservation office shall make any investigation needed to obtain information on the event to be commemorated and on the appropriate location for the marker, including consulting historians and holding public hearings. Before amending or removing any marker, the commissioner of transportation shall secure the approval of the general court through legislation passed by both the house of representatives and the senate.
AMENDMENT ANALYSIS

This bill requires the director of the division of historical resources to compile and maintain a list of public monuments.

This bill also requires the approval of the legislature in order to amend or remove a historical marker.
<table>
<thead>
<tr>
<th>Date</th>
<th>Session</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/03/2023</td>
<td><strong>H</strong></td>
<td>Introduced 01/04/2023 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/11/2023</td>
<td><strong>H</strong></td>
<td>Public Hearing: 01/18/2023 10:15 am LOB 305-307</td>
</tr>
<tr>
<td>01/30/2023</td>
<td><strong>H</strong></td>
<td>Executive Session: 02/08/2023 10:30 am LOB 305-307</td>
</tr>
<tr>
<td>02/15/2023</td>
<td><strong>H</strong></td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>09/28/2023</td>
<td><strong>H</strong></td>
<td>Full Committee Work Session: 10/11/2023 10:00 am LOB 306-308 HC 39</td>
</tr>
<tr>
<td>10/11/2023</td>
<td><strong>H</strong></td>
<td>Subcommittee Work Session: 10/18/2023 01:00 pm LOB 306-308 HC 41</td>
</tr>
<tr>
<td>10/11/2023</td>
<td><strong>H</strong></td>
<td>Executive Session: 11/01/2023 10:00 am LOB 306-308 HC 41</td>
</tr>
<tr>
<td>11/15/2023</td>
<td><strong>H</strong></td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2023-0037h (NT) 11/01/2023 (Vote 13-7; RC) HC 49 P. 43</td>
</tr>
<tr>
<td>11/15/2023</td>
<td><strong>H</strong></td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>01/04/2024</td>
<td><strong>H</strong></td>
<td>Ought to Pass with Amendment 2023-0037h: MA RC 194-179 01/04/2024 HJ 2 P. 35</td>
</tr>
<tr>
<td>01/04/2024</td>
<td><strong>H</strong></td>
<td>Ought to Pass with Amendment 2023-0037h: MA RC 194-179 01/04/2024 HJ 2 P. 35</td>
</tr>
<tr>
<td>01/04/2024</td>
<td><strong>H</strong></td>
<td>Referred to Finance 01/03/2024 HJ 1 P. 37</td>
</tr>
<tr>
<td>01/09/2024</td>
<td><strong>H</strong></td>
<td>Division I Work Session: 01/16/2024 10:00 am LOB 212</td>
</tr>
<tr>
<td>02/28/2024</td>
<td><strong>H</strong></td>
<td>Referral Waived by Committee Chair per House Rule 47(f) 02/27/2024</td>
</tr>
<tr>
<td>03/13/2024</td>
<td><strong>S</strong></td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>03/20/2024</td>
<td><strong>S</strong></td>
<td>Hearing: 03/26/2024, Room 103, SH, 09:30 am; SC 12</td>
</tr>
<tr>
<td>05/08/2024</td>
<td><strong>S</strong></td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1822s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 194-FN, requiring the director of the division of historical resources to compile and maintain a list of public monuments.

Hearing Date:   March 26, 2024

Time Opened:   9:30 a.m.       Time Closed:   9:43 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis:   This bill requires the director of the division of historical resources to compile and maintain a list of public monuments.

Sponsors:  


Who opposes the bill: Curtis Howland.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Rep. Nick Germana  
Cheshire – District 1

- Rep. Germana greeted the committee and introduced himself as the prime sponsor of the bill.
- Rep. Germana described the bill as aiming to engage with and celebrate history through public monuments.
- Rep. Germana emphasized the rich history of the region and the importance of engaging with monuments.
- Rep. Germana explained the origin of the bill, which stemmed from a desire to compile a list of publicly maintained monuments on the state website.
- Rep. Germana envisioned the bill as a tool for elementary and middle school classes to research and engage with local history.
• Rep. Germana stressed the importance of rooting young people in their communities through history.
• Rep. Germana discussed collaborating with the Division of Historical Resources to ensure the bill's feasibility within existing resources.
• Rep. Germana defined the scope of the bill to include only publicly maintained monuments, easing concerns about defining monuments.
• Rep. Germana suggested that the bill could lead to grassroots efforts to recognize individuals through new monuments.
  ○ Sen. Watters recalled a past bill aimed at creating a register for burial grounds and cemeteries and raised the question of whether the definition of "public monument and historical site" includes cemeteries.
• Rep. Germana addressed the question regarding the inclusion of cemeteries in the register of public monuments and historical sites.
• Rep. Germana mentioned that inclusion would depend on whether cemeteries are reported by individual towns as publicly maintained monuments.
• Rep. Germana acknowledged that it wouldn't be a comprehensive inclusion of all cemeteries, but rather dependent on town reporting.
  ○ Sen. Birdsell inquired about the fiscal implications, referencing a previous fiscal note indicating the need to hire a historian.
  ○ Sen. Birdsell sought clarification on whether the amendment altered the requirement for hiring a historian as previously indicated.
• Rep. Germana admitted to a mistake in assigning the bill to the state archives initially.
• Rep. Germana explained that the amendment corrected the assignment, removing the fiscal note in the process.
• Rep. Germana mentioned that the House Finance Committee waived the bill due to the amendment's impact on eliminating the fiscal note.

Rep. Peter Petrigno
Hillsborough – District 43

• Rep. Petrigno emphasized his background as a former high school social studies teacher with 40 years of experience in both private and public schools.
• Rep. Petrigno expressed excitement about the legislation, believing it will benefit students.
• Rep. Petrigno shared his experience with National History Day, a year-long program where students pick historical topics, form theses, and present findings through various projects.
• Rep. Petrigno highlighted the importance of research, especially using primary source documents.
• Rep. Petrigno mentioned his upcoming role as a judge at the state competition for National History Day.
• Rep. Petrigno noted that while New Hampshire students perform well at the state level, they often struggle at the national competition due to resource disparities with other states.
• Rep. Petrigno expressed excitement about the legislation's potential to streamline access to monument information, providing valuable resources for students.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

PT
Date Hearing Report completed: March 26, 2024
HOUSE BILL 274

AN ACT relative to the administrative rulemaking process.


COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill directs agencies to notify legislative policy committees and known stakeholders of proposed rulemaking under RSA 541-A. The bill also directs the agency to pay attorneys fees in cases in which the agency adopted rules after final objection by the joint legislative committee on administrative rules and a finding by the court that the rule is invalid.

Explanation:

Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the administrative rulemaking process.

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

1 Administrative Procedure Act; Notice of Rulemaking Proceedings. Amend RSA 541-A:6, III to read as follows:

III. The agency shall send notice to the director of legislative services, to all persons regulated by the proposed rules who hold occupational licenses issued by the agency, to known stakeholders, and to all persons who have made timely request for advance notice of rulemaking proceedings. Upon request, or if the rule is required by new legislation, the agency shall send notice to the president of the senate, to the speaker of the house of representatives, and to the chairpersons of the legislative committees having jurisdiction over the subject matter. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11, I. Notice to occupational licensees shall be by U.S. Mail, electronically, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner that is reasonably calculated to inform such licensees of the proposed rulemaking. The committee may identify additional methods of notifying occupational licensees that are deemed sufficient.

2 Administrative Procedure Act; Public Hearing and Comment. Amend RSA 541-A:11, VIII to read as follows:

VIII. In addition to seeking information by other methods, an agency, before publication of a notice of proposed rulemaking under RSA 541-A:6, may solicit comments from the public, and from the legislative policy committees, on a subject matter of possible rulemaking under active consideration within the agency by causing notice to be published in the rulemaking register of the subject matter and indicating where, when, and how persons may provide comment on the rules under consideration.

3 Administrative Procedure Act; Review by the Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, VI to read as follows:

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid, and shall order the agency to pay the plaintiff's legal
expenses. The failure of the committee to object to a rule shall not be an implied legislative
authorization of its substantive or procedural lawfulness.

4 Effective Date. This act shall take effect 60 days after its passage.
Amendment to HB 274

Amend the bill by replacing section 1 with the following:

1  Administrative Procedure Act; Notice of Rulemaking Proceedings. Amend RSA 541-A:6, III to read as follows:

III. The agency shall send notice to the director of legislative services, to all persons regulated by the proposed rules who hold occupational licenses issued by the agency, to past participants in similar rulemaking proceedings, and to all persons who have made timely request for advance notice of rulemaking proceedings. Upon request, or if the rule is required by new legislation, the agency shall send notice to the president of the senate, to the speaker of the house of representatives, and to the chairpersons of the legislative committees having jurisdiction over the subject matter. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11, I. Notice to occupational licensees shall be by U.S. Mail, electronically, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner that is reasonably calculated to inform such licensees of the proposed rulemaking. The committee may identify additional methods of notifying occupational licensees that are deemed sufficient.

Amend the bill by replacing section 3 with the following:

3  Administrative Procedure Act; Review by the Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, VI to read as follows:

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid, and may order the agency to pay the plaintiff's legal expenses. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.
AMENDED ANALYSIS

This bill directs agencies to notify legislative policy committees and known stakeholders of proposed rulemaking under RSA 541-A. The bill also provides that an agency may be required to pay attorneys fees in cases in which the agency adopted rules after final objection by the joint legislative committee on administrative rules and a finding by the court that the rule is invalid.
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/18/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Executive Departments and Administration HJ 3 P. 9</td>
</tr>
<tr>
<td>01/25/2023</td>
<td>H</td>
<td>Public Hearing: 02/01/2023 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/15/2023</td>
<td>H</td>
<td>Rules Subcommittee Work Session: 02/21/2023 10:00 am LOB 104</td>
</tr>
<tr>
<td>02/21/2023</td>
<td>H</td>
<td>Executive Session: 03/08/2023 01:30 pm LOB 306-308</td>
</tr>
<tr>
<td>03/13/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>06/08/2023</td>
<td>H</td>
<td>Full Committee Work Session: 06/27/2023 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>10/24/2023</td>
<td>H</td>
<td>Public Hearing on Amendment # 2023-2293h: 11/06/2023 10:30 am LOB 306-308 HC 43</td>
</tr>
<tr>
<td>09/18/2023</td>
<td>H</td>
<td>Executive Session: 11/08/2023 10:00 am LOB 306-308 HC 43</td>
</tr>
<tr>
<td>11/13/2023</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2293h 11/09/2023 (Vote 19-0; CC) HC 49 P. 12</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2293h: AA VV 01/03/2024 HJ 1 P. 53</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2293h: MA VV 01/03/2024 HJ 1 P. 52</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Executive Departments and Administration; SJ 5</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>S</td>
<td>Hearing: 03/06/2024, Room 103, SH, 09:00 am; SC 9</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1729s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 274, relative to the administrative rulemaking process.

**Hearing Date:** March 6, 2024

**Time Opened:** 9:01 a.m.  
**Time Closed:** 9:27 a.m.

**Members of the Committee Present:** Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

**Members of the Committee Absent:** None

**Bill Analysis:** This bill directs agencies to notify legislative policy committees and known stakeholders of proposed rulemaking under RSA 541-A. The bill also directs the agency to pay attorneys fees in cases in which the agency adopted rules after final objection by the joint legislative committee on administrative rules and a finding by the court that the rule is invalid.

**Sponsors:**
- Rep. L. Sanborn
- Rep. Shurtleff
- Rep. Merchant
- Rep. Packard
- Rep. C. McGuire
- Sen. Bradley
- Rep. S. Smith
- Rep. Goley
- Sen. Birdsall

**Who supports the bill:** Rep. Carol McGuire and Janet Lucas.

**Who opposes the bill:** Marty Mobley (NH Fish and Game).

**Who is neutral on the bill:** Ben Martin-McDonough (NH Public Utilities), Kathleen Mulcahey-Hampson (NHDOT), Allyson Raadmae (DHHS), John Garrigan (NHDOL), and Danielle Albert (NHDOL).

**Summary of testimony presented:**

**Representative Carol McGuire, Merrimack 27**

- Rep. McGuire explained that the bill does two things: it requires greater legislative input in the rulemaking process at the appropriate times and makes it so that if an agency puts a rule with a final objection into effect and someone
challenges that rule in court and wins, then the agency at fault would be required to pay the challenger’s legal fees.
- Rep. McGuire said that the situation does not happen often; there is about one final objection on a rule from JLCAR per year.
- Sen. Pearl asked for clarification that there is currently no provision for the payment of legal fees if someone challenges a rule.
  - Rep. McGuire said that is correct. She said if a rule is challenged and ruled against in court, then the rule becomes invalid. She said this bill would make it more likely for rules to be challenged in court.
- Sen. Perkins Kwoka asked about the term “known stakeholders” in the bill.
  - Rep. McGuire provided the example that if a rule is for acupuncturists, then a stakeholder could be an association of acupuncturists. She said there is currently no requirement for notifying such stakeholders currently. She stated that people who are creating rules regarding specific occupations come to know who the stakeholders are by who comments and read the rules.
- Sen. Carson asked about page 1, lines 17-18 regarding legislative policy committees. She asked if the changes are reflected in section III above those lines. She asked how legislative policy committees are going to know when these rules are coming up.
  - Rep. McGuire said that the changes are listed above. She said that now, agencies are not sending out notices, but the Office of Administrative Rules is sending the rulemaking register to every state representative and state senator. She said that few have read the register.
- Sen. Carson asked how committees that do not regularly check the rulemaking register are notified. Sen. Carson said she believes that is answered in the first paragraph of the bill.
  - Rep. McGuire said section III applies to the normal rulemaking process. She said this bill requires a specific notice to be sent to the relevant policy committees.
- Sen. Carson asked if she envisions that each policy committee will set up a subcommittee to follow and comment on rules.
  - Rep. McGuire said the Speaker of the House has already done that. She said she is unsure what the process is in the Senate.

Kathleen Mulcahey-Hampton, New Hampshire Department of Transportation

- Ms. Mulcahey-Hampson explained that the New Hampshire Department of Transportation (NHDOT) does a small amount of rulemaking compared to other agencies. She said they need help from the administrative rules division.
- Ms. Mulcahey-Hampson stated the premise of transparency in government is laudable. She said there is concern about the provision of notice to “known stakeholders”. She said the term is not defined, and that the NHDOT does not have the resources to provide the required notice.
- Ms. Mulcahey-Hampson provided the example of rules for overweight vehicles or outdoor advertising. She asked who the stakeholders are who need to be provided notice in such examples. She asked, if there are rules on the sale of state-owned property, would there be a requirement under this bill to notify all realtors in the state.
- Ms. Mulcahey-Hampson said that when the NHDOT has provided notice for public comments in the past, only one comment has been made. She explained that person came to ask for an additional rule. She said that people who are invested in rules are paying attention to the rulemaking register.
- Sen. Pearl asked if her concern is that they do not know who the stakeholders are and how to contact them.
  - Ms. Mulcahey-Hampson said that is correct.
- Sen. Altschiller asked if the NHDOT reads the bill as if they do not notify every stakeholder, then that would make the NHDOT liable to legal action.
  - Ms. Mulcahey-Hampson said that, as written, the bill might not give a person a right of action, but it does give them a cause of action.

**Allyson Raadmae, Department of Health and Human Services**

- Ms. Raadmae stated that the Department of Health and Human Services’ (DHHS) concerns are over the term “known stakeholders”. She said the DHHS is huge, and that they try to provide a draft of rules to all stakeholders, but it is hard to determine who in the state, or possibly beyond, is a “known stakeholder”. She said it would be hard to track down potentially thousands of people.
- Ms. Raadmae said the DHHS posts every rule on the agency’s website.
- Ms. Raadmae pointed to section III, regarding the required legal fees. She said the DHHS has not adopted a rule after a final objection from JLCAR since at least the early 2000s. She said the concern is that the language uses “shall” when discussing the fees; the DHHS would prefer to leave that discretion to the court.
- Sen. Perkins Kwoka said it makes sense to send out notice to those with an interest in a rule change. She asked if JLCAR has rulemaking dockets where people can add their contact information to be noticed.
  - Ms. Raadmae said she believes this can be done for the rulemaking register.
- Sen. Perkins Kwoka asked if the bill requirements may be further honed to those with an expressed interest in the rules.

**Ben Martin-McDonough, New Hampshire Public Utilities Commission**

- Mr. Martin-McDonough said the New Hampshire Public Utilities Commission (NHPUC) has no position on the bill.
- Mr. Martin-McDonough stated the NHPUC's concern is that “known stakeholders” is not defined in statute.

**John Garrigan and Danielle Albert, New Hampshire Department of Labor**

- Mr. Garrigan echoed the comments and concerns of the previous testimony. He said the term “known stakeholders” is an issue. He said the Department of Labor has a large group which it interacts with.
- Mr. Garrigan said that defining “known stakeholders” would be very difficult. He said that even if the department made a good faith effort, there is a chance that they could leave someone out.

**Representative Carol McGuire, Merrimack 27**

- Rep. McGuire said the phrase “known stakeholders” is intentionally vague. She said the purpose of the bill is to make sure agencies notify those who have commented on rules before. She said the intention is to spread information as wide as possible, and that there is no penalty for a problem brought forward by someone who was not notified and had not made themselves known.
- Rep. McGuire said the genesis of the bill came from when there were licensing rules that were not sent to trade organizations. When those rules went to JLCAR, the trade organizations said they were not notified. She said there are multiple notifications sent out for each rule change.
- Sen. Perkins Kwoka asked if there is a current procedure for signing up to be notified of changes to a rule’s docket.
  - Rep. McGuire said not exactly. She said major changes are in the register, and people can sign up for notifications on those. She said rules go through an orchestrated set of actions and notifications are available shortly before JLCAR meets. She said this can sometimes be just minutes before JLCAR meets.
HOUSE BILL  644-FN

AN ACT relative to regulating barbers, cosmetologists, and estheticians.


COMMITTEE: Executive Departments and Administration

 ANALYSIS

This bill makes changes to the regulation of barbers, cosmetologists, and estheticians.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to regulating barbers, cosmetologists, and estheticians.

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

1 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1 by inserting after paragraph II-a. the following new paragraph:

II-b. "Blow-dry styling" means the practice of shampooing, conditioning, drying, arranging, curling, waving, crimping, straightening, or styling hair using only mechanical devices, hair sprays, and topical agents such as balms, oils, and serums. "Blow-dry styling" includes the use and d styling of hair extensions, hair pieces, and wigs, but excludes cutting hair or the application of dyes, bleach, reactive chemicals, keratin treatments, other preparations to color or alter the structure of hair, or other cosmetology services and is distinct from the practice of cosmetology.

2 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, VI to read as follows:

VI. "Cosmetology" means [arranging, dressing, curling, waving, cleansing] cutting, bleaching, coloring, chemically altering or similarly treating the hair of any person, and performing other work customarily performed by a cosmetologist such as giving facials, manicures, pedicures, and artificial nail enhancements, applying [makeup or] eyelashes to any person, and removing superfluous hair by means other than threading.

3 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1 by inserting after paragraph VIII-a the following new paragraph:

VIII-b. "Makeup application" means the application of a cosmetic to enhance the appearance of the face or skin, including powder, foundation, rouge, eyeshadow, eyeliner, mascara, and lipstick. "Makeup application" includes the application of permanent makeup, tattooing, or other cosmetology services and is distinct from the practices of cosmetology and esthetics.

4 New Paragraph; Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1 by inserting after paragraph XVI the following new paragraph:

XVII. "Threading" means a method of removing hair from the eyebrows, upper lip, or other body parts by using a cotton thread to pull hair from follicles. "Threading" includes the use of over the counter astringents, gels, powders, tweezers, and scissors incidental to threading, but excludes other cosmetology services and is distinct from the practice of cosmetology and esthetics.

5 New Paragraph; Barbering, Cosmetology, and Esthetics; Shop Licensure. Amend RSA 313-A:19 by inserting after paragraph IV the following new paragraph:
V. The owner of a salon, barbershop, or mobile barbershop licensed under this section shall be responsible for:

(a) Verifying the education, training, skills, and competence of persons who work in the owner's salon, barbershop, or mobile barbershop.

(b) Protecting the health and safety of customers and persons who work in the owner's salon, barbershop, or mobile barbershop. This includes the sanitation of the facility and any equipment used in it.

6 Barbering, Cosmetology, and Esthetics; Exemptions. Amend the section heading and introductory paragraph of RSA 313-A:25 to read as follows:

313-A:25 Exemptions. The provisions of this chapter relative to barbering, cosmetology, esthetics, [and] manicuring, and shop licensure shall not be construed to apply to the following persons:

7 New Paragraphs; Barbering, Cosmetology, and Esthetics; Exemptions. Amend RSA 313-A:25 by inserting after paragraph XIII the following new paragraphs:

XIV. Persons engaged in blow dry styling.

XV. Persons who demonstrate the use of a cosmetic or beauty equipment for the purpose of offering for sale to the public such cosmetic or beauty equipment.

XVI. Persons engaged in blow-dry styling or makeup application for theatrical, television, film, fashion, photography, or media productions or media appearances.

XVII. Persons engaged in makeup application.

XVIII. Persons engaged in threading.

8 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to regulating barbers, cosmetologists, and estheticians.

FISCAL IMPACT:
The Legislative Budget Assistant has determined that this legislation, as amended, has a total fiscal impact of less than $10,000 in each of the fiscal years 2024 through 2027.

AGENCIES CONTACTED:
Office of Professional Licensure and Certification
<table>
<thead>
<tr>
<th>Date</th>
<th>Session</th>
<th>Event</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/12/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Executive Departments and Administration HJ 3  P. 24</td>
<td></td>
</tr>
<tr>
<td>02/01/2023</td>
<td>H</td>
<td>Public Hearing: 02/09/2023 02:00 pm LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>02/16/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 02/17/2023 10:00 am LOB 302-304</td>
<td></td>
</tr>
<tr>
<td>02/21/2023</td>
<td>H</td>
<td>Executive Session: 03/08/2023 01:30 pm LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>03/13/2023</td>
<td>H</td>
<td>Retained in Committee</td>
<td></td>
</tr>
<tr>
<td>09/18/2023</td>
<td>H</td>
<td>Executive Session: 11/08/2023 10:00 am LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>11/14/2023</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2023-2436h 11/09/2023 (Vote 12-7; RC) HC 49  P. 35</td>
<td></td>
</tr>
<tr>
<td>11/14/2023</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
<td></td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2436h: AA VV 01/03/2024 HJ 1  P. 136</td>
<td></td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2436h: MA DV 196-178 01/03/2024 HJ 1  P. 136</td>
<td></td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Executive Departments and Administration; SJ 5</td>
<td></td>
</tr>
<tr>
<td>03/05/2024</td>
<td>S</td>
<td>Hearing: 03/13/2024, Room 103, SH, 09:15 am; SC 10</td>
<td></td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
<td></td>
</tr>
</tbody>
</table>
HB 644-FN, relative to regulating barbers, cosmetologists, and estheticians.

Hearing Date: March 13, 2024

Time Opened: 9:18 a.m.  Time Closed: 9:58 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill makes changes to the regulation of barbers, cosmetologists, and estheticians.

Sponsors:
Rep. Cushman


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Dianne Pauer, Hillsborough 36

- Rep. Pauer introduced House Bill 644-FN.
- HB 644-FN exempts three niche beauty services from occupational shop licensure requirements: blow-dry hairstyling, makeup application, and threading.
- Rep. Pauer informed the committee that under current RSAs, individuals must obtain a full professional license from the state. She argued this requirement
creates unnecessary barriers for employment and inhibits entrepreneurship for niche beauty service providers.

- Rep. Pauer explained that the niche beauty services are extremely limited and safe. She argued threading is among the safest and most natural forms of hair removal.

- Rep. Pauer explained that blow-dry bars do not use resources that may be dangerous to the customer such as chemicals, dyes, or tools to cut hair. She argued that these establishments offer similar services to hair braiding salons which are exempt from New Hampshire State licensure.

- Rep. Pauer argued that the beauty procedures described are performed every day. Supplies and tools to perform these procedures are readily available and easily purchased. She included that these beauty procedures involve skills that are primarily learned at home, outside of cosmetology or barbering schools.

- Rep. Pauer explained that, under current law, individuals seeking to go into business involving these beauty practices must invest substantial time and money to attend a cosmetology program. In addition, individuals must also pass the legal licensing exam in the state.

- Rep. Pauer informed the committee that in New Hampshire, the average cosmetology program costs over nine thousand dollars in addition to about two hundred dollars in exam fees. She argued that the occupational licensing requirements disproportionally affect economically disadvantaged individuals.

- Rep. Pauer stated that HB 644-FN provides a straightforward blueprint to niche beauty licensing reform. She noted sections 1-4 of the bill define the limited scope of practice for the three services. Section 5 requires that a salon owner shall be responsible in verifying the competency of their employees. They are also responsible for protecting the health, safety, and sanitation of the tools within the salon.

- Rep. Pauer concluded that consumer demand for niche beauty services is growing. She said this bill will benefit workers, employers, and consumers in the state while upholding the current laws for the practice of licensed barbering, cosmetology, and aesthetic professions.

- Sen. Altschiller asked for clarification of the exemptions on page 2, line 10.
  o Rep. Pauer clarified that page 2, section V defines the salon owner’s responsibilities. These provisions apply to any salon owner; licensed or not. Section VI exempts persons seeking to provide niche beauty services from a shop licensure.

- Sen. Altschiller addressed Section VII. She asked if an employee of a niche service can be exempt from the supervision of a salon that has a license and branch out.
  o Rep. Pauer confirmed that the individual can branch out, but they would then become responsibly for the health, safety, and sanitation.

- Sen. Carson questioned the connection between past hair braiding issues and HB 644-FN. She argued the circumstances between the two are completely different.
Representative Tony Lekas, Hillsborough 38

- Rep. Lekas stated the original language was put in at the request of the OPLC.
- Rep. Lekas explained the structure of the bill. The beginning adds definitions as to what the niche beauty procedures are. Section VII defines the exemptions to licensure.
- Rep. Lekas explained how allowing the application of cosmetics without a license may be helpful: if a company were to travel to New Hampshire to film a movie or if there are out of state politicians visiting New Hampshire and expected to be on television, they would be allowed to use their own cosmetologists and estheticians without requiring a state license.
- Rep. Lekas stated that occupational licensing is there to protect public health and safety. Therefore, anything potentially dangerous is not exempt from the current licensure requirements.

Drew Cline, Josiah Barlett Center

- Mr. Cline informed the committee of his organization’s interest in ensuring licensing laws stay consistent with protecting public health and safety.
- Mr. Cline argued HB 644-FN is a great follow up to tighten occupational licensing laws.
- Mr. Cline stated that blow-dry bars are an emerging industry. He said there were around three in New Hampshire. There is interest in this industry within the state and the country. Mr. Cline explained that individuals must get a full cosmetology license to do small things while not using the vast majority of what the cosmetology license and training covers.
- Mr. Cline clarified that the bill covers shampooing, conditioning, drying, arranging, curling, waving, crimping, straightening, or styling hair using only mechanical devices. He felt the bill was very carefully worded. Chemicals were specifically taken out of the bill.
- Mr. Cline argued this bill makes sure the state is clarifying licenses that need certain practices. He believed there were various states within the U.S. that did not require licensure for makeup application. The bill defines makeup application and clarifies its exemption to a cosmetology license.
- Mr. Cline informed the committee that there are five states that allow blow-dry bars without a cosmetology license: Arizona, Arkansas, Utah, Virginia, and Minnesota.
- Mr. Cline believed it would be helpful for New Hampshire to get on board with emerging trends.
- Sen. Gendreau stated she represents District 1 and did not know the existence of blow-dry bars.
Mr. Cline explained that the state has three blow-dry bars in southern NH. In North country, it is a job opportunity; however, licensure is a barrier to entry.

- Sen. Gendreau asked if Mr. Cline could see a niche business grow into a full-on business.
  - Mr. Cline felt that if the business chose to do so, then yes. He clarified that the business would then have to go through the full licensure process, but it is an opportunity. He explained that people are currently performing these services in the black market, and this would make it full-fledged.

- Sen. Altschiller said that she understands the bill could provide business opportunities. She noted that licensure is there to protect public health and safety. She said a curling iron can cause second degree burns.
  - Mr. Cline said that he could cut himself shaving as well. He said women use curling irons at home every day.

Sen. Altschiller said that differentiation on curling iron settings is explored deeply and with frequently in cosmetology school; people need to learn how to use one appropriately. She said there is risk involved, and good reason for licensure.

- Mr. Cline stated the way the bill was crafted was by seeing other states’ approaches. He said there is a market for this kind of work, and there is always some risk in any commercial endeavor. He asked if highlighting one potential risk is enough to justify the requirement of a full cosmetology license. He said the goal is to find what does not need full licensing, and that there are other ways to learn without a full cosmetology license.

- Sen. Altschiller noted the bill allows each niche service to be done separately. She voiced concern that without thorough and appropriate schooling, it could create the risk of spreading diseases through improperly washed tools.
  - Mr. Cline said it is valuable to get training in all areas. He asked whether that learning is worth twenty thousand dollars to also learn things that someone might never use.

Sen. Carson said this issue has come up repeatedly in the past decade. She said delicensing cosmetology has failed. She asked if there is a different way to approach the issue. She stated everyone has different hair and that a professional is needed to get appropriate products in hair without damaging or burning the scalp.

Sen. Carson said perhaps the answer is to look at the licensure and find a way to keep the learning requirements but not require other aspects of a cosmetology education. She stated that public safety is being forgotten.

Sen. Carson noted that movie and television productions bring in their own people, but she would prefer them to hire New Hampshire licensed
professionals. She asked if there is a more appropriate way to deal with the issue.

- Mr. Cline stated the current cosmetology licensing is burdensome. He noted New Hampshire requires more than other states. He said the bill deals with learned skills; things that are part of their culture. He said other alternatives besides licensure should be created, and that this is a safe way to start that. Mr. Cline suggested smaller level licensure for these services.

**Meagan Forbes, Institute for Justice**
- Ms. Forbes stated support for the bill.
- Ms. Forbes said the bill expands economic opportunities and adopts best practices from other states.
- Ms. Forbes said several states have enacted these exemptions, and that makeup application at retail stores is already exempt. Twenty states have exempted threading and have found no evidence of harm.
- Ms. Forbes said she is confident the bill is a safe way to create new opportunity and will largely benefit women of lower economic status.

**Sarah Scott, Americans for Prosperity**
- Ms. Scott stated support for the bill, which she said will create an enormous opportunity for Granite Staters. She said this is a growing market in the state, and many from out of state are already doing this in New Hampshire.
- Ms. Scott said the risk to consumers is low; the bill does not exempt cutting or the use of chemicals.
- Ms. Scott noted that she can currently walk into a cosmetics store and sample makeup or have makeup applied.
- Ms. Scott stated the bill corrects some obvious gaps in regulation and would lighten the load on Granite Staters.

KC
Date Hearing Report completed: March 19, 2024
HB 1057 - AS INTRODUCED

2024 SESSION

HOUSE BILL 1057

AN ACT relative to provisional licenses for new applicants for state emergency medical services licensure.

SPONSORS: Rep. Proulx, Hills. 15

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows an applicant for initial licensure as an emergency medical care provider to be granted a temporary, provisional license while awaiting results of a criminal records check.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to provisional licenses for new applicants for state emergency medical services licensure.

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

1 New Paragraph; Emergency Medical and Trauma services; Initial Licensure; Provisional License. Amend RSA 153-A:11 by inserting after paragraph VII the following new paragraph:

VIII. Applicants for initial licensure under this chapter shall be issued temporary, provisional licenses if they have passed the required examination and are awaiting the results of the criminal history record check required pursuant to RSA 153-A:10-a for a period that exceeds 3 weeks. The division shall issue the temporary, provisional license for a period and under such limitations as the director adopts in rules under RSA 541-A. A temporary, provisional license shall be revoked upon the receipt of criminal history record check if a license is denied under this section or RSA 153-A:13.

2 Effective Date. This act shall take effect July 1, 2024.
Amendment to HB 1057

Amend the bill by replacing section 1 with the following:

1  New Paragraph; Emergency Medical and Trauma services; Initial Licensure; Provisional License. Amend RSA 153-A:11 by inserting after paragraph VII the following new paragraph:

VIII. Applicants for initial licensure under this chapter shall be issued temporary, provisional licenses if they have passed the required examination and are awaiting the results of the criminal history record check required pursuant to RSA 153-A:10-a for a period that exceeds 3 weeks, which shall require direct supervision by a licensee at all times. The division shall issue the temporary, provisional license for a period and under such limitations as the director adopts in rules under RSA 541-A. A temporary, provisional license shall be revoked upon the receipt of criminal history record check if a license is denied under this section or RSA 153-A:13.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/27/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/25/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>01/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/25/2024 (Vote 13-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4 P. 9</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Executive Departments and Administration; SJ 5</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>S</td>
<td>Hearing: 03/06/2024, Room 103, SH, 09:15 am; SC 9</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1850s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Executive Departments and Administration Committee  
Kevin Condict 271-7875

HB 1057, relative to provisional licenses for new applicants for state emergency medical services licensure.

Hearing Date: March 6, 2024

Time Opened: 9:27 a.m.  
Time Closed: 9:43 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill allows an applicant for initial licensure as an emergency medical care provider to be granted a temporary, provisional license while awaiting results of a criminal records check.

Sponsors:
Rep. Proulx


Who opposes the bill: Janet Lucas.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Mark Proulx, Hillsborough 15

- Rep. Proulx explained the bill came out of the pandemic. He said it takes a long time to receive a background check, sometimes as long as three months.
- Rep. Proulx stated that this bill seeks to create a provisional license for the time when the background check process is ongoing. He said that two weeks may be a better duration for the provisional license. He said the license would be a safety valve to get people in the door working as emergency medical technicians (EMT).
- Sen. Gendreau asked if there are other restrictions during the two-to-three-week provisional license period.
- Rep. Proulx said if someone is on the provisional license, veteran EMTs will keep an extra close eye on all their activities. He said that ambulances work in pairs, at minimum. He stated his belief that provisional EMTs would be well watched.

- Sen. Altschiller voiced concern about provisional EMTs being alone in the back of the ambulance with a patient. She said it is not beyond the realm of possibility that the patient has been a victim of sex crimes, and that there is concern that a provisional EMT could be a sex offender or domestic abuser. She said the supervision piece of the bill is undefined.

- Rep. Proulx said that new EMTs usually drive the ambulance until their supervisors are confident in their skills. He said that, in the case that a provisional EMT is alone in the back with a patient, the driver can see and hear everything in the back on a video screen near the driver. He said that an experienced EMT would be able to closely monitor what goes on, but that he does not see the situation arising. He stated that he does not see someone going through the full EMT training course for the chance that they may be left alone, unchecked in the back of an ambulance with someone.

- Sen. Altschiller said the reason for background checks is that some people are not suited for working in healthcare. She said another concern is that people do a great job of hiding their offenses by not self-identifying.

- Sen. Carson noted there is usually a period of assessment for a new hire to look at their skills and see if they are a fit. She said she is okay with the supervision provided in the bill, as EMTs usually do a good job monitoring new hires. She said she understands Sen. Altschiller’s concerns, but many self-identify because they know they are going through a background check.

- Rep. Proulx said a third EMT rides with new hires for the first week or two. He said new hires usually observe a regular EMT crew for their first few weeks.

- Sen. Pearl asked if Rep. Proulx would be opposed to an amendment that makes it so someone on a provisional license cannot be alone with a patient.

- Rep. Proulx said he has no problem with that.

- Sen. Gendreau asked if the provisional license is strictly for new EMTs or if it would apply to someone transferring municipalities.

- Rep. Proulx said that they almost always do a background check through the Bureau of Emergency Medical Services. He noted the fire services and EMS world in New Hampshire is very small, and that employers can usually find out more through their connections in the industry than through a background check.

- Sen. Perkins Kwoka noted the childcare industry has the same problem with length of time it takes to complete a background check.
Rep. Proulx said there is a bill in the House Criminal Justice committee which would make it so agencies can conduct their own background checks. He stated that more resources are becoming available.
HOUSE BILL 1075

AN ACT relative to abolishing daylight saving time.

SPONSORS: Rep. Horrigan, Straf. 10

COMMITTEE: Executive Departments and Administration

-------------------------------------------------------------

AMENDED ANALYSIS

This bill provides that New Hampshire shall exempt itself from daylight saving time when authorized to do so by the United States Congress.

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

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

1 Standard Time. Amend RSA 21:36 to read as follows:

21:36 Standard Time. The standard time within the state, except as hereinafter provided, shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the federal statute as "Eastern Standard Time." At 2 o'clock ante meridian of the second Sunday in March of each year, the standard time in this state shall be advanced one hour, at 2 o'clock ante meridian of the first Sunday in November of each year, the standard time in this state shall, by the retarding of one hour, be made to coincide with the astronomical time hereinafter described as Eastern Standard Time, so that between the second Sunday in March at 2 o'clock ante meridian and the first Sunday in November at 2 o'clock ante meridian in each year the standard time in this state shall be one hour in advance of the United States Standard Time. [is the time as determined by 15 U.S.C. sections 260-267, except that the state observes year-round the provisions of 15 U.S.C. section 260a, providing for the advancement of time commonly known as eastern daylight saving time.] In all laws, statutes, orders, decrees, rules, and regulations relating to the time of performance by any officer or department of this state, or of any county, city, town, or district thereof, or relating to the time in which any rights accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of this state, or of any county, city, town, or district thereof, and in all contracts or choses in action made or to be performed in this state, it shall be understood and intended that the time shall be as set forth in this section.

2 Contingency. Section 1 of this act shall take effect on the first date of January in the first year following or coinciding with the effective date of the United States Congress' amendment to 15 U.S.C. section 260a authorizing states to observe eastern daylight saving time year-round.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>H</td>
<td>Public Hearing: 01/24/2024 02:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/02/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/07/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/12/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0572h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0572h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0572h 03/13/2024 (Vote 19-0; CC) HC 12 P. 14</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration; SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>==ROOM CHANGE== Hearing: 04/24/2024, Room 101, LOB, 09:45 am; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1075, relative to abolishing daylight saving time.

Hearing Date: April 24, 2024

Time Opened: 10:03 a.m.          Time Closed: 10:37 a.m.

Members of the Committee Present: Senators Pearl, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill provides that New Hampshire shall exempt itself from daylight saving time when authorized to do so by the United States Congress.

Sponsors:
Rep. Horrigan


Who is neutral on the bill: None.

Summary of testimony presented:

Representative Timothy Horrigan, Strafford 10

- Rep. Horrigan said the bill, as amended, would lead to year-round daylight standard time. He said this is a perennial bill in Congress known as the Sunshine Protection Act.
- Rep. Horrigan explained New Hampshire is in the center of the Eastern Time Zone, but there is widespread belief that the state should be on Atlantic time. He said the only place that should be on Atlantic time is the eastern part of Maine.
- Rep. Horrigan said standard time is better is that it serves humans’ circadian rhythms. He said during the winter there is not much sunlight to go around,
and the sun would normally be up around 8 a.m. for much of early winter. He said it is a good idea to have some sunlight in the morning.

- Rep. Horrigan stated an amendment is needed. He said the original bill was based on a model from the Coalition for Permanent Standard Time. He explained forty-eight states have introduced similar legislation; Hawaii and Arizona do not practice daylight savings time.

- Rep. Horrigan explained the bill ties New Hampshire to neighboring states. Massachusetts and Maine must adopt the same policies for the bill to take effect. He said Maine has passed a law for permanent daylight-saving time.

- Rep. Horrigan reiterated that the bill would not take effect until all east coast states follow suit.

- Rep. Horrigan asked the committee to go back to the original language of the bill.

**Representative Sallie Fellows, Grafton 8**

- Rep. Fellows said that the federal government is the only one who can put New Hampshire in the Atlantic Time Zone. She said the federal government would have to account for all states impacted by a shift. She questioned where they would put the boundary.

- Rep. Fellows noted that if some states on the east coast were moved to the Atlantic Time Zone, then it would create a disconnect from other states.

- Rep. Fellows questioned if the United States wants five time zones instead of four.

- Rep. Fellows stated her primary concern is that if the bill were enacted as amended it would force children to be waiting at bus stops more than two hours before sunrise. She said this is a dangerous safety issue. She said it is an issue for commuters as well. She explained the heaviest commute time is from 7 a.m. to 8 a.m. She said this would be completely in the dark in winter. She added that when plows are out during snowstorms, adding darkness to the equation could reduce safety.

- Rep. Fellows said that high school students already have a hard time getting up and making it dark until 8 a.m. would enhance that difficulty. She asked the committee to address this issue as well as suggested some kind of requirement to shift school start times back.

- Rep. Fellows explained there is a suggestion that more people will have heart attacks because of the loss of one hour of sleep. She said to use common sense to determine if one hour of sleep on one day will create health concerns. She said the media conflates science with prolonged lack of sleep, which does impair people’s abilities. She said one hour on one night is not a huge change.

**Representative Sherry Gould, Merrimack 8**
- Rep. Gould said she owns a farm in Warner, and that she is excited about this bill. She said time change is disruptive to farm life.
- Rep. Gould relayed a Native American saying: you do not get more blanket from taking some off the top and putting it on the bottom.
- Rep. Gould noted the National Conference of State Legislature tracks similar bills. She said Maine tied their bill to Congress making changes to time zones. She said it makes sense for New Hampshire to have a statute doing the same. She noted Maine’s bill currently mandated daylight-savings time.
- She said what matters is getting a law on the books, so that if and/or when Congress makes a change, New Hampshire can act. She said to put New Hampshire on the map, because Congress is watching to see what states are doing.

**Scott Spradling, New Hampshire Association of Broadcasters**

- Mr. Spradling said the NHAB has real economic impact concerns about the bill. He urged the committee to be careful.
- Mr. Spradling said the testimony provided to the committee is a microcosm of what could be created with what feels like a ready, fire, aim approach.
- Mr. Spradling said it is a bad idea to have everyone going in a different direction with time zones. He said the practical impact of this is that states could end up taking different positions and, if Congress lifts the barrier, New England could have six different time zones.
- Mr. Spradling said, from a radio and TV perspective, New Hampshire’s stations broadcast to neighboring states as well as nationwide. He said uniform programming would become a hot mess, and any changes need to be made by the whole group of states.
- Mr. Spradling said states need to pressure Congress to address the issue. He explained time zones were implemented in 1883, before states became further interweaved.
- Mr. Spradling said this bill threatens revenue streams. New Hampshire has a higher radio listener population than most states, and it is essential to advertisers that they know when people will be listening.
- Mr. Spradling said there are ways to do this that make a lot more sense, and that it is really something Congress should act on.

**Michael Garrahan, Save Standard Time**

- Mr. Garrahan said he agrees with Rep. Horrigan’s testimony. He said Save Standard Time supported his original version of the bill.
- Mr. Garrahan said daylight-saving time is popular by its association with summer. He said people undervalue morning light unless they are deprived of it, such as in the winter.
Mr. Garrahan explained history and science say it matters which way daylight-saving time is ended. He said standard time is the better way.

Mr. Garrahan stated daylight saving was invented by a morning person. He explained Benjamin Franklin wrote an article on the savings and advantages Parisians would enjoy if they had shifted when their days began.

Mr. Garrahan explained the railroads implemented time zones in 1883. He said the principle behind time zones is sound. He noted that when the Concord Railroad established the time zone, it was only sixteen minutes behind Concord Mean Time.

Mr. Garrahan explained daylight saving was a wartime measure in 1918. He noted farmers did not like the change, but the Boston Chamber of Commerce and other similar organizations supported the change.

He stated that New Hampshire held off using daylight saving until 1937.

Mr. Garrahan explained daylight saving became year-round during World War II. He said people were done with it by the end of the war. Post-war, states pursued their own policies which led Congress to act.

Mr. Garrahan stated that Congress tried to make daylight-saving time permanent during the 1973 Oil Embargo, but it only lasted one winter and did not save much energy. He said that with today’s efficient lighting, it would not save much energy now.

Mr. Garrahan stated that studies show the strongest driver of circadian rhythm is the light and dark cycle. He said daylight-saving time delays both cycles. People receive an average of nineteen minutes less sleep during daylight saving.

Mr. Garrahan noted that studies show the transition itself is bad. He said studies that shed light on which choice better look at a person’s position within a time zone.

Mr. Garrahan pointed to Russia’s experiment with year-round daylight-saving time in 2011-2012. He said this showed standard time is better.

Mr. Garrahan said the bill references USC 260-A but does not comply with it. He said if the Sunshine Protection Act passed, the effect would be similar to 1974. He said only two states have passed bills through both chambers of their legislatures.

Mr. Garrahan stated that, if the House committee amendment passes, New Hampshire residents will wonder why they are still changing clocks, or they will complain about early morning darkness.
HOUSE BILL 1095

AN ACT relative to the administration of occupational boards by the office of professional licensure and certification.

SPONSORS: Rep. Gallager, Merr. 20

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill makes various changes to the procedures and terminology of the office of professional licensure and certification and the occupational regulatory boards thereunder to coordinate with regulatory changes made in recent legislative sessions.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the administration of occupational boards by the office of professional licensure and certification.

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

1 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, IV to read as follows:

IV. "Certified recovery support worker," or CRSW, means an individual certified by the [board] office of professional licensure and certification to provide recovery support to persons with substance use disorders, who meets the qualifications in this chapter.

2 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, XIII-XV to read as follows:

XIII. "Licensed alcohol and drug counselor," or LADC, means an individual licensed by the [board] office of professional licensure and certification to practice substance use counseling who meets the qualifications set forth in this chapter.

XIV. "Licensed clinical supervisor," or LCS, means an individual licensed by the [board] office of professional licensure and certification to practice and supervise substance use counseling, who meets the qualifications set forth in this chapter.

XV. "Master licensed alcohol and drug counselor," or MLADC, means an individual licensed by the [board] office of professional licensure and certification to practice substance use, mental health, and co-occurring disorder counseling who meets the qualifications set forth in this chapter.

3 Alcohol and Other Drug Use Professionals; Advisory Committees. Amend RSA 330-C:6, II to read as follows:

II. The advisory committees may be assigned the following duties:

(a) Application advisory committee, if established, shall review applications for licensure, reinstatement, and certification and make recommendations to the board concerning such applications;

(b) (a) Testing and examination advisory committee, if established, shall [carry out the testing requirements of this chapter and] review and evaluate the appropriate standards to be used for selecting examinations;

(e) (b) Continuing education and collaboration advisory committee, if established, shall advise the board on continuing education requirements [and procedures to be adopted] for [documenting] peer collaboration [hours] requirements.
4 Alcohol and Other Drug Use Professionals; Rulemaking Authority. RSA 330-C:9 is repealed and reenacted to read as follows:

330-C:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A, relative to the following:

I. Eligibility requirements for the issuance of all initial and renewal licenses issued by the office including without limitation:

(a) The eligibility requirements for the issuance of such licenses to applicants holding a current license issued by the board of nursing or the board of medicine; and

(b) The eligibility requirements for the issuance of a MLADC license under RSA 330-C:16.

II. Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary action.

III. Eligibility requirements, training requirements, and other criteria for the issuance of certification, renewal of certification, and reinstatement of certification for certified recovery support workers and certified recovery support worker supervisors.

IV. The criteria for approval of education programs for the continuing education requirements of this chapter and providers of such programs, and the criteria for approval of providers engaged in clinical supervision.

V. The criteria for approval of individuals engaged in clinical supervision.

VI. The requirements for clinical supervision and the documentation of clinical supervision hours.

VII. Ethical standards for the practice of substance use counseling and co-occurring disorder counseling and clinical supervision that are generally in keeping with standards established by NAADAC: The Association for Addiction Professionals, or its successor organization.

VIII. Continuing education requirements for license renewal and continuing education requirements for renewal of certification.

IX. The determination of disciplinary sanctions authorized by this chapter, including the assessment of administrative fines.

X. The criteria for required examinations.

XI. The requirements for peer collaboration and the documentation of peer collaboration hours, and the requirements for participation as a peer collaborator.

XII. Standards for the waiver of a felony conviction under RSA 330-C:27, III(f), and for determinations of whether an applicant has made sufficient restitution or been rehabilitated under RSA 330-C:15, I(e).

XIII. If rules on the topic are determined by the board to be necessary, determinations of equivalent academic fields for initial MLADC licensure or initial LADC licensure.
Licensed Alcohol and Other Drug Use Professionals; Completion of Survey; Rulemaking. Amend RSA 330-C:9-a to read as follows:

330-C:9-a  Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, requiring, as part of the criteria for license renewal \[process\], completion by licensees of a survey or opt-out form provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey.

Alcohol and Other Drug Use Professionals; Telemedicine. Amend RSA 330-C:14-a to read as follows:

330-C:14-a  Telemedicine. Persons licensed \[by the board\] under this chapter shall be permitted to provide services through the use of \[telemedicine\] \"telemedicine,\" as defined in RSA 310:7. \[\"Telemedicine\" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.\]

Alcohol and Other Drug Use Professionals; Licensure and Certification; Applicants. Amend RSA 330-C:15, I(e) through II to read as follows:

(e)  Have committed none of the following, unless the [board] office of professional licensure and certification finds, using criteria established by the board, that the applicant has made sufficient restitution or been rehabilitated:

1. Fraud or deceit in procuring or attempting to procure a license, certification, or other authorization to practice substance use counseling or treatment in this or another state or territory of the United States;

2. Sexual relations with, solicitation of sexual relations with, or sexual abuse of, a client or past client;

3. Failure to remain free from the use of a controlled substance or alcohol to the extent that use impairs the ability to conduct with safety to the public the practices authorized by this chapter;

4. Conviction of a felony not waived by the board;

5. An act or omission causing another state or territory of the United States to revoke or suspend a license, certification, or other authorization to practice substance use counseling or treatment or to discipline the person authorized to practice by placing him or her on probation;

6. Failure to maintain confidentiality as described in RSA 330-C:26; and

7. False or misleading advertising;

(f)  Have no mental disability that affects professional ability or judgment to the extent that it impairs the ability to conduct with safety to the public the practices authorized by this chapter, unless the board finds that measures have been taken to control the effects of the disability;
(g) Meet education requirements for new applicants and continuing education requirements for renewals and reinstatements, as established by the board; and

(h) Meet other criteria as established by the board.

II. The [board] office of professional licensure and certification shall make no final decision concerning the qualifications of a new or reinstatement applicant until it has received the results of all required examinations, criminal history record checks, and all third-party certifications required to be submitted with the application, and the time periods specified by RSA 541-A:29 shall be calculated from the date the last of the required documents is received by the [board] office.

8 Master Licensed Alcohol and Drug Counselor; Initial License. Amend RSA 330-C:16, I(b)-III to read as follows:

  (b) Have graduated with a master's degree of less than 60 hours in a discipline described in subparagraph (a) and has completed the necessary additional hours of master's level course work as determined by the board pursuant to RSA 330-C:9, [(a)] I(a).

II. Pass testing procedures of a nationally recognized credentialing entity specified by the board. Such procedures shall be based on the core functions and practice dimensions of substance use and co-occurring disorders counseling.

III. Complete 3,000 hours of clinically supervised post-master's degree work experience in the treatment of substance use, mental health, and co-occurring disorders. Up to 1,500 hours of clinically supervised work experience accumulated by the applicant during his or her practice as an LADC may be counted toward the required 3,000 hours. A current license issued [by the board of mental health practice under] pursuant to RSA 330-A may be substituted for up to 1,500 hours of the required 3,000 hours of clinically supervised work experience. [Where substitution of the full 1,500 hours is denied by the board, the applicant shall be provided the rationale for the board's denial. The board shall not deny the substitution of hours solely based on the applicant's clinical supervisor holding a license issued by the board of mental health practice.]

9 Alcohol and Other Drug Use Professionals; Certified Recovery Support Worker; Initial Certification. Amend RSA 330-C:19, I to read as follows:

I. Submit a completed application and fees established by the [board] office of professional licensure and certification;

10 Alcohol and Other Drug Use Professionals; Criminal Record Checks. Amend RSA 330-C:20 to read as follows:

  330-C:20 Criminal Record Checks.

I. Every applicant for initial licensure or certification or reinstatement shall submit to the [board] office of professional licensure and certification a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [board] office.
II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. If the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] office may, in lieu of the criminal history record check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] office shall submit the criminal history record release form and fingerprint form to the division of state police which shall conduct a criminal history record check through its records and through the Federal Bureau of Investigation. Upon completion of the record check, the division of state police shall release copies of the criminal history record to the [board] office.

IV. The [board] office shall review the criminal history record information prior to making a decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

11 Alcohol and Other Drug Use Professionals; Continuing Education. Amend RSA 330-C:24, I to read as follows:

I. As a prerequisite to renewal of licensure or certification, a licensee or certificate holder shall present satisfactory evidence [to the board] of having met the continuing education requirements of this chapter.

12 Repeals; Alcohol and Other Drug Use Professionals. The following are repealed:

I. RSA 330-C:5, I and X, relative to the powers and duties of the board of licensing for alcohol and other drug use professionals.

II. RSA 330-C:6, III, relative to advisory committees of the board of licensing for alcohol and other drug use professionals.

III. RSA 330-C:8, relative to fees and charges.

IV. RSA 330-C:16, V, relative to issuance of a MLADC license.

V. RSA 330-C:21, relative to applicants from other states.

VI. RSA 330-C:22, relative to renewals.

VII. RSA 330-C:23, relative to reinstatement.

13 Athletic Trainers; Eligibility for Initial Licensure. Amend RSA 326-G:4, I to read as follows:

I. Demonstrate sufficient evidence of good professional character and reliability to satisfy the office of professional licensure and certification, using criteria established by the board, that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F, and the board's rules.

14 Barbering, Cosmetology, and Esthetics; Definitions. Amend the introductory paragraph of RSA 313-A:1, II-a to read as follows:
II-a. "Master barber" means any person licensed by the office of professional licensure and certification as a master barber to practice the following:

15 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, XI-a to read as follows:

XI-a. "Operator" means a person age 18 or older who has received training through a program approved by the board in the safe operation of tanning devices, operates the tanning device, controls the length of the exposure to UV light, and instructs the consumer in the proper use of the device. [A person age 16 or older who, prior to January 1, 2005, has been certified by a program that was subsequently approved by the board shall be an operator under this paragraph.]

16 Barbering, Cosmetology, and Esthetics; Maintenance of Records. Amend RSA 313-A:4 to read as follows:

313-A:4 Maintenance of Records. The office shall maintain a record containing the names and addresses of all licensees and of all salons, barbershops and schools licensed pursuant to this chapter in accordance with the retention policy established by the office of professional licensure and certification. The office of professional licensure and certification shall issue all notices, license, and registration certificates. The record shall include the date of issuance, renewal, suspension, or revocation of all licenses. This record shall be open to public inspection at all reasonable times.

17 Barbering, Cosmetology, and Esthetics; Duties. RSA 313-A:7 is repealed and reenacted to read as follows:

313-A:7 Duties.

I. The board shall:

(a) Prescribe the duties of its officers;

(b) Keep a record of its proceedings in accordance with the retention policy established by the office of professional licensure and certification; and

II. The board may establish criteria pursuant to RSA 541-A to license a school to operate either:

(a) Dedicated programs within secondary schools, the purpose of which is to teach cosmetology, manicuring, barbering, or esthetics; or

(b) Postsecondary programs conducted for the purpose of teaching cosmetology, manicuring, barbering, or esthetics, including postsecondary programs leading to a certificate in manicuring, barbering, cosmetology, or esthetics.

18 Barbering, Cosmetology, and Esthetics; Rulemaking Authority. RSA 313-A:8 is repealed and reenacted to read as follows:

313-A:8 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:
I. The qualifications of applicants for licensure, including the qualifications for satisfactory
evidence of:
   (a) A high school education or its equivalent; and
   (b) Good professional character;
II. Criteria for examination of applicants;
III. Criteria for the renewal of licensure under this chapter, including the requirements for
continuing education;
IV. Ethical and professional standards required to be met by each holder of a license to
practice under this chapter and how sanctions by the board shall be implemented for violations of
these standards or for any violation of this chapter;
V. Conditions for practice under temporary licenses issued by the board;
VI. The regulation of tanning facilities including:
   (a) Sanitation and hygiene standards to be met and maintained by tanning facilities.
   (b) Standards for approving the training curricula and programs used for training
tanning device operators.
   (c) Registering tanning facilities.
   (d) Standards for the inspection of tanning devices.
   (e) Standards for the consumer consent form required under RSA 313-A:30, IV.
VII. Criteria for licensing and approval of schools and their curriculum;
VIII. Criteria for licensing and approval of instructors;
IX. Criteria for licensing and approval of mobile barbershops;
X. The occasional performance of services at locations other than the principal place of
business by persons licensed under this chapter;
XI. The criteria for office of professional licensure and certification consideration of an
applicant's "good professional character";
XII. The criteria for granting exemptions under RSA 313-A:10, II; 313-A:11, II; and 313-
A:12, II; and
XIII. A schedule of administrative fines for violations of this chapter under RSA 313-A:22,
III(e) and (f).

19 Barbering, Cosmetology, and Esthetics; Qualifications; Barbers. Amend RSA 313-A:10 to
read as follows:
313-A:10 Qualifications; Barbers.
   I. In order to be issued a barber's license by the [board] **office of professional licensure**
   and certification, a person shall:
   (a) Be of good professional character;
   (b) Have completed high school or its equivalent;
   (c) Have received training of:
(1) A minimum of 800 hours of training in a school of barbering approved by the office of professional licensure and certification in accordance with criteria established by the board pursuant to RSA 541-A; or

(2) A minimum of 1,600 hours distributed over a period of at least 12 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

(d) Pass an examination [conducted by the board]; and

(e) Pay a fee established by the [board] office of professional licensure and certification.

II. An applicant not meeting the conditions of RSA 313-A:10, I(b) through (c) may petition the [board] office of professional licensure and certification for exemption. The [board] office, acting under following criteria established in rules adopted under RSA 313-A:8, [XVI X] XII, may grant the exemption.

III. In order to be issued a master barber's license by the [board] office of professional licensure and certification, a person shall:

(a) Be of good professional character;

(b) Have completed high school or its equivalent;

(c) Have received training of:

(1) A minimum of 1,500 hours of training in a school of master barbering approved by the board; or

(2) A minimum of 3,000 hours distributed over a period of at least 18 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

(d) Pass an examination [conducted by the board]; and

(e) Pay a fee established by the [board] office.

Barbering, Cosmetology, and Esthetics; Qualifications; Cosmetologists. Amend RSA 313-A:11 to read as follows:

313-A:11 Qualifications; Cosmetologists.

1. In order to be issued a cosmetologist's license by the [board] office of professional licensure and certification, a person shall:

(a) Be of good professional character;

(b) Have completed high school or its equivalent;

(c) Have received training of:

(1) A minimum of 1,500 hours of training in a school of cosmetology approved by the board; or

(2) A minimum of 3,000 hours distributed over a period of at least 18 months under a licensed cosmetologist who has engaged in the practice of cosmetology within the state for at least 2 years;

(d) Pass an examination [conducted by the board]; and
(e) Pay a fee established by the [board] **office of professional licensure and certification**.

II. An applicant not meeting the conditions of RSA 313-A:11, I(b) through (c) may petition the [board] **office of professional licensure and certification** for exemption. The [board] **office**, [acting under] **following criteria established in** rules adopted under RSA 313-A:8, [XVI] XII, may grant the exemption.

21 Barbering, Cosmetology, and Esthetics; Qualifications; Manicurists. Amend RSA 313-A:12 to read as follows:

313-A:12 Qualifications; Manicurists. A person, to be issued a manicurist’s license by the [board] **office of professional licensure and certification**, shall, in addition to satisfying the requirements of RSA 313-A:11, I(a), (b), and (e):

I. Have completed a course of at least 300 hours of professional training in manicuring, in a school approved by the board and passed an examination [conducted by the board]; or

II. Have satisfied the requirement set out in RSA 313-A:11, I(d) and, as an apprentice in a salon, received[,] in the opinion of the board[,] the equivalent, **pursuant to criteria established by the board**, of the course required under paragraph I.

22 Barbering, Cosmetology, and Esthetics; Qualifications; Estheticians. Amend RSA 313-A:13 to read as follows:

313-A:13 Qualifications; Estheticians. To be issued an esthetics license by the [board] **office of professional licensure and certification**, an applicant shall, in addition to satisfying the requirements of RSA 313-A:11, I(a), (b), and (e), have completed a course of at least 600 hours of training in a school approved by the board and have passed an examination [conducted by the board]. An apprenticeship approved by the board may [substitute] **be substituted** for the required training. Estheticians who have practiced professionally in this state for a period of at least 3 years prior to July 1, 1989, and who have satisfied the requirements of RSA 313-A:11, I(a), (b), and (e) and the training requirements of this section shall not be required to take the examination provided for in this section to be eligible for licensure under this chapter. Credit towards the hours requirement for esthetician training may be given to a licensed cosmetologist or barber for equivalent training in the cosmetology or barber program in a school approved by the board upon certification of the training by the school. Credit towards the hours requirement for esthetician training may be given to a licensed massage therapist for massage therapy training deemed equivalent by the board. Cosmetologists licensed [by the board] **under this chapter** may obtain the training hours in subjects required by the board in increments at separate schools, but must present certifications to the [board] **office** for all required hours and curriculum subjects.

23 Barbering, Cosmetology, And Esthetics; Examinations. Amend RSA 313-A:15 to read as follows:
313-A:15 Examinations. The [board] office of professional licensure and certification shall hold examinations in barbering, cosmetology, manicuring, and esthetics at least once every 6 months in such towns throughout the state as it may deem convenient for applicants and at such additional times as it may from time to time determine. The scope and content of the examinations shall be established by the board. The [board] office shall notify all applicants at least 10 days in advance as to the place, date, and time of examinations.

24 Barbering, Cosmetology, and Esthetics; Applications. Amend RSA 313-A:16 to read as follows:

313-A:16 Applications. Applicants shall make written application to the [board] office of professional licensure and certification on a form prescribed and supplied by the office [of professional licensure and certification] which shall contain satisfactory evidence of the qualifications required of the applicant; and the applicant shall also pay the examination fee established by the office.

25 Barbering, Cosmetology, and Esthetics; Temporary Permit. Amend RSA 313-A:18 to read as follows:

313-A:18 Temporary Permit.

I. Any person eligible to take an examination for a license under this chapter may apply to the [board] office of professional licensure and certification for a permit to professionally operate temporarily pending the holding of such examination. The application shall be accompanied by the payment of a fee established by the [board] office which shall be credited as the required examination fee.

II. A temporary permit shall authorize its holder to engage temporarily in the practice of the profession for which such permit was issued under the guidance of a licensed practitioner in a registered salon or barbershop. If, upon notice from the [board] office, the applicant fails without just cause to take the examination, the permit shall terminate. If the applicant fails to pass the examination, the [board] office in its discretion may grant a second temporary permit, under like conditions, which permit in all circumstances shall expire 60 days from its issuance, unless just cause for failure to take the examination shall be shown to the satisfaction of the board.

26 Barbering, Cosmetology, and Esthetics; Expiration and Renewal of Licenses and Certificates. RSA 313-A:20 is repealed and reenacted to read as follows:

313-A:20 Expiration and Renewal of Licenses. All licenses established under this chapter shall expire in accordance with RSA 310:8.

27 Barbering, Cosmetology, and Esthetics; Apprentice Registration and Certificates. Amend RSA 313-A:24, I-IV to read as follows:

I. No person shall enter an apprenticeship or enroll in a school under this chapter unless such person has registered with the [board] office of professional licensure and certification as an apprentice and been issued an apprentice certificate. [The board shall have sole authority to
II. A person applying for an apprentice certificate under this section shall be granted such certificate upon:

(a) Submitting proof sufficient to the board to show that such person is at least 16 years of age;

(b) Paying a fee established by the office of professional licensure and certification; and

(c) Being deemed by the board to be of good professional character based upon criteria established by the board.

III. No salon or barbershop shall at any one time have more than one apprentice per licensed professional, except as follows:

(a) Each licensed barber may have up to 2 apprentices for barbering.

(b) Each licensed master barber may have up to 2 apprentices for barbering, or one apprentice master barber and one apprentice barber.

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the board for certification.

28 Barbering, Cosmetology, and Esthetics; Compliance with Law. Amend RSA 313-A:27, II to read as follows:

II. The board shall enforce this chapter against a person who adulterates or misbrands a tanning device. The office of professional licensure and certification may investigate a person accused of adulterating or misbranding a tanning device.

29 Barbering, Cosmetology, and Esthetics; Registration of Tanning Facility. Amend RSA 313-A:28, II to read as follows:

II. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a tanning facility within this state shall file a registration statement annually with the office of professional licensure and certification in accordance with rules adopted under RSA 541-A. Such registration statement shall be required for each facility location, shall be duly signed and verified, and shall be posted in a prominent location at the tanning facility. Such registration statement shall include, but not be limited to, the name and the business address of the applicant; if an individual, the name under which the business will be conducted; if a partnership, the name and business address of each member thereof; the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation; and the place, including the complete mailing address and physical address, where the business is to be conducted. Registration statements shall also list the number and type of tanning devices at each tanning facility location.

30 Repeal. The following are repealed:
HB 1095 - AS AMENDED BY THE HOUSE
- Page 12 -

I. RSA 313-A:14, relative to nonresidents.

II. RSA 313-A:29, relative to registration fees.

III. RSA 313-A:34, relative to unregistered tanning facilities.

31 Body Art; License Required; Fees. Amend RSA 314-A:2, III to read as follows:

III. Licenses shall be issued to any person who:

(a) Makes application on a form prescribed by the executive director;

(b) Makes payment of fees required [under RSA 314-A:6, III];

(c) Has been practicing body piercing, branding, or tattooing in an establishment, under

the supervision of a person practicing body piercing, branding, or tattooing in compliance with the

applicable statutes and rules of the state for not less than 3 years[. Out of state applicants shall

provide proof of at least 3 years' experience as a licensed practitioner in another state]; and

(d) Has completed a course approved by the executive director in methods and

techniques for the proper sterilization of instruments and materials used in body piercing, branding,

or tattooing.

32 Body Art; Exemptions. Amend RSA 313-A:4, I to read as follows:

I. Any person licensed by the New Hampshire board of medicine or the office of

professional licensure and certification, as applicable, for anyone acting within the scope

of practice in accordance with RSA 328-D, RSA 329, or RSA 329-C.

33 Body Art; Renewal of License; Continuing Education Requirement. Amend RSA 314-A:5 to

read as follows:

314-A:5 Renewal of License; Continuing Education Requirement. Renewal of licenses shall be

contingent upon the licensee's completion of 3 hours of continuing education related to the practice of

body piercing, branding, or tattooing during the [preceding year] current term of licensure, in

accordance with RSA 310:8.

34 Body Art; License Revocation or Suspension. Amend the introductory paragraph of RSA 314-

A:9 to read as follows:

314-A:9 License Revocation or Suspension. After [notice and hearing] a finding of

misconduct the executive director may [revoke or suspend] sanction, in accordance with RSA

310:12, any [license issued] licensee under this chapter if the licensee:

35 Repeal. RSA 314-A:10, relative to administrative fines, is repealed.

36 Chiropractic; Rulemaking Authority and Practices. Amend RSA 316-A:3, IV-V to read as

follows:

IV. [Procedures] Board criteria for oral examinations and interviews, if appropriate. Such

rules shall include a listing of permissible areas of inquiry and a statement of the means by which

the inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or

commission in accordance with the retention policy established by the office of professional licensure

and certification.
V. [Procedures] **Board criteria** for practical examinations, if appropriate. Such rules shall provide that at least 2 experienced practitioners shall observe and pass on any practical examination.

37 Chiropractic; Fees; Qualifications. Amend RSA 316-A:11, I to read as follows:

I. Each applicant shall pay to the [secretary treasurer] **office of professional licensure and certification** a fee, established by the [board] **office**, for which the applicant shall be entitled to an examination and to a reexamination, if necessary, within one year.

38 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

316-A:14-a **Licenses and Certificates.** Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the [board] **office of professional licensure and certification** as a chiropractor permitted to practice in New Hampshire. Each applicant who qualifies under this chapter shall pay a fee for an initial license and a license renewal. The initial license and license renewals shall be valid for the terms established under [**RSA 310**] RSA 310:8.

39 Chiropractic; Effect. Amend RSA 316-A:15 to read as follows:

316-A:15 **Effect.** Any chiropractor who has received and holds a certificate or license issued by the board **or office of professional licensure and certification** may practice chiropractic as defined in RSA 316-A:1 but shall not prescribe for, or administer to, any person any medicine or drugs now or hereafter included in materia medica, practice major or minor surgery, obstetrics or any branch of medicine or osteopathy.

40 Chiropractic; National Examination. Amend RSA 316-A:17 to read as follows:

316-A:17 **National Examination; Examination Requirements.** The board shall require that applicants pass parts 1, 2, and 3 and the written clinical competency examinations of the national examination given by the National Board of Chiropractic Examiners if an applicant was licensed after January 1, 1990, and parts 1, 2, 3, and 4 and the written clinical competency examinations of the national examination given by the National Board of Chiropractic Examiners if the applicant was licensed or applied for a license after January 1, 1996. Applicants having passed the national examinations shall be exempt from taking a written examination and, provided the applicant meets all other qualifications and requirements of this chapter, shall be registered and granted a license by the [state board] **office of professional licensure and certification** upon payment of the required fee and presentation of satisfactory proof that the applicant has passed the parts of such national examination.

41 Chiropractic; Renewal. Amend RSA 316-A:20 to read as follows:

316-A:20 **Renewal.**

I. The procedure and timeframe for license renewals shall be as described in [**RSA 310-A:1** RSA 310:8].
II. Each applicant for renewal shall submit satisfactory evidence that the applicant has completed at least 20 hours of continuing education approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the office of professional licensure and responsibility on behalf of the New Hampshire board of chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why the license should not be suspended.

316-A:21 Inactive List. Amend RSA 316-A:21 to read as follows:

316-A:21 Inactive List. A chiropractor licensed under this chapter and who is a resident of this state, who does not intend to engage in practice as a chiropractor, upon written notification to the office of professional licensure and certification, may be listed on an inactive list and shall not be required to renew such license biennially or pay any renewal fee as long as such chiropractor remains inactive. Any chiropractor whose name has been included in the inactive list as provided in this section shall be restored to active status by the office upon the filing of a written request with the office, accompanied by the required renewal fee, and after satisfactorily passing a competency test for which criteria have been established in rule by the board.

43 Repeal. The following are repealed:

I. RSA 316-A:5, relative to fees.

II. RSA 316-A:8, relative to income.

III. RSA 316-A:18, relative to applicants from other states.

IV. RSA 316-A:23-a, relative to investigations, subpoenas, and oaths.

44 Board of Dental Examiners; Duties. RSA 317-A:4, I is repealed and reenacted to read as follows:

I. The board of dental examiners shall establish criteria for the examination, registration, and licensure of applicants to be qualified as provided in this chapter to practice dentistry and dental hygiene.

45 Dentistry and Dental Hygiene; License Required. Amend RSA 317-A:7 to read as follows:

317-A:7 License Required. No person shall begin the practice of dentistry, or dental hygiene, without first obtaining a license for such purpose from the office of professional licensure and certification.

46 Dentistry and Dental Hygiene; Telemedicine. Amend RSA 317-A:7-b to read as follows:

317-A:7-b Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of "telemedicine", as defined in RSA 310:7. ["Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.]

47 Dentistry and Dental Hygiene; Applications. Amend RSA 317-A:8 to read as follows:

317-A:8 Applications.
I. Applications for licensure shall be made to the [board] office of professional licensure and certification in writing or online and shall be accompanied by a fee established by rules adopted under RSA 541-A by the [board] office and by satisfactory proof that the applicant is a graduate of a school that is recognized by the Commission on Dental Accreditation (CODA). The applicant shall be of good professional character and 18 years of age or older.

II. Any person applying for any license or privilege under this chapter, including any person seeking to convert from inactive to active status, shall provide the [board] office with information relating to dental competence and professional conduct, to permit the office, based on criteria established by the board, to make a [fully informed] decision that the applicant possesses sufficient competence and character to be issued a license under this chapter.

III. A temporary license may be issued, at the discretion of the office, in consultation with the board, to a person for research projects and programs of professional education having clinical dental components.

IV. A temporary license may be issued, at the discretion of the [board] office, in consultation with the board, to dentists and dental hygienists for the provision of voluntary dental or dental hygiene services. To qualify for licensure under this paragraph, the applicant shall be an active, inactive, or former licensee in New Hampshire or in another state or Canadian province as determined by the board.

V. No application shall be granted unless the [board] office finds that the applicant possesses the necessary educational, character, and other professional qualifications to practice dentistry or dental hygiene [... and that no circumstances exist which would be grounds for disciplinary action against a licensed dentist or hygienist pursuant to RSA 317-A:17, II].

48 Dentistry and Dental Hygiene; Criminal History Record Checks. Amend RSA 317-A:8-a to read as follows:

317-A:8-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the [board of dental examiners] office of professional licensure and certification a criminal history record information authorization form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record information, if any, to the [board] office.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] office may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.
III. The [board] office shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] office.

IV. The [board] office shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

49 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:9 to read as follows:

317-A:9 Examinations. Applicants for a license to practice dentistry or dental hygiene shall be examined pass an examination as determined by the board or have successfully passed a national or regional test accepted approved by the board. Examinations may be oral, clinical, written, or any combination at the discretion of the board and shall be of such character as to test the qualifications of the applicant to practice dentistry or dental hygiene. No license shall be granted to any applicant who shall not pass such examination.

50 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, III and IV to read as follows:

III. The qualifications of applicants in addition to those requirements set by statute [, including experience requirements for application for license by endorsement];

IV. How an applicant shall be examined, including:

(a) Time and place of examination;

(b) The subjects to be tested;

(c) Passing grade; and

(d) Disposition of examination papers;

51 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, XII and XII-a to read as follows:

XII. The imposition of administrative fines authorized under RSA 317-A:17, III(f);

XII-a. The use of general anesthesia, deep sedation, and moderate sedation, in dental treatment under RSA 317-A:20, including:

(a) Required credentials.

(b) Application.

(c) On-site evaluations of personnel, facility, equipment, and records as they pertain to the use of required drugs, general anesthesia, deep sedation, or moderate sedation, or any combination thereof.

(d) The criteria for the issuance of permits for use of general anesthesia, deep sedation, and moderate sedation, or of permits for use of moderate sedation.
(e) The criteria for the issuance of permits to dental facilities for use of general anesthesia, deep sedation, and moderate sedation at the dental facilities where the services are performed.

(f) The establishment of the qualifications and requirements of dental facilities where general anesthesia, deep sedation, and moderate sedation are performed.

(g) The requirement that the physical presence of the dentist licensed under RSA 317-A:7, an anesthesiologist licensed under RSA 329, or a nurse anesthetist licensed under RSA 326-B:18 is required while general anesthesia, deep sedation or moderate sedation is in effect.

(h) The establishment of the qualifications of dentists to administer general anesthesia or deep sedation, which may include a residency training program accredited by the Commission on Dental Accreditation (CODA) or equivalent, and which may include a method for established practitioners to document his or her qualifications. Administration of general anesthesia or deep sedation to patients under the age of 13 shall be subject to additional rules including:

(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt the dentist from this requirement if they are board-eligible or board certified in either dental anesthesiology or oral and maxillofacial surgery.

(2) The dentist shall be trained in pediatric advanced life support (PALS) and airway management, equivalent to the American Academy of Pediatrics and American Academy of Pediatric Dentistry (AAP-AAPD) guidelines or equivalent as determined by the board.

(3) Informed consent shall include the statement that the procedure may be performed in a hospital setting with additional anesthesia personnel, possibly at an increased expense.

(i) A physical evaluation and medical history shall be taken before the administration of moderate sedation, deep sedation, or general anesthesia. The board shall adopt rules regarding the minimum requirements for physical evaluation and medical history;

52 Dentistry and Dental Hygiene; Completion of a Survey; Rulemaking. Amend RSA 317-A:12-a to read as follows:

317-A:12-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, requiring, as part of the criteria for license renewal [process], completion by licensees of a survey or opt-out form provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey.
53 Dentistry and Dental Hygiene; License Renewal. RSA 317-A:13 is repealed and reenacted to read as follows:

317-A:13 License Renewal.

I. License renewals and notifications shall be issued in accordance with RSA 310:8.

II. All persons licensed to practice dentistry or dental hygiene in this state shall notify the office of professional licensure and certification in writing within 30 days of any change of business or residential address which may occur during the period between biennial registrations.

54 Dentistry and Dental Hygiene; Inactive List. Amend RSA 317-A:16 to read as follows:

317-A:16 Inactive List. A dentist or dental hygienist licensed under this chapter who does not actively engage in such practice in New Hampshire within 2 years of his or her previous biennial registration shall have the licensee's name transferred to an inactive list and shall be required to register biennially and pay the inactive registration fee as long as the licensee remains inactive. Any dentist or dental hygienist holding an inactive license shall be restored to active status by the [board] office of professional licensure and certification upon the filing of a written request with the [board] office and the furnishing of evidence of continuing professional character and continuing education and upon payment of the full registration fee established in rules adopted by the [board] office. A licensee on inactive status who has been practicing in another state shall provide a letter of good standing from that state. A person's right to maintain a license with active status shall not be affected by any absence from active practice in New Hampshire while serving on active duty in the armed forces of the United States.

55 Practice of Dentistry. Amend RSA 317-A:20, II to read as follows:

II.(a) Any dentist or dental facility who wishes to administer general anesthesia, deep sedation, or moderate sedation shall apply to the [board] office of professional licensure and certification for the appropriate permit and pay an application fee.

(b) The [board] office shall require the documentation of competence according to the rules adopted under RSA 317-A:12, XII-a(f) and RSA 317-A:12, XII-a(h) before issuing such a permit.

(c) The rules of the board shall require an appropriate number of hours of continuing education as a condition for issuing or reissuing such a permit.

56 Dentistry and Dental Hygiene; Licensure. Amend RSA 317-A:21, II to read as follows:

II. Applications for licensure as a dental hygienist shall be made to the [board in writing] office of professional licensure and certification and shall be accompanied by a fee established by the office [of professional licensure and certification] and by satisfactory proof that the applicant is a graduate of a school of dentistry or a school of dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the Commission on Dental Accreditation.

57 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:21-a to read as follows:
317-A:21-a Examinations. Except as otherwise provided, applicants shall be examined [by the board] in accordance with RSA 310:4, II(c). The examinations may be oral, clinical, written or a combination thereof, at the discretion of the board, and shall be of such character as to test the qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to any applicant who shall not pass such examination satisfactorily. The [board] office of professional licensure and certification shall have the authority to grant a license in dental hygiene to applicants who have successfully passed the requirements of any national or regional testing agency acceptable to the board.

58 Practice of Dental Hygiene. Amend RSA 317-A:21-c, IV to read as follows:

IV. The practice of dental hygiene conducted under the authority of a health care charitable trust as provided in RSA 317-A:20, III(c) shall be performed by dentists or by dental hygienists licensed [by the board] under this chapter and who practice under the supervision of a dentist licensed [by the board] under this chapter. The health care charitable trust shall notify the [board] office of professional licensure and certification in writing of the name and location of the dental clinic and the name of the supervising dentist, and shall notify the [board] office within 10 days of any change of the supervising dentist.

59 Certified Public Health Dental Hygienist. Amend the introductory paragraph of RSA 317-A:21-e, I to read as follows:

I. A dental hygienist licensed under this chapter may obtain a certification to practice as a certified public health dental hygienist by submitting an application to the [board in writing] office of professional licensure and certification and completing additional educational and training requirements as required by the board. A certified public health dental hygienist practicing under this section may:

60 Dentistry and Dental Hygiene; Expanded Function Dental Auxiliary. Amend RSA 317-A:21-g, I to read as follows:

I. A dental hygienist licensed under this chapter, or a dental assistant may obtain a permit from the [board] office of professional licensure and certification to practice as an expanded function dental auxiliary by submitting an application to the [board in writing] office and completing additional educational and training requirements as required in rules adopted by the board.

61 Dentistry and Dental Hygiene; Repeal. The following are repealed:

I. RSA 317-A:7-a, relative to license by endorsement.
II. RSA 317-A:15, relative to penalties for failure to register.
III. RSA 317-A:17-a, relative to immunity from civil action.
IV. RSA 317-A:24, relative to applications from other states.
V. RSA 317-A:25, relative to certificates of good standing.
VI. RSA 317-A:34, relative to petitions for injunction filed by the board.
62 Dietitians; License Required. Amend RSA 326-H:5, I to read as follows:

I. No person shall practice or represent himself or herself as a dietitian in this state without first applying for and receiving a license from the [board] office of professional licensure and certification to practice as a licensed dietitian.

63 Dietitians; Rulemaking. RSA 326-H:10 is repealed and reenacted to read as follows:

326-H:10 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The eligibility requirements for licensure or temporary licensure to practice as a licensed dietitian in this state.

II. Criteria for the renewal, suspension, revocation, and reinstatement of licenses.

III. Educational qualifications for licensure.

IV. Continuing education requirements.

64 Dietitians; Issuance, Expiration, and Renewal of License. RSA 326-H:14 is repealed and reenacted to read as follows:

326-H:14 Issuance, Expiration, and Renewal of License.

I. The office of professional licensure and certification shall license as a dietitian each applicant who proves to the satisfaction of the office his or her qualifications under this chapter and under rules adopted by the board under RSA 326-H:10. The office shall issue to each person qualified a license, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself or herself as a licensed dietitian subject to the conditions and limitations of this chapter.

II. All licenses issued by the office shall be renewed in accordance with RSA 310:8.

III. Any person licensed under this chapter who seeks to renew his or her license shall provide to the office satisfactory documentation of the required continuing professional education.

65 Dietitians; Suspension and Revocation of License. RSA 326-H:16 is repealed and reenacted to read as follows:

326-H:16 Suspension and Revocation of License. Misconduct sufficient to support disciplinary proceedings under this chapter includes:

I. Obtaining a license by fraudulent or deceitful means.

II. Conviction of a class A felony or a finding of malpractice or gross misconduct in practice as a dietitian.

III. Engaging in actions inconsistent with the health of the person or persons under the care of the licensee through negligence, neglect, willful action, or other causes.

IV. Other violations of this chapter, and the rules and code of ethics adopted by the board.

66 Licensed Dieticians; Repeal. The following are repealed:

I. RSA 326-H:11, relative to immunity from civil action.

II. RSA 326-H:13, relative to reciprocity.

III. RSA 326-H:18, relative to reinstatement.
Board of Electrologists; Powers and Duties of the Executive Director. Amend RSA 314:2 to read as follows:

314:2 Powers and Duties of the Executive Director. The powers and duties of the executive director shall include:

I. Licensure of individuals to practice electrology [in accordance with RSA 314:3].
II. Renewal of licenses [in accordance with RSA 314:5].
III. Denial, suspension, or revocation of licenses [in accordance with RSA 314:6].
IV. The conduct of hearings [relative to administrative fines and the denial, suspension or revocation of licenses].
V. Conducting investigations [in accordance with RSA 314:9].
VI. Adopting rules [in accordance with RSA 314:8].
VII. Assessing administrative fines [in accordance with RSA 314:13] and other sanctions, as appropriate.

Electrologists; Licensure. Amend RSA 314:3 to read as follows:

314:3 Licensure.
I. It shall be unlawful for any person to practice electrology in this state without first obtaining a license, unless such person is exempt under RSA 314:1, III.
II. [Except as provided in RSA 314:7.] Licenses issued by the executive director shall be valid [for a 2-year period] in accordance with RSA 310:8, II.
III. Licenses shall be issued to any person:
   (a) Upon application on a form prescribed by the executive director;
   (b) Upon payment of required fees [required under RSA 314:10];
   (c) Who is a high school graduate and has had training of at least 1,100 hours in a school of electrology approved by the executive director;
   (d) Who satisfies any other condition for licensure, including passing a competency examination, pursuant to rules adopted under RSA 314:8, III; and
   (e) Who demonstrates good professional character.

IV. The executive director may grant a license to an individual who has been registered or licensed as an electrologist under the laws of another state which, in the opinion of the executive director, maintains standards substantially equivalent to those of this state. Such licensure shall not preclude completion of an application and payment of appropriate fees.

V. In the case of loss, mutilation or destruction of a license, the executive director shall issue a duplicate license upon proof of facts and payment of a fee in accordance with RSA 314:10, I]

Electrologists; Renewal of License; Reinstatement; Continuing Education Requirement. Amend RSA 314:5 to read as follows:

314:5 Renewal of License; Reinstatement; Continuing Education Requirement. [Licenses issued under this chapter shall be subject to renewal every 2 years and shall lapse unless renewed or
reinstated in accordance with rules adopted by the executive director under RSA 314:8, IV, and upon payment of any fees required under RSA 314:10. Applicants for renewal shall [also] be required to complete 10 hours of continuing education related to the practice of electrology during the prior 2 years; provided that 5 hours of such continuing education shall be in didactic, live courses.

70 Electrologists; Denial, Suspension, or Revocation of License. Amend RSA 314:6 to read as follows:

314:6 Denial, Suspension, or Revocation of License. The executive director may [deny, suspend or revoke a license] sanction, in accordance with RSA 310:12, a licensee if it is determined after hearing that such [applicant or] licensee:

I. Has made a materially false statement or concealed a material fact in connection with application for licensure.

II. Has had a license issued under this chapter revoked or suspended previously.

III. Has been found guilty of fraud or fraudulent practices, or has used dishonest or misleading advertising.

IV. Has practiced electrology in an office or offices other than as stated on the license, or has not maintained the office or offices according to rules adopted under RSA 314:8, [VIII] VI.

V. Has violated ethical or professional standards for the practice of electrology, as provided for in rules adopted under RSA 314:8, [VII] V.

VI. Has failed to comply with any other provision of this chapter or any rules adopted by the executive director.

71 Electrology; Rulemaking. Amend RSA 314:8 to read as follows:

314:8 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to:

I. The license application form and content, and the license application procedures.

II. The qualifications of applicants for licensure under RSA 314:3.

III. The content and conduct of written and practical competency examinations.

IV. The application form, content and procedure for a renewal or reinstatement of a license to practice electrology [.. in accordance with RSA 314:5].

V. [Reciprocity.

VI. A schedule of fees, in accordance with RSA 314:10.

VII.] Ethical and professional standards required to be met by licensees.

[VIII] VI. Offices, including structures, equipment, and sanitation including required testing.

[IX. The conduct of investigations, in accordance with RSA 314:9.

X.] VII. A schedule of administrative fines pursuant to RSA 314:13 for the violation of the provisions of this chapter or rules adopted pursuant to this chapter.

[XI. Procedures for notice and hearing prior to denial, suspension or revocation of a license, and the imposition of administrative fines.
XII. Procedures for the handling of complaints.

XIII. Procedures for the approval or denial of an application.

XIV. Procedures for suspension or revocation of a license.

XV. Procedures for appeal of decisions of the executive director made pursuant to the provisions of this subdivision and rules adopted pursuant to this subdivision.

[XVI] VIII. Approval of schools of electrology, to include curriculum, equipment, and instructor qualifications.

[XVII] IX. The appointment, qualifications, responsibilities, and requirements of the electrology advisory committee.


[XIX] XI. Waivers of applicable rules.

[XX] XII. Training requirements for the use of intense pulsed light hair removal.

72 Electrologists; Administrative Fines. Amend RSA 314:13 to read as follows:

314:13 Administrative Fines.

I. The executive director, after notice and hearing, pursuant to RSA 314:7 and rules adopted under RSA 314:8, X, may impose an administrative fine not to exceed $2,000 for each offense upon may sanction, in accordance with RSA 310:12, any person who violates any provision of this chapter or rules adopted pursuant to this chapter.

II. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter.

III. The executive director shall adopt rules in accordance with RSA 314:8, [X] VII, relative to administrative fines which shall be scaled to reflect the scope and severity of the violation.

[IV. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.]

73 Electrologists; Repeal. The following are repealed:

I. RSA 314:7, relative to administrative hearings and judicial review.

II. RSA 314:9, relative to investigations.

III. RSA 314:10, relative to fees.

IV. RSA 314:14, relative to injunctions.

74 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, III to read as follows:

III. [How an applicant shall be examined, including the time and place of the] Criteria for applicant examination;

75 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, VI to read as follows:

VI. Ethical and professional standards required to be met by each holder of the license to practice under this chapter and how disciplinary actions sanctions by the board shall be implemented for violation of these standards;

76 Embalmers; Qualifications. Amend RSA 325:13, V-VII to read as follows:
V. Have completed a full course of instruction in an embalming school [maintaining at that time a standard satisfactory to] meeting, at the time of instruction, standards established by the board;

VI. Pass such examinations [as the board may deem proper] meeting criteria established by the board to ascertain his or her efficiency and qualifications to engage in embalming; and

VII. Obtain the appropriate license from the [board] office of professional licensure and certification.

77 Funeral Directors; Qualifications. Amend RSA 325:14 to read as follows:

325:14 Funeral Directors; Qualifications. No person shall engage or hold himself or herself out as engaged in funeral directing, unless [he] the person:

I. Is the holder of an embalmer's license;

II. Has passed such examinations [as the board may deem proper] approved by the board to ascertain [his] efficiency and qualifications to engage in funeral directing; and

III. Obtains the appropriate license from the [board] office of professional licensure and certification.

78 Funeral Directors and Embalmers; Inspection. Amend RSA 325:17 to read as follows:

325:17 Inspection. The [board] office of professional licensure and certification may inspect all places where funeral directing is conducted or where embalming is practiced. No such place shall be inspected more frequently than twice yearly, unless the board shall find that just cause or evidence of repeated complaints exists.

79 Funeral Directors and Embalmers; Examinations. Amend RSA 325:18 to read as follows:

325:18 Examinations. Examinations of applicants for licensure shall be held at least annually. Any person who desires to engage in funeral directing or embalming shall submit [in writing to the board on forms provided by it] an application for licensure accompanied by a fee established by the [board] office of professional licensure and certification. The [board] office shall require the applicant to submit to such examinations as it may deem proper established in rule.

80 Funeral Directors and Embalmers; Licensure. Amend RSA 325:20 to read as follows:

325:20 Licensure. The [board] office of professional licensure and certification shall issue to each applicant successfully passing the examination, where an examination is required, and who otherwise satisfies the [board of her or his qualifications] necessary requirements, a license, entitling her or him to practice or engage in the business in this state as a funeral director, embalmer, or both, as the case may be.

81 Funeral Directors and Embalmers; Renewal of Licenses. Amend RSA 325:25 to read as follows:

325:25 Renewal of Licenses.

I. Every person licensed to practice under this chapter, except as provided in RSA 325:29, shall apply to the [board] office of professional licensure and certification every 2 years from
**date of issuance** for license renewal. The [board] office shall require each licensee to show proof of meeting the continuing education requirement of RSA 325:28-a. Payment shall be made to the [board secretary] office of the renewal fee established in RSA 325:12-a.

II. All licenses shall automatically [lapse] expire unless a timely and complete renewal application has been filed.

82 Funeral Directors and Embalmers; Continuing Education Requirement. Amend RSA 325:28-a to read as follows:

325:28-a Continuing Education Requirement. As a condition of license renewal, [the board shall require] each licensee [to] **shall** attain a minimum number of continuing education credits every 2 years as specified in the rules adopted by the board.

83 Funeral Directors and Embalmers; Apprentice Licenses. Amend RSA 325:29 to read as follows:

325:29 Apprentice Licenses. No person shall assist in the embalming of dead human bodies for burial or cremation in any manner unless [he] the person holds a license as an apprentice.

84 Funeral Directors and Embalmers; Issuance; Term; Renewal. RSA 325:30 is repealed and reenacted to read as follows:

325:30 Issuance; Term; Renewal. Apprentice licenses shall be issued for a period established by RSA 310:8. The fees for an apprentice license shall be established by the office of professional licensure and certification.

85 Funeral Directors and Embalmers; Repeals. The following are repealed:

I. RSA 325:12-a, relative to fees.

II. RSA 325:19, relative to alternatives to the board’s examination.

III. RSA 325:22, relative to nonresidents.

IV. RSA 325:22-a, relative to interstate agreements.

V. RSA 325:23, relative to expiration.

VI. RSA 325:24, relative to notices of expiration.

VII. RSA 325:34-a, relative to license suspension.

VIII. RSA 325:35, relative to immunity from civil action.

IX. RSA 325:36, relative to reinstatement applications.

86 Cremation of Human Remains; Crematory; License Required. Amend RSA 325-A:2 to read as follows:

325-A:2 Crematory; License Required. A crematory shall not be established, operated, or maintained in this state except by a crematory authority licensed by the office of professional licensure and certification in accordance with rules promulgated by the board under this chapter. The [board] office shall issue a license to a crematory authority that satisfies the requirements for licensure under the chapter. Human remains shall not be cremated in this state except at a crematory operated by a crematory authority licensed under this chapter.
87 Cremation of Human Remains; License; Application; Requirements; Fee. Amend 325-A:4 to read as follows:

325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license as a crematory authority shall file a written application with the [board] office. The application shall be accompanied by the license fee [required under RSA 325-A:7] and a certificate confirming that the crematory operator has attended, prior to issuance of the license, a training course provided by the Cremation Association of North America or by the manufacturer of the cremation chamber maintained and operated by the crematory authority and shall set forth the full name and address of the applicant, the address and location of the crematory, the name of the crematory operator, the name and address of the owner of the crematory, and additional information as required by the board, including affirmative evidence of the applicant's ability to comply with rules adopted under this chapter. The application shall include the applicant’s social security number if the applicant is an individual. The social security number shall not be public record and shall only be used for administrative purposes.

88 Cremation of Human Remains; Change in Location, Ownership, or Name. Amend 325-A:6 to read as follows:

325-A:6 Change in Location, Ownership, or Name.

I. A crematory authority desiring to relocate a crematory shall file a written application [with the board] to the office at least 30 days prior to the designated date of such relocation. The application shall be accompanied by [a fee as determined by the board in rules adopted under RSA 541-A] the required fee.

II. A crematory authority desiring to change ownership of a crematory shall file a written application [with the board] to the office at least 30 days prior to the designated date of such change. The application shall be accompanied by [a fee as determined by the board in rules adopted under RSA 541-A] the required fee.

III. A crematory authority desiring to change its name shall file a written application [with the board] to the office at least 30 days prior to such change. The application shall be accompanied by [a fee as determined in rules adopted under RSA 541-A] the required fee.

89 Cremation of Human Remains; Inspection; Board; Duties; Authority for Appointments. Amend 325-A:8 to read as follows:

325-A:8 Inspection; Board; Duties; Authority for Appointments.

I. The [board] office of professional licensure and certification shall at least once every 3 years inspect or provide for the inspection of any crematory operated by a crematory authority licensed under this chapter in [such manner and at such times as provided in rules adopted by the board] accordance with standards established by the board in rules adopted pursuant to RSA 541-A.
II. The [board] office shall issue an inspection report and provide a copy of the report to the crematory authority within 10 working days after the completion of an inspection. The board shall review any findings of noncompliance contained in such report within 20 working days after such inspection.

III. If the board determines, after such review, that the evidence supports a finding of noncompliance by a crematory authority with any applicable provisions of this chapter or rules adopted under this chapter, the board may send a letter to the crematory authority requesting a statement of compliance. The letter shall include a description of each alleged violation, a request that the crematory authority submit a statement of compliance within 10 working days, and a notice that the board may take further action if the statement of compliance is not submitted. The statement of compliance shall indicate any actions by the crematory authority which have been or will be taken and the period of time estimated to be necessary to correct each alleged violation. If the crematory authority fails to submit such statement of compliance or fails to make a good faith effort to correct the alleged violations, the board may take further action as provided in this chapter and RSA 310.

IV. (a) The board may appoint technical advisors or other investigators to assist with any investigation or adjudication, and may, with the approval of the attorney general, appoint legal counsel for such purposes.

(b) To the extent the board lacks budgeted funds to conduct a significant investigation or adjudication, it may, with the approval of the attorney general, petition governor and council to receive funds not otherwise appropriated in order to retain professional advisors in the proceeding.

(c) If the governor and council approve the use of funds not otherwise appropriated, the governor is authorized to issue a warrant for the approved amount out of any moneys in the treasury not otherwise appropriated. The board shall then promptly increase its licensing fees to the extent necessary to repay the amount advanced to the general fund during the next fiscal year by means of a fee surcharge.]

90 Deny or Refuse to Renew License; Grounds. Amend RSA 325-A:11 to read as follows:

325-A:11 Deny or Refuse to Renew License; Grounds. The [board] office of professional licensure and certification may deny or refuse to renew a license under this chapter or take disciplinary action against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the following grounds:

I. Violation of this chapter or rules adopted and pursuant to this chapter;

II. [Conviction of any crime involving moral turpitude]

III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and which has a rational connection with the fitness or capacity of the crematory authority to operate a crematory;
IV. Conviction of a violation pursuant to RSA 325-A:15;

V. Obtaining a license as a crematory authority by false representation or fraud;

VI. Misrepresentation or fraud in the operation of a crematory; or

VII. Failure to allow access by an agent or employee of the [board] office to a crematory operated by the crematory authority for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the office or board.

91 Cremation of Human Remains; Rulemaking. Amend RSA 325-A:28, I to read as follows:


92 Cremation of Human Remains; Repeals. The following are repealed:

I. RSA 325-A:5, relative to license expiration.

II. RSA 325-A:7, relative to fees.

III. RSA 325-A:14, relative to license reinstatement.

IV. RSA 325-A:16, relative to injunctions.

V. RSA 325-A:28, II, relative to fees.

VI. RSA 325-A:28, VI, relative to inspection procedures.

93 Repeals; Medical Imaging and Radiation Therapy. The following are repealed:

I. RSA 328-J:15, II, relative to license renewal

II. RSA 328-J:18, relative to hearings

III. RSA 328-J:19, II-III, relative to penalties

IV. RSA 328-J:21, relative to injunctive relief.

V. RSA 328-J:23, relative to investigative costs.

94 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I to read as follows:

I. No persons shall practice or represent themselves as practicing naturopathic medicine in this state without first applying for and receiving a license from the [board] office of professional licensure and certification to practice naturopathic medicine.

95 Naturopathic Health Care Practice; Exemptions. Amend RSA 328-E:5, II(a) to read as follows:

(a) Be subject to all eligibility requirements to practice naturopathic medicine pursuant to RSA 328-E:9, except that they shall be exempt from RSA 328-E:9, I[(a)].

96 Naturopathic Health Care Practice; Powers and Duties of Board. Amend RSA 328-E:8, I to read as follows.

I. The board shall:

(a) [Insure] Ensure that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.

[(b) Administer and enforce all provisions of this chapter, which pertain to licensees]
and applicants, and all rules adopted by the board under the authority granted in this chapter.

(c) Maintain a record of its acts and proceedings, including the issuance, refusal, renewal, suspension or revocation of licenses in accordance with the retention schedule established by the office of professional licensure and certification.

(d) Keep all applications for licensure in accordance with the retention policy established by the office of professional licensure and certification.

(e) Maintain a record of the results of all examinations it gives in accordance with the office of professional licensure and certification.

(f) Keep all examination records, including written examination records and tape recordings of the questions and answers in oral examinations in accordance with the retention policy established by the office of professional licensure and certification.

(g) Keep the records of the board open to public inspection at all reasonable times.

(h) Adopt and use a seal, the imprint of which, together with the signatures of the chairman or vice-chairman and the secretary-treasurer of the board, shall evidence its official acts.

(i) Annually compile and publish a directory.

97 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9 to read as follows:

328-E:9 Qualification for Licensure.

[I] To be eligible for a license to practice naturopathic medicine, the applicant shall:

[ω] I. Be a graduate of a naturopathic medical college which is accredited by the Council on Naturopathic Medical Education, or another such accrediting agency recognized by the federal government; and pass a competency-based examination prescribed by the board covering the appropriate naturopathic subjects; or,

[ω] II. Be a graduate of a naturopathic medical college which has been approved by the board as having appropriate education standards for naturopathic medical programs which granted degrees prior to 1981.

[ω] III. Possess a good moral and professional reputation.

[ω] IV. Be physically and mentally fit to practice naturopathic medicine.

[ω] V. Have had no license, certification, or registration to practice naturopathic medicine refused, revoked, or suspended by any other state or country for reasons which relate to the applicant's ability to skillfully and safely practice naturopathic medicine.

[ω] VI. Take and pass a New Hampshire jurisprudence examination to ensure that licensed naturopathic doctors understand the laws, rules, and scope of practice.

[ω] VII. File an application and pay the $300 license requisite fee.

[II.] To obtain a license to practice naturopathic medicine by reciprocity, the applicant shall:

(a) Qualify under paragraph I, except that no written examination shall be required.

(b) Be licensed, certified, or registered by another state or the District of Columbia.
to practice naturopathic medicine which requires a written examination which is
substantially equivalent to the written examination required by the board of this state.

98 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-E:9-

a to read as follows:

328-E:9-a Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the [board] office of the professional

licensure and certification a criminal history record information authorization form, as provided
by the New Hampshire division of state police, department of safety, which authorizes the release of
his or her criminal history record information, if any, to the [board] office.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a

qualified law enforcement agency or an authorized employee of the department of safety. In the

event that the first set of fingerprints is invalid due to insufficient pattern, a second set of

fingerprints shall be necessary in order to complete the criminal history records check. If, after 2

efforts, a set of fingerprints is invalid due to insufficient pattern, the [board] office may, in lieu of

the criminal history records check, accept police clearances from every city, town, or county where

the person has lived during the past 5 years.

III. The [board] office shall submit the criminal history records release form and fingerprint

form to the division of state police which shall conduct a criminal history records check through its

records and through the Federal Bureau of Investigation. Upon completion of the records check, the

division of state police shall release copies of the criminal history records to the [board] office. The

[board] office shall maintain the confidentiality of all criminal history records information received

pursuant to this section.

IV. The applicant shall bear the cost of a criminal history records check.

99 Naturopathic Health Care Practice; License Renewal and Continuing Education. Amend

RSA 328-E:13, I to read as follows:

I. The license to practice naturopathic medicine shall be renewed [biennially] every two

years in accordance with RSA 310:8. [A fee in the amount of $300 shall accompany the

application for renewal.]

100 Repeal; Naturopathic Health Care. RSA 328-E:17, relative to severability, is repealed.

101 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is repealed and

reenacted to read as follows:

326-B:4 Powers and Duties of the Board. The board may:

I. Establish reasonable and uniform standards for nursing practice consistent with the
criteria identified by the National Council of State Boards of Nursing.

II. Establish eligibility criteria for licensure and renewal of licensure, including examination
requirements and continuing education requirements. The board shall select an appropriate
nationally approved licensing examination.
III. Determine and enforce appropriate disciplinary action against all individuals found in violation of this chapter or the rules adopted under this chapter.

IV. Establish criteria for denial or withdrawal of approval of nursing educational programs that do not meet the minimum requirements of this chapter.

V. In accordance with state due process laws, limit the multistate licensure privilege of any registered nurse or licensed practical nurse to practice in New Hampshire and may take any other actions under applicable state laws necessary to protect the health and safety of New Hampshire citizens. If the board does take such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such action taken by the state of New Hampshire.

VI. Establish a liaison committee, a practice and education committee, and such additional subcommittees as may be appropriate to assist the board in the performance of its duties.

102 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 to read as follows:

326-B:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A, relative to the following:

I. Eligibility requirements for the issuance of all initial, temporary, and renewal licenses, specialty licenses, and certificates issued by the [board] office of professional licensure and certification, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

II. Eligibility requirements for the reinstatement of licenses after [lapse] expiration and after disciplinary action.

III. Recognition of national certifying bodies issuing specialty certifications required for licensure as an APRN which shall also be recognized by the National Council of State Boards of Nursing.

IV. The standards to be met by[,] and the process for approval of[,] education programs designed to prepare applicants to qualify for licensure or certification in any of the disciplines regulated by the board under RSA 326-B:32, including the time period within which noncompliance must be corrected before such approval is withdrawn.

V. The standards to be met by[,] and the process for approval of[,] education programs designed to prepare LPNs in intravenous therapy and by programs designed to prepare LNAs to perform tasks not addressed in the basic curriculum required for licensure.

VI. The determination of disciplinary sanctions authorized by this chapter and in accordance with RSA 310:12, including the determination of administrative fines.

VII. The criteria for administration of examinations authorized by this chapter, and the manner in which information regarding the contents of any licensing examinations may be disclosed, solicited, or compiled.
VIII. Ethical standards for the practice of nursing and nursing-related activities.

IX. Continuing competence requirements.

X. Designations that may be used by persons regulated by the board and retired persons regulated by the board.

XI. The implementation and coordination of the nurse licensure compact adopted in RSA 326-B:46. The board shall use model rules developed for the nurse licensure compact by the National Council of State Boards of Nursing as the basis for adopting rules which shall be modified as necessary to comply with state statutes.

XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

XIII. [A process for registering] Requirements for registration of practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

XIV. The implementation of strategies and procedures criteria necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a nurse. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R. section 483.156, including scope of duties for nursing assistants and placement of qualified individuals on the nursing assistant registry.

103 Nurse Practice Act; Criminal History Records Checks. Amend RSA 326-B:15 as follows:

326-B:15 Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the [board] office of professional licensure and certification a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the [board] office.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] office may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] office shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] office. The
office shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history record check.

104 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I, to read as follows:

I. Submit a completed application and required fees [as established by the board].

105 Nurse Practice Act; Registered Nurse and License Practical Nurse; Initial Licensure by Examination. Amend RSA 326-B:17, II to read as follows:

II. The [board] office may employ, contract, and cooperate with any entity in the preparation and process for determining results of a valid, reliable, legally defensible, and uniform licensure examination. When such an examination is utilized, the board and the office shall restrict access to questions and answers.

106 Nurse Practice Act; License Renewals. Amend RSA 326-B:22 to read as follows:

326-B:22 License Renewal; All Licensees.

I. All license renewals shall be issued [biennially] every two years in accordance with RSA 310:8.

II. Any person licensed who intends to continue practicing as a nurse or nursing assistant shall:

(a) [By midnight on his or her date of birth in the renewal year submit a completed application and fees as established by the board];

(b) Report any pending criminal charges, criminal convictions, or plea arrangements in lieu of convictions;

(ce) (b) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made;

(fd) (c) Meet continuing competence requirements as defined in rules adopted under RSA 541-A;

(ce) (d) For those licensees applying for renewal following disciplinary action, comply with all board licensure requirements as well as any specific requirements set forth in the board's discipline order; and

(gh) (e) Meet other criteria as established by the board. [III. Failure to renew the license shall result in forfeiture of the ability to practice nursing or nursing activities in the state of New Hampshire.]

107 Nurse Practice Act; Modified License; Registered Nurse or Licensed Practical Nurse. Amend RSA 326-B:25 to read as follows:

326-B:25 Modified License; Registered Nurse or Licensed Practical Nurse. The [board] office may issue a modified license to an individual who has met licensure requirements and who is able to
practice without compromising public safety within a modified scope of practice or with accommodations or both as specified by the board.

108 Nurse Practice Act; Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

326-B:26 Nursing Assistant Registry. The board office shall maintain a registry of nursing assistants who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

109 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants. Amend the introductory paragraph of RSA 326-B:27, I, to read as follows:

I. The board office may issue a certificate of medication administration to a current LNA who:

110 Continuing Education. Amend introductory paragraph to RSA 326-B:31 to read as follows:

326-B:31 Continuing Education. Applicants for license renewal and license reinstatement after lapse shall complete continuing education as follows:

111 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, III-IV to read as follows:

III. The board:

(a) shall set requirements for establishment of:

(1) new nursing education programs, including requirements relative to affiliation, accreditation, and site visits required for initial nursing education program approval and subsequent evaluations and

(2) new nursing assistant education programs.

IV. Pursuant to criteria established by the board, the office:

(4a) (a) Shall periodically review nursing and nursing assistant education programs and require such programs to submit evidence of compliance with standards.

(4b) (b) Shall grant continuing approval if, upon review of evidence, the board determines that the program meets the established standards. [The board shall publish a list of approved programs.]

(4c) (c) Shall deny or withdraw approval or take such action as deemed necessary when nursing or nursing assistant education programs fail to meet the standards established by the board.

(4d) (d) Shall reinstate approval of a nursing or nursing assistant education program upon submission of satisfactory evidence that its program meets the standards established by the board.

(4e) (e) Shall establish the process for nursing and nursing assistant programs that cease operation.

[V] V. Any education program conducted in another state shall be deemed to be an education program approved by the office using criteria established by the board if that program
meets the requirements for approval established by this section and the program has been approved by the regulatory authority of its state.

112 Nurse Practice Act; Repeals. The following are repealed:

I. RSA 326-B:6, relative to collection and expenditure of funds.
II. RSA 326-B:8, relative to fees and charges.
III. RSA 326-B:18, II, relative to advanced practice registered nurse.
IV. RSA 326-B:20, relative to licensure by endorsement.
V. RSA 326-B:21, relative to licensure by endorsement.
VI. RSA 326-B:23, relative to license reinstatement.
VII. RSA 326-B:40, relative to injunctive relief.

113 Occupational Therapy; Repeal. RSA 326-C:5, III, relative to eligibility for licensure, is repealed.

114 Ophthalmic Dispensing; Application for Registration. Amend the introductory paragraph of RSA 327-A:3 to read as follows:

327-A:3 Application for Registration. An application for a certificate of registration for ophthalmic dispensing under this chapter shall be filed with the [department] office in such form and detail as the executive director shall require in accordance with rules adopted under RSA 541-A, shall be duly signed [and verified, shall be available for public inspection] and shall include, but not be limited to:

115 Ophthalmic Dispensing; Application for Registration; Application and Registration Fees. Amend RSA 327-A:7 to read as follows:

327-A:7 Application and Registration Fees. Every application for a certificate of registration for ophthalmic dispensing shall be accompanied by a non-refundable registration fee. Upon approval of the application by the [executive director] office, the applicant shall be issued a certificate of registration for ophthalmic dispensing, which shall be renewed [biennially on or before June 30 upon payment of the renewal fee] every two years in accordance with RSA 310:8.

116 Ophthalmic Dispensing; Telemedicine. Amend RSA 327-A:12-a to read as follows:

327-A:12-a Telemedicine. Registered ophthalmic dispensers shall be permitted to provide services through the use of telemedicine, as defined in RSA 310:7. [“Telemedicine” means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.]

117 Ophthalmic Dispensing; Repeal. The following are repealed:

I. RSA 327-A:10, relative to return of certificate.
II. RSA 327-A:11, relative to procedure for complaints.
III. RSA 327-A:15, relative to an injunction.
IV. RSA 327-A:17, relative to administrative fines.

118 Optometry; Licenses; Qualifications. Amend RSA 327:6 to read as follows:
327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry without a license. The [board] office shall not issue a license to any applicant until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A, and pay the licensing fee, shall be licensed by the [board] office.

119 Optometry; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, V-VIII to read as follows:

V. Notwithstanding any other provision of law, an optometrist who is certified to use pharmaceutical agents in the practice of optometry shall be permitted to administer:

(a) Diphenhydramine, epinephrine, or an equivalent medication administered by injection to counter anaphylaxis or anaphylactic reaction.

(b) Vaccines by injection to individuals 18 years of age or older. In order to administer vaccines an optometrist shall:

(1) Hold a current license to practice optometry in the state of New Hampshire.

(2) Complete and remain current with an immunization training program endorsed by the CDC, a course approved by the National Board of Examiners in Optometry, or an equivalent course approved by the board of optometry, that at a minimum includes hands-on injection techniques, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines.

(3) Have at least $1,000,000 of professional liability insurance coverage.

(4) Hold active certification in basic cardiopulmonary resuscitation.

(5) Provide to the [board of optometry] office evidence of compliance under RSA 327:6-a, paragraph I through IV.

(6) Review the vaccine registry or other vaccination records before administering the vaccination.

(7) Record the vaccination in the state vaccine registry in accordance with RSA 141-C:20-f and when required by state or federal law and maintain a record of the vaccination as required by state and federal law.

(8) When designated by the patient, provide notice to the primary care provider of the administration of any vaccine.

(9) Submit reports of any adverse reactions following vaccination to the Centers for Disease Control (CDC) Vaccine Adverse Event Reporting System (VAERS).
VI. To the extent approval of pharmaceuticals is referenced in RSA 327:1, III, the board shall have the authority to review and approve pharmaceuticals for use by optometrists certified to use pharmaceutical agents in the practice of optometry.

VII. [The board shall provide the pharmacy board with a current list of pharmaceutical agents approved pursuant to paragraph VI.] The current optometric formulary shall be available from the board and posted on the board's website.

VIII. Upon certification to treat glaucoma patients pursuant to RSA 327:6-c, the [board] office shall issue a license to the optometrist with a "tpa/g" certification. [A current list of "tpa/g" certified optometrists with date of certification shall be available from the board and posted on the board's website.]

120 Optometry; Renewal of Licenses. RSA 327:13 is repealed and reenacted to read as follows:

327:13 Renewal of Licenses. All licenses issued under this chapter shall be renewed every two years in accordance with RSA 310:8.

121 Optometry; Reinstatement. Amend RSA 327:13-a to read as follows:

327:13-a Reinstatement. Any person who has voluntarily surrendered a license, has allowed a license to expire, or whose license has been revoked by the board, may request reinstatement of the license by filing an application with the [board] office. The board [pursuant to RSA 541-A] shall establish criteria in rules adopted [by the board for] pursuant to RSA 541-A, relative to reinstatement which include reasonable professional character and [competency] competency requirements.

122 Optometry; Contact Lens Prescription to be Provided to Patent. Amend RSA 327:25-a, IV to read as follows:

IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail of contact lenses to individuals within the state unless such business is registered with a permit issued by the [board of pharmacy if the out-of-state business is a pharmacy, or by the board of registration in optometry if the out-of-state business is not a pharmacy] office in accordance with rules adopted by the board.

(b) The [board of pharmacy or the board of registration in optometry] office shall issue a permit to such out-of-state business if the business discloses and provides proof:

(1) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(2) Of the operating locations and the names and titles of all principal corporate officers;

(3) That the business complies with all lawful directions and requests for information from the board of pharmacy and the board of registration in optometry of all states in which it conducts business;
(4) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of contact lenses; and

(5) That the business has paid the established fee.

123 Optometry; Telemedicine. Amend RSA 327:25 to read as follows:

327:25-c Telemedicine. Persons licensed by the office of professional licensure and certification shall be permitted to provide services through the use of telemedicine, as defined in RSA 310:7.

124 Optometry; Rulemaking Authority. Amend RSA 327:31 to read as follows:

327:31 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants in addition to those requirements set by RSA 327:6 and RSA 327:6-a;

II. How an applicant shall be examined including:

(a) Time and place of examination, and

(b) what constitutes a passing grade;

III. [How a license to practice optometry shall be renewed or reinstated] Criteria for the renewal or reinstatement of licensure;

IV. Ethical and professional standards, in addition to those specified by RSA 327:20, required to be met by each holder of a license to practice optometry [and how disciplinary actions by the board shall be implemented pursuant to RSA 327:21, RSA 327:22, and RSA 327:27 for violations of these standards];

V. Requirements for continuing education in addition to those requirements set by RSA 327:33 and RSA 327:33-a;

VI. Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as set forth in RSA 327:1, III;

VII. [Procedural and substantive requirements] Criteria for assessing, compromising, and collecting administrative fines as authorized by RSA 327:20, III(e); and

VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.

125 Optometry; Repeal. The following are repealed:

I. RSA 327:5-a, relative to fees.

II. RSA 327:6-b, relative to the joint credentialing committee.

III. RSA 327:9, relative to applicants licensed in other jurisdictions.

IV. RSA 327:11, relative to the record of licenses.

V. RSA 327:21, relative to complaints.

126 Pharmacy; Definitions. Amend RSA 318:1, XI-XI-aa to read as follows:

XI. "Pharmacy," when not otherwise limited, means the place registered by the office of professional licensure and certification where the profession of pharmacy is practiced
and where drugs, chemicals, medicines, prescriptions, or poisons are compounded, dispensed, stored, or retailed.

XI-a. "Pharmacy benefits manager" means "pharmacy benefits manager" as defined in RSA 402-N:1, VIII.

XI-b. "Pharmacy technician" means a person, other than a pharmacist or a pharmacy intern, either registered or certified by the [board] office of professional licensure and certification for the purpose of assisting a pharmacist in the practice of pharmacy.

XI-aa. "Pharmacy intern" means a person who is registered by the [board] office of professional licensure and certification pursuant to RSA 318:15-b and:

(a) Is enrolled in a professional degree program of a school or college of pharmacy that has been approved by the board and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study; or

(b) Is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the [board of pharmacy] office for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(c) Is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or

(d) Is participating in a residency or fellowship program.

127 Pharmacy; Definitions. Amend RSA 318:1, XXXII-XXXIII to read as follows:

XXXII. "Researcher" means a qualified person representing a research organization licensed by the [board] office of professional licensure and certification pursuant to RSA 318:51-f.

XXXIII. "Licensed advanced pharmacy technician" means a person licensed by the [board] office of professional licensure and certification who:

(a) May perform all functions allowed by federal or state law and approved by the board, under the supervision of a licensed pharmacist who is physically on premises and holds an unrestricted license issued by the [board] office.

(b) May conduct product verification, process refills, verify repackaging of drugs, and perform other pharmacist tasks not required to be completed by a licensed pharmacist.

(c) May perform duties allowed by either certified or registered pharmacy technicians.

(d) Shall not interpret or evaluate a prescription or drug order, verify a compounded drug, or counsel or advise individuals related to the clinical use of a medication.

128 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IV to read as follows:

IV. How an applicant shall be examined, including:

(a) [Time and place of examination;

(b) The subjects to be tested;
HB 1095 - AS AMENDED BY THE HOUSE
- Page 40 -

[45] [b] Passing grade; and

[46] [c] Disposition of examination papers;

129 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, XX to read as follows:

XX. The standards [and procedures] for licensure of drug or device distribution agents.

130 Pharmacy; Examinations. Amend RSA 318:10 to read as follows:

318:10 Examinations.

The board shall hold meetings [for the granting of licenses and the transaction of other business] at least quarterly, and at such time and place as they may see fit. [They shall evaluate through an examination all persons, in the art and science of pharmacy and its allied branches, who meet the requirements herein provided and who make application for licensure as licensed pharmacists.]

131 Pharmacy; Pharmacy Technicians. Amend RSA 318:15-a to read as follows:

318:15-a Pharmacy Technician. No person shall perform the functions or duties of a pharmacy technician unless such person is either registered by the [board] office of professional licensure and certification to perform certain functions or, upon completion of training, certified to perform certain functions, and does so under standards of supervision established by rules of the board adopted pursuant to RSA 541-A.

132 Pharmacy; Licensed Advanced Pharmacy Technician. Amend RSA 318:15-c, I to read as follows:

I. No person employed as a licensed advanced pharmacy technician shall perform the functions or duties of a licensed advanced pharmacy technician as defined in RSA 318:1, XXXIII unless such person is issued a license by the [board] office of professional licensure and certification and does so under standards of supervision established by rules of the board adopted pursuant to RSA 318:5-a, XI-c.

133 Pharmacy; Unauthorized practice of Pharmacy. Amend RSA 318:40 to read as follows:

318:40 Unauthorized Practice of Pharmacy. Except as provided by RSA 318:42, no person shall engage in the practice of pharmacy without first being licensed by the [board] office. No person shall impersonate a pharmacist or falsely claim to be a pharmacist. No person owning, managing, or conducting any store, not being a licensed pharmacist or having one in his employ, shall exhibit within or outside of such store, or include in any advertisement, the words "drug store", "pharmacy", "apothecary", "drug", "drugs", "medicine", or "medicine shop", or any combination of these terms or other words indicating that such store is a place where medicines are compounded or sold, or exhibit within or without his place of business or in connection with his business any show bottle or globe of colored glass or globe filled with colored liquid which creates the impression that prescription drugs are being offered for sale.

134 Pharmacy; Licensing of Manufacturers and Wholesalers Required. Amend RSA 318:51-a to read as follows:

318:51-a Licensing of Manufacturers and Wholesalers Required.
I. No person shall manufacture legend drugs or controlled drugs as that term is defined in RSA 318-B:1, VI and no person as a wholesaler, distributor, or reverse distributor shall supply the same without first having obtained a license to do so from the board of professional licensure and certification according to the eligibility requirements set forth in rule by the pharmacy board. [Such license shall expire biennially on June 30 of every even numbered year. An application together with a reasonable fee as established by the board shall be filed biennially by midnight on June 30 of every even numbered year.]

II. No license shall be issued under this section unless the applicant has furnished proof satisfactory to the board of pharmacy:

(a) That the applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) That the applicant has sufficient land, buildings, and such security equipment so as to properly carry on the business described in his application.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section is subject to the provisions of RSA 318:29.

V. (a) The manufacturer, wholesaler, distributor, reverse distributor, or broker to which a license has been issued shall, within 30 days of any change of information supplied in the original application, notify the board office.

(b) The notice required pursuant to subparagraph (a) shall contain:

(1) Current New Hampshire license number of the manufacturer, wholesaler, distributor, reverse distributor, or broker.

(2) Name of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(3) Address of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(4) [Repealed.]

(c) A new license shall be required for a change of ownership of an established manufacturer, wholesaler, distributor, reverse distributor, or broker to a successor business entity which results in a change in the controlling interest in the manufacturer, wholesaler, distributor, reverse distributor, or broker.

135 Repeal; Pharmacy. RSA 318:47-h, III, relative to the price of filling prescriptions, is repealed.

136 Cross Reference Removed; Complaints Relative to Pharmacy Benefit Managers. Amend RSA 402-N:5, II to read as follows:
II. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement paragraph I. Such rules shall include procedures for addressing complaints, provisions for enforcement, the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b), and for reporting to the board of pharmacy on the status of complaints referred.

137 Cross Reference Removed; Price of Filling Prescriptions. Amend RSA 415:26, III to read as follows:

III. The commissioner shall adopt rules under RSA 541-A to implement this paragraph. Such rules shall include procedures for addressing complaints, provisions for enforcement, the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b), and for reporting to the office of professional licensure and certification on the status of complaints referred.

138 Cross Reference Removed; Prescription Drugs. Amend RSA 420-J:7-b, X(c) to read as follows:

(c) The commissioner shall adopt rules under RSA 541-A to implement this paragraph. Such rules shall include procedures for addressing complaints, provisions for enforcement, the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b), and for reporting to the office of professional licensure and certification on the status of complaints referred.

139 Physical Therapy; Powers and Duties of the Board. Amend RSA 328-A:3, I to read as follows:

I. Provide for the criteria of examinations for physical therapists and physical therapist assistants and adopt passing scores for these examinations.

140 Physical Therapists; Rulemaking. RSA 328-A:4, VIII is repealed and reenacted to read as follows:

VIII. Regarding the establishment of and criteria for initial renewal, and reinstatement of licensure for certified animal physical therapists under RSA 328-A:15-b.

141 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, I(d) to read as follows:

(d) Have successfully passed the national examination approved specified by the board.

142 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, II(h) to read as follows:

(h) Have successfully passed the national examination approved specified by the board.

143 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, IV(d) to read as follows:

(d) Have successfully passed the national examination approved specified by the board.

144 Physical Therapy; Unlawful Practice; Penalties and Injunctive Relief. RSA 328-F:12 is repealed and reenacted to read as follows:
328-F:12 Unlawful Practice; Penalties and Injunctive Relief.

I. It is unlawful for any person to practice or in any manner to represent, imply, or claim to practice physical therapy or use any word or designation that implies that the person is a physical therapist unless that person is licensed pursuant to this chapter. An unlicensed person who engages in an activity requiring a license pursuant to this chapter or uses any title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10 that implies that the person is licensed to engage in the practice of physical therapy is guilty of a misdemeanor.

II. It is unlawful for any person who is not licensed as a physical therapist assistant under this chapter to assist in selected components of physical therapy intervention requiring the knowledge and skill of a physical therapist assistant. A person licensed as a physical therapist assistant who engages in an activity requiring a license as a physical therapist or uses any title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10, I or II is guilty of a misdemeanor.

145 Repeal; Physical Therapy. RSA 328-A:15, VII-VIII, relative to rights of consumers and confidentiality, is repealed.

146 Speech-language Pathology and Hearing Care Providers; Definitions. Amend RSA 326-F:1, XI to read as follows:

XI. "Speech-language assistant" means any person certified by the [board] office of professional licensure and certification who meets minimum qualifications established by the board which are less than those established by this chapter as necessary for licensing as a speech-language pathologist, and who does not act independently but works under the direction and supervision of a speech-language pathologist licensed under this chapter.

147 Speech-Language Pathology; Eligibility for an Initial License. Amend RSA 326-F:3, I(a) to read as follows:

(a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the [board] office of professional licensure and certification that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F and the board's rules.

148 Speech-language Pathology; Eligibility for Initial License. Amend RSA 326-F:3, III(a) to read as follows:

(a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the [board] office that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

149 Speech-language Pathology; Provisional License. Amend RSA 326-F:4 to read as follows:

326-F:4 Provisional License.
The purpose of a provisional license is to permit an individual to practice speech-language pathology while completing the postgraduate professional experience required for initial licensure. The [board] office of professional licensure and certification shall issue a provisional license to an applicant who has met the eligibility requirements for initial licensure except for completion of the required postgraduate professional experience and has completed the application procedure for initial licensure except for submitting documentation of completion of the postgraduate professional experience.

II. A holder of a provisional license is authorized to practice speech-language pathology under the direction and supervision of a speech-language pathologist currently licensed in this state.

III. A holder of a provisional license practicing speech-language pathology full time shall complete 9 months of postgraduate professional experience in accordance with rules adopted by the board.

IV. A holder of a provisional license practicing speech-language pathology less than full time shall complete the postgraduate professional experience within the time period specified by the board in rules adopted pursuant to RSA 541-A.

V. A provisional license shall expire automatically on the date stated on the license.

VI. The [board] office is authorized to issue conditional provisional licenses in accordance with rules adopted by the board pursuant to RSA 541-A.

VII. The investigation and discipline of certified speech-language assistants.

VIII. The sale and fitting of hearing aids.

Renewal of Certification. Amend RSA 326-F:6-a to read as follows:

326-F:6-a Renewal of Certification. Certification shall be renewed [biennially] every two years in accordance with RSA 310:8 and the rules adopted pursuant to RSA 541-A.

Speech-language Pathology; Professional Identification. Amend RSA 326-F:8, IV to read as follows:

IV. No person shall represent himself or herself by using the letters "SLA" or "SLPA," or the words "speech-language assistant," "speech assistant," or "speech therapy assistant," unless the person is certified by the [board] office pursuant to rules adopted under RSA 326-F:5, VI.

Speech-language Pathology Registration of Hearing Aid Dealers Required. Amend RSA 326-F:9 to read as follows:

326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business of selling or offering for rent hearing aids unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. [The fee for an initial registration under this section shall not exceed $300.] This section includes the selling or renting of
hearing aids by mail in this state by a person outside the state. Registration certificates shall be
renewed [biennially on or before June 30] every two years in accordance with RSA 310:8 upon
payment of a renewal fee.

154 Speech-language Pathology; Out-of-State Sales Regulated. Amend RSA 326-F:16 to read as
follows:

I. No person shall conduct or operate a business outside of the state for the sale at retail of
hearing aids to individuals within the state unless such business is registered with a permit issued
by the [board] office of professional licensure and certification.
II. The [board] office shall issue a permit to such out-of-state business if the business
discloses and provides proof:
(a) That the business is in compliance with all applicable laws and rules in the state in
which the business is located;
(b) Of the operating locations and the names and titles of all principal corporate officers;
(c) That the business complies with all lawful directions and requests for information
from the board of all states in which it conducts business; and
(d) That the business agrees in writing to comply with all New Hampshire laws and
rules relating to the sale or dispensing of hearing aids.
[III. The board shall assess fees as established by rules adopted by the board, pursuant to
RSA 541-A, for out-of-state hearing aid sales companies.]

155 Speech-language Pathology; Repeal. The following are repealed:
I. RSA 326-F:7, relative to reinstatement.
II. RSA 326-F:7-a, relative to reinstatement.
III. RSA 326-F:10, relative to temporary licensure for audiologists.
IV. RSA 326-F:11, relative to audiologists from outside of New Hampshire.

156 New Hampshire Accountancy Act; Definitions. Amend RSA 309-B:3, XVIII to read as
follows:

XVIII. "Substantial equivalency" is a determination by the [board] office or its designee that
the education, examination, and experience requirements contained in the statutes and
administrative rules of another jurisdiction are comparable to or exceed the education, examination,
and experience requirements contained in the Uniform Accountancy Act, or that the individual
certified public accountant's education, examination, and experience qualifications are comparable to
or exceed the education, examination, and experience requirements contained in the Uniform
Accountancy Act. In ascertaining substantial equivalency as used in this statute, the [board] office
shall take into account the qualifications without regard to the sequence in which experience,
education, or examination requirements were attained.
HB 1095 - AS AMENDED BY THE HOUSE
- Page 46 -

157 New Hampshire Accountancy Act; Board of Accountancy; Appointment; Disposition of Fees;

Rulemaking. Amend RSA 309-B:4, II(b) to read as follows:

(b) The board shall meet at such times and places as may be fixed by the board. Meetings of the board shall be open to the public, except insofar as they are concerned with investigations under RSA 309-B:11 and except as may be necessary to protect information that is required to be kept confidential by board rules or by the laws of this state. A majority of the board members then in office shall constitute a quorum at any meeting duly called.

158 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public Accountant. Amend RSA 309-B:5 to read as follows:

309-B:5 Qualifications for a Certificate as a Certified Public Accountant.

I. The certificate of "certified public accountant" shall be granted to persons of good character who meet the education, experience, and examination requirements of this section, who make application therefor pursuant to RSA 309-B:7, and who pay the fees prescribed by the board of professional licensure and certification.

II. Good character for purposes of this section means the lack of a history of dishonest or felonious acts.

III. The education requirements for a certificate shall be as follows:

(a) Until January 1, 2005, a baccalaureate degree or its equivalent conferred by a college or university acceptable to the board, with an accounting concentration or equivalent as determined by board rule to be appropriate.

(b) After January 1, 2005 and until June 30, 2014, at least 120 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate.

(c) On or after July 1, 2014, at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate. The applicant's degree shall include 30 semester hours of accounting courses. The accounting credits shall include coverage in financial accounting auditing, taxation,
and management accounting. In addition, the degree shall include, or be supplemented by, 24
semester hours of business courses other than accounting courses. These business courses may
include, but not be limited to, coverage in the areas of business law, business information systems,
finance, professional ethics, business organizations, and economics.

IV. The examination required to be passed as a condition for the granting of a certificate
shall [be held as often as the board may specify by rule, and shall] test the applicant's knowledge of
the subjects of accounting and auditing and such other related subjects as the board may specify by
rule. The board shall prescribe by rule the methods of [applying for and] conducting the
examination, including methods for grading papers and determining a passing grade required of an
applicant for a certificate, provided, however, that the board shall, to the extent possible, see to it
that the examination itself, the grading of the examination and the passing grades are uniform with
those applicable in all other states. The board may make such use of all or any part of the Uniform
Certified Public Accountant Examination and Advisory Grading Service of the American Institute of
Certified Public Accountants, and may contract with third parties through the office to perform
such administrative services with respect to the examination as it deems appropriate to assist it in
performing its duties under this section.

V. An applicant shall be required to pass all sections of the examination provided for in
paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. The
applicant shall pass all sections of the examination within 18 months of the examination at which
the first section was passed.

VI. An applicant shall be given credit for any and all sections of an examination passed in
another state if such credit would have been given, under applicable requirements at that time, had
the applicant taken the examination in this state.

VII. The board may in particular cases waive or defer any of the requirements of paragraphs
V and VI regarding the circumstances in which the various sections of the examination must be
passed, upon a showing that, by reason of circumstances beyond the applicant's control, the
applicant was unable to meet such requirement.

VIII. The [board] office may charge, or provide for a third party administering the
examination to charge, each applicant a fee in an amount prescribed by the [board] office by rule,
for each section of the examination or reexamination taken by the applicant.

IX. The experience requirement shall consist of public accounting experience in providing
one or more kinds of services involving the use of accounting or auditing skills, including the
issuance of reports on financial statements, or one or more kinds of management advisory, financial
advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax
matters, or the equivalent, all of which was under the direction of a licensee in any state in practice
as a certified public accountant or as a public accountant, or in any state in employment as a staff
accountant by a certified public accountant or anyone practicing public accounting, or a combination
of either of such types of experience and for the following periods of time:

(a) Until June 30, 2014, 2 years for a candidate with a 4-year college degree, or the
equivalent, and one year for a candidate holding a master's degree in accounting, taxation, finance,
or business administration.

(b) On or after July 1, 2014, one year.

X. Experience obtained in the employment of a governmental agency for the periods of time
provided in paragraph IX in the following areas shall be accepted by the board office as qualifying
experience under this section:

(a) In auditing the tax returns or books and accounts of nongovernmental entities in 3 or
more distinct lines of commercial or industrial business in accordance with generally accepted
auditing standards under the direction of a licensee; or

(b) In auditing the books and accounts or activities of 3 or more governmental agencies
or distinct organizational units in accordance with generally accepted auditing standards under the
direction of a licensee and reporting on their operations to a third party, to the Congress, or to a
state legislature; or

(c) In reviewing financial statements and supporting material covering the financial
condition and operations of nongovernmental entities engaged in 3 or more distinct lines of
commercial or industrial business under the direction of a licensee to determine the reliability and
fairness of the financial reporting and compliance with generally accepted accounting principles and
applicable government regulations for the protection of investors and consumers.

XI. [Repealed.]

159 Repeal. RSA 309-B:6, relative to substantial equivalency, is repealed.

160 New Hampshire Accountancy Act; Issuance and Renewal of Certificates; Maintenance of
Competency. RSA 309-B:7 is repealed and reenacted to read as follows:

309-B:7 Issuance and Renewal of Certificates; Maintenance of Competency.

I. The office shall grant or renew certificates to persons who make application and
demonstrate that their qualifications, including where applicable the qualifications prescribed by
RSA 309-B:5, are in accordance with the requirements of this section. The holder of a certificate
issued under this section may provide attest services as defined in RSA 309-B:3, I(a), and
compilation services as defined in RSA 309-B:3, III-a, only in a CPA firm that holds a permit issued
under RSA 309-B:8.

II. Certificates shall be initially issued, and renewed as required by RSA 310:8.

III. For renewal of a certificate under this section each licensee shall participate in a
program of learning designed to ensure continuing professional competence. The requirements
established by the board shall specify any reasonable approach to meeting this requirement,
including but not limited to, the setting of hours and the conducting of random audits of reports
submitted to the board. The approach to meeting this requirement specified by the board shall be comparable to guidelines specified in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). The board may by rule create an exception to this requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. Licensees granted such an exception by the board shall place the word "inactive" adjacent to their CPA title or PA title on any business card, letterhead, or any other document or device, with the exception of their CPA certificate or PA registration, on which the CPA or PA title appears.

IV. The office shall charge a fee for each application for initial issuance or renewal of a certificate under this section in an amount prescribed by the office by rule.

V. Applicants for initial issuance or renewal of certificates under this section shall in their applications list all states in which they have applied for or hold certificates, licenses, or permits and list any past denial, revocation, or suspension of a certificate, license, or permit, and each holder of or applicant for a certificate under this section shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate, license, or permit by another state.

VI. The office shall issue a certificate to a holder of a substantially equivalent foreign designation, granted in a foreign country, provided that:

(a) The foreign authority which granted the designation makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign authority's comparable designation; and

(b) The foreign designation:

(1) Was duly issued by a foreign authority that regulates the practice of public accountancy and the foreign designation has not expired or been revoked or suspended;

(2) Entitles the holder to issue reports upon financial statements; and

(3) Was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(c) The applicant:

(1) Received the designation, based on educational and examination standards substantially equivalent to those in effect in this state, at the time the foreign designation was granted;

(2) Completed an experience requirement, substantially equivalent to the requirement set out in RSA 309-B:5, IX, in the jurisdiction which granted the foreign designation or
has completed at least 4 years of professional experience in this state; or meets equivalent
requirements prescribed by the board by rule, within the 10 years immediately preceding the
application; and

(3) Passed a uniform qualifying examination in national standards acceptable to the
board.

VII. An applicant under paragraph VI shall in the application list all jurisdictions, foreign
and domestic, in which the applicant has applied for or holds a designation to practice public
accountancy, and each holder of a certificate issued under this paragraph shall notify the board in
writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a
designation or commencement of a disciplinary or enforcement action by any jurisdiction.

VIII. The board shall by rule require as a condition for renewal of a certificate under this
section, by any certificate holder who issues compilation reports for the public other than through a
CPA firm, that such individual undergo, no more frequently than once every 3 years, a peer review
conducted in such manner as the board shall by rule specify, and such review shall include
verification that such individual has met the competency requirements set out in professional
standards for such services.

IX. The office of professional licensure and certification may contract with the NASBA
Qualification Appraisal Service to assess any applications made under this section.

161 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
Review. Amend RSA 309-B:8, I-III to read as follows:

I. The [board] office shall grant or renew permits to practice as a CPA firm to applicants
that demonstrate their qualifications therefor in accordance with this section.

(a) The following are required to hold a permit issued under this section:

(1) Any firm with an office in this state performing attest services as defined in RSA
309-B:3, I, or compilation services under RSA 309-B:3, III-a;

(2) Any firm with an office in this state that uses the designation "CPAs" or "CPA
firm"; or

(3) Any firm that does not have an office in this state but offers or renders attest
services as described in RSA 309-B:3 for a client having its home office in this state, unless it meets
each of the following requirements:

(A) It has the qualifications described in paragraphs III and VIII of this section;

(B) It performs such services through an individual with practice privileges
under RSA 309-B:6 and RSA 310:17; and

(C) It can lawfully do so in the state where said individuals with practice
privilege have their principal place of business.
(b) A firm which is not subject to the requirements of subparagraphs (a)(3) or (b) of this paragraph may perform other professional services while using the title "CPA" or "CPA firm" in the state without a license issued under this section only if:

(1) It performs such services through an individual with practice privileges under RSA 309-B:6 and RSA 310:17; and

(2) It can lawfully do so in the state where said individuals with practice privileges have their principal place of business.

II. Permits shall be initially issued and renewed for periods in accordance with RSA 310:8. [of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and ending on the subsequent June 30. Applications for such permits shall be made in such form and in the case of applications for renewal, between such dates, as the board shall by rule specify. A permit shall remain valid for the period of time that the board requires to act on the application for renewal, provided that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant or deny any application no later than 90 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied or where the board is not able to determine whether it should be granted or denied, the board may issue to the applicant a provisional permit, which shall expire 90 days after its issuance or when the board determines whether or not to issue or renew the permit for which application was made, whichever shall first occur.]

III. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(a) Notwithstanding any other provision of law, at least a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of a certificate who are licensed in some state of the United States and such partners, officers, shareholders, members, or managers, whose principal place of business is in this state, and who perform professional services in this state, hold a valid certificate issued under RSA 309-B:5 or the corresponding provisions of prior law or are public accountants licensed under RSA 309-B:9. Firms may include non-licensee owners but the firm and its ownership shall comply with rules adopted by the board. For firms of public accountants, at least a simple majority of the ownership of the firm, in terms of financial interests and voting rights, shall belong to holders of registration under RSA 309-B:9. [An individual who has practice privileges under RSA 309-B:6 and who performs services for which a firm permit is required under RSA 309-B:6, IV shall not be required to obtain a certificate from this state pursuant to RSA 309-B:5.]

(b) Any CPA or PA firm may include non-licensee owners provided that:

(1) The firm designates a licensee of this state[.or in the case of a firm which must have a permit pursuant to RSA 309-B:6, IV a licensee of another state who meets the requirements
in RSA 309-B:6, I] who is responsible for the proper registration of the firm and identifies that
individual to the [board] office.

(2) All non-licensee owners are of good moral character and are active individual
participants in the CPA or PA firm or affiliated entities.

(3) The firm complies with such other requirements as the board may impose by
rule.

(c) Any individual licensee and any individual qualifying for practice privileges under
RSA 309-B:6 and RSA 310:17 who is responsible for supervising attest services, and signs or
authorizes someone to sign the accountant’s report on behalf of the firm, shall meet the appropriate
experience requirements for such services as required by professional standards for such services.

(d) Any individual licensee and any individual qualifying for practice privileges under
RSA 309-B:6 and RSA 310:17 who signs or authorizes someone to sign the accountant’s report on
behalf of the firm shall meet the experience requirement of RSA 309-B:8, III(c).

162 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
Review. Amend RSA 309-B:8, VI to read as follows:

VI. Applicants for initial issuance or renewal of permits under this section shall in their
application list all states in which they have applied for or hold permits as CPA firms and list any
past denial, revocation, or suspension of a license or permit by any other state, and each holder of or
applicant for a permit under this section shall notify the [board] office in writing, within 30 days
after its occurrence, of any change in the identities of partners, officers, shareholders, members, or
managers whose principal place of business is in this state, any change in the number or location of
offices within the state, any change in the identity of the persons in charge of such offices, and any
issuance, denial, revocation, or suspension of license or permit by any other state.

163 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
Review. Amend RSA 309-B:8, VIII(d) to read as follows:

(d) Shall require, with respect to peer reviews contemplated by subparagraph (b), that
the peer review processes be operated, and documents maintained in a manner designed to preserve
confidentiality, and that neither the board nor any third party, other than the peer review oversight
body, shall have access to documents furnished or generated in the course of such peer review. This
subparagraph shall not [be construed to limit the board’s subpoena power under RSA 309-B:11, I;
nor shall it] be construed to prevent the board from obtaining from the applicant, its peer review
report, the related letter of comment, and the related letter of response.

164 New Hampshire Accountancy Act; Enforcement Against Holders of Certificates, Permits,
and Registrations. Amend RSA 309-B:10, I-a(c) to read as follows:

(c) Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under
RSA 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for
issuance or renewal of such certificate, permit, or registration or to report changes [to the board] as
required under RSA 309-B:7[–VI] and 309-B:8, VI.

165 New Hampshire Accountancy Act; Unlawful Acts. Amend RSA 309-B:14 to read as follows:

I. Only licensees, individuals who have practice privileges under RSA 309-B:6 and RSA
310:17, and firms exempt from the permit requirement under RSA 309-B:8, may issue a report on
financial statements of any other person, firm, organization, or governmental unit or otherwise offer
to render or render any attest service. This restriction shall not prohibit any act of a public official
or public employee in the performance of that person's duties as such; or prohibit the performance by
any person from the use of accounting skills, or analyzing and preparing projections of financial data
in the performance of management advisory services, financial advisory services, consulting services,
the preparation of tax returns, or the furnishing of advice on tax matters. This restriction also does
not apply to non-licensees who may prepare financial statements and issue reports thereon which do
not purport to be in compliance with the Statements on Standards for Accounting and Review
Services (SSARS).

II. Licensees, individuals who have practice privileges under RSA 309-B:6 and RSA 310:17,
and firms exempt from the permit requirement under RSA 309-B:8, performing attest services shall
provide those services pursuant to statements on standards relating to those services adopted by
reference or directly by the board.

III. No person not holding a valid certificate or a practice privilege under RSA 309-B:6 and
RSA 310:17 shall use or assume the title or designation "certified public accountant," or the
abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device
tending to indicate that such person is a certified public accountant.

IV. No firm shall provide attest services or assume or use the title or designation "certified
public accountants," or the abbreviation "CPAs," or any other title, designation, words, letters,
abbreviation, sign, card, or device tending to indicate that such firm is a CPA firm unless [¶] the
firm holds a valid permit issued under RSA 309-B:8 or is in compliance with a valid exemption from
the permit requirement pursuant to RSA 309-B:8.

V. No person shall assume or use the title or designation "public accountant," or the
abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device
tending to indicate that such person is a public accountant unless such person holds a valid
registration issued under RSA 309-B:9.

VI. No person or firm not holding a valid certificate, permit, or registration issued under
RSA 309-B:7, 309-B:8, or 309-B:9, unless they qualify for a practice privilege under RSA 309-B:6
and RSA 310:17 or are exempt from the permit requirement under RSA 309-B:8, shall provide
attest services or assume or use the title or designation "public accountant," the abbreviation "PA,"
or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is composed of public accountants.

VII. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," or any other title or designation likely to be confused with the titles "certified public accountant" or "public accountant," or use any of the abbreviations "CA," "LA," "RA," "AA," or similar abbreviation likely to be confused with the abbreviations "CPA" or "PA." The title "Enrolled Agent" or "EA" may only be used by individuals so designated by the Internal Revenue Service.

VIII. Persons not licensed under this chapter, unless they qualify for a practice privilege under RSA 309-B:6 and RSA 310:17 or are exempt from the permit requirement under RSA 309-B:8, shall not use language in any statement relating to the affairs of a person or entity which is conventionally used by licensees in reports on financial statements or any attest service. In this regard, the board shall issue safe harbor language that persons not licensed under this chapter, or not qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or not exempt from the permit requirement under RSA 309-B:8 may use in connection with such financial information. Such disclaimer language shall include the following:

"I (we) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of financial statements information that is the representation of management (owners).

I (we) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any form of assurance on them."

IX. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use any title or designation that includes the words "accountant," "auditor," or "accounting," in connection with any other language, including the language of a report, that implies that such person or firm holds such a certificate, permit, or registration or has special competence as an accountant or auditor. This paragraph shall not prohibit any officer, partner, or employee of any firm or organization from affixing a signature to any statement in reference to the financial affairs of such firm or organization with any wording designating the position, title, or office that person holds, nor shall it prohibit any act of a public official or employee in the performance of that person's duties. Nothing in this chapter shall prohibit non-licensees who perform services involving the use of accounting skills from describing such services as "bookkeeping", "tax preparation" or "general accounting" services, or describing themselves as "accountants."
X. No persons holding a certificate or registration, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm holding a permit under this chapter or an exemption from the permit requirement under RSA 309-B:8, shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons or number of persons who are partners, officers, members, managers, or shareholders of the firm, or about any other matter; provided, however, that names of one or more of the former partners, members, managers or shareholders may be included in the name of a firm or its successor.

XI. No provision of this section shall have any application to a person holding a certification, designation, degree, license, or permit granted in a foreign country entitling the holder to engage in the practice of public accountancy or its equivalent in such country, whose activities in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds such entitlement, who performs no attest services as defined, and who issues no reports with respect to the information of any other persons, firms, or governmental units in this state, and who does not use in this state any title or designation other than the one under which that person practices in such country, followed by a translation of such title or designation into English, if it is in a different language, and by the name of such country.

XII. No holder of a certificate issued under RSA 309-B:7 or a registration issued under RSA 309-B:9 shall perform attest services described in RSA 309-B:3, I(a) or compilation services described in RSA 309-B:3, III-a in any firm that does not hold a valid permit issued under RSA 309-B:8.

XIII.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, also performs for that client an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, expects, or reasonably might expect, that a third party will use the financial statement and the compilation report does not disclose a lack of independence.

(b) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, recommends or refers a product or service to which the commission relates.
(c) Any licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, who accepts a referral fee for recommending or referring any service of a licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, to any person or entity or who pays a referral fee to obtain a client shall disclose such acceptance or payment to the client.

XIV.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, shall not:

(1) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, or the licensee's firm or firm of the individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17 performs an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, expects, or reasonably might expect, that a third party will use the financial statement and the compilation report does not disclose a lack of independence; or

(2) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client; provided however that a licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, may prepare an amended return or claim for refund for a contingent fee if that licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, has a reasonable expectation that the amended return or claim for refund will be the subject of substantive review by the taxing authority.

(b) The prohibition in subparagraph (a) applies during the period in which the licensee, individual qualifying for a practice privilege under RSA 309-B:6 and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, is engaged to perform any of the services listed in subparagraph (a) and the period covered by any historical financial statements involved in any such listed services.

(c) Except as otherwise provided in this subparagraph, a contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service. Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. The fees of a licensee, individual qualifying for a practice privilege under RSA 309-B:6
and RSA 310:17, or firm exempt from the permit requirement under RSA 309-B:8, may vary depending, for example, on the complexity of services rendered.

XV. Nothing within this section shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney’s professional work in the practice of law, or from billing a client or receiving a fee from a client in conformity with the professional conduct rules that govern the practice of law by such attorney or firm of attorneys.

XVI. Notwithstanding any provision of this section, it shall not be a violation of this section for a firm which does not hold a valid permit under RSA 309-B:8 and which does not have an office in this state to provide its professional services in this state if it complies with the requirements of RSA 309-B:8, I(b) or (e) RSA 309-B:8, I(a)(3) or I(b), whichever is applicable.

166 New Hampshire Accountancy Act; Single Act as Evidence of Practice. Amend RSA 309-B:17 to read as follows:

309-B:17 Single Act as Evidence of Practice. In any action brought under [RSA 309-B:12, RSA 309-B:15, or] RSA 309-B:16, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify the imposition of a [penalty, injunction, restraining order, or] conviction, [respectively], without evidence of a general course of conduct.

167 New Hampshire Accountancy Act; Confidential Communications. Amend RSA 309-B:18 to read as follows:

309-B:18 Confidential Communications. Except by permission of the client for whom a licensee performs services, or the heirs, successors, or personal representatives of such client, a licensee or any partner, officer, member, manager, shareholder, or employee of a licensee shall not voluntarily disclose information communicated to such person by the client relating to and in connection with services rendered to the client by the licensee. Such information shall be deemed confidential, provided, however, that nothing in this chapter shall be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in reporting on the examination of financial statements or as prohibiting disclosures in court proceedings or administrative proceedings before governmental agencies in instances where a subpoena or summons has been issued, in investigations or proceedings under [RSA 309-B:11 or RSA 309-B:12] RSA 310, in ethical investigations conducted by private professional organizations, or in the course of peer reviews, or to other persons active in the organization performing services for that client on a need to know basis or to persons in such professional organization, peer review entity, or organization performing services for that client who need this information for the sole purpose of assuring quality control.

168 Repeal; Accountancy. The following are repealed:

I. RSA 309-B:4, VI(e), relative to rules on substantial equivalency.

II. RSA 309-B:8, V, relative to fees for application for initial issuance or renewal of a permit.
III. RSA 309-B:12, relative to hearings by the board.

IV. RSA 309-B:15, relative to injunctions against unlawful acts.

V. RSA 309-B:16, I, relative to board investigations.

169 Architects; Definitions. Amend RSA 310-A:28, I to read as follows:

I. "Architect" means a person who, by reason of having acquired through professional education and practical experience an advanced training in building construction and architectural design and an extensive knowledge of building standards created to safeguard the public from hazards such as fire, panic, structural failure, and unsanitary conditions, is technically and legally qualified to practice architecture and who is licensed by the [board] office of professional licensure and certification or otherwise authorized by this subdivision to engage in the practice of architecture.

170 Architects; Preliminary Requirements for Licensure as an Architect. Amend RSA 310-A:38 to read as follows:

310-A:38 Preliminary Requirements for Licensure as an Architect.

I. The following preliminary requirements shall be considered as minimum evidence satisfactory to the [board] office of professional licensure and certification that an applicant is qualified for licensure to practice architecture in this state:

   (a) Applicant shall be at least 21 years of age and shall have graduated from an approved high school or its equivalent; and
   
   (b) Applicant shall hold a professional degree in architecture from an accredited school and have had such diversified practical experience, including academic training, as the board shall deem appropriate; or
   
   (c) In lieu of a professional degree in architecture, the [board] office may accept evidence of additional diversified practical experience, including academic training, as the board shall deem appropriate.

II. The [board] office shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

   (a) Conviction for commission of a felony;
   
   (b) Misstatement of facts by the applicant in connection with the application;
   
   (c) Violation of any of the standards of conduct required of architects as they are set forth in this subdivision or in rules adopted by the board; or
   
   (d) Practicing architecture without being licensed in violation of laws of the jurisdiction in which the practice took place.

III. Upon complying with the preliminary requirements set forth in this section, the applicant shall, in order to become licensed, pass written examinations as provided in RSA 310-A:43[except as otherwise provided in RSA 310-A:45].

171 Architects; Applications. Amend RSA 310-A:42 to read as follows:
310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by the [board] office of professional licensure and certification, [shall contain statements made under oath,] showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed architects having personal knowledge of the applicant's professional experience. [The board shall establish fees for application and any examination required under this subdivision.] Should the [board] office deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

172 Architects; Certificates for Business Organizations. Amend RSA 310-A:42-a to read as follows:

310-A:42-a Certificates for Business Organizations.

I. The practice of, or offer to practice, architecture for others by individual architects, licensed under this subdivision, through a business organization as officers, partners, associates, employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

(a) One or more of the corporate officers of a corporation or one or more general partners or associates is designated as being responsible for the architectural activities and architectural decisions of the business organization and is a licensed architect under this subdivision.

(b) All personnel of the business organization who act in its behalf as architects are licensed under this subdivision.

(c) The business organization has been issued a certificate of authorization by the [board] office of professional licensure and certification, as provided in this section.

II. The requirements of this subdivision shall not affect a business organization or its employees in performing services for such business organization or its subsidiary or affiliated business organizations. All final drawings, specifications, plans, reports, or other architectural papers or documents involving the practice of architecture, when issued or filed for public record, shall be dated, and bear the signature and seal of the architect who prepared them or under whose direct supervisory control they were prepared.

III. A business organization desiring a certificate of authorization shall file with the [board] office an application, using a form provided by the [board] office, listing the names and addresses of all officers and board members, general and limited partners, associates, and any individuals duly licensed to practice architecture in this state who shall be in responsible charge of the practice of architecture in this state through the business organization, and any other information required by the board. The same form, giving the same information, shall accompany the [annual] renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the [board] office within 30 days after the effective date of such change. If all requirements of this section are met, the [board] office shall issue a certificate of authorization to
such business organization, and such business organization shall be authorized to contract for and to
collect fees for furnishing architectural services.

IV. No business organization shall be relieved of responsibility for the conduct or acts of its
agents, employees, officers, or partners, by reason of its compliance with the provisions of this
section, nor shall any individual practicing architecture be relieved of responsibility for architectural
services performed by reason of such individual's employment by or relationship with such business
organization.

V. The secretary of state shall not issue a certificate of incorporation to an applicant for
incorporation or for registration as a foreign business organization which includes the words
Architect, Architectural, or Architecture or any modification or derivative thereof in its corporate or
business name or which includes the practice of architecture among the objects for which it is
established unless the [board] office shall have issued, with respect to such applicant, a certificate of
authorization or eligibility for authorization, a copy of which shall have been presented to the
secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline
to register any trade name or service mark which includes such words or modifications or derivatives
thereof in its firm or business name except to partnerships, sole proprietorships and associations
holding certificates of authorization issued under the provisions of this subdivision, a copy of which
shall have been presented to the secretary of state.

VI. An architect who renders occasional, part-time, or consulting architectural services to or
for a business organization may not, for the purposes of this section, be designated as being
responsible for the architectural activities and decisions of such business organization.

173 Architects; Examinations. Amend RSA 310-A:43 to read as follows:
310-A:43 Examinations. Examinations in architecture shall be held as the [board] office of
professional licensure and certification shall determine. The applicant shall be permitted to
take the examination upon fulfilling the requirements established by the board. The board shall
prescribe [the methods of procedure and] the scope of the examination which shall include the
following subjects: pre-design, general structures, lateral forces, mechanical and electrical systems,
materials and methods, construction documents and services, site planning, building planning, and
building technology.

174 Architects; Certificates; Seals. Amend RSA 310-A:44 to read as follows:
310-A:44 Certificates; Seals. The [board] office of professional licensure and certification
shall issue a license upon payment of the registration fee established by the office [of professional
licensure and certification], to any applicant who [–in the opinion of the board,] has satisfactorily
met all the requirements of this subdivision. Licenses shall show the full name of the licensee and
have a serial number. The issuance of a license by the [board] office shall be prima facie evidence
that the person named in the license is entitled to all the rights and privileges of a licensed architect
while the license remains valid. Each licensee shall upon licensure obtain a seal of the design
authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All
papers or documents involving the practice of a profession under this subdivision, when issued or
filed for public record, shall be dated, and bear the signature and seal of the licensed professional
who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the
licensee to stamp or seal any documents with such seal after the license of the licensee has expired
or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

175 Architects; Expiration and Renewals. Amend RSA 310-A:46 to read as follows:
310-A:46 Expiration and Renewals. All licenses issued by the board shall expire on the last day
of the month of the licensee's birth in the year 2 years following the year of issuance. The board
shall cause notification of the impending license expiration to be sent to each licensee at least one
month prior to the expiration date of the license. If the renewal fee is not submitted within 12
months after the expiration date of the license, the licensee's name shall be removed from the
mailing list. An application for reinstatement shall be required to return to active status. The office
of professional licensure and certification shall charge up to a 20 percent late fee for each month or
fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. [office of
professional licensure and certification shall expire in accordance with RSA 310:8.]

176 Architects; Continuing Education Required. Amend RSA 310-A:46-a to read as follows:
310-A:46-a Continuing Education Required. Any person holding a license shall be required to
complete 12 units of continuing education each year in the area of health, safety, and welfare. Each
person shall be responsible for maintaining evidence of his or her continuing education units and
shall submit such evidence of continuing education units to the [board] office biennially upon
renewal of his or her license.

177 Repeal; Architects. The following are repealed:
I. RSA 310-A:33, relative to fees.
II. RSA 310-A:45, relative to reciprocal licensure.
III. RSA 310-A:49, relative to reissuance of licenses.

178 Auctioneers; Definitions. Amend RSA 311-B:1, IV to read as follows:
IV. "Authorized business organization" means any entity organized for gain or profit and
carrying on any business activity within the state of New Hampshire which is:
(a) A corporation or business association having at least one officer holding a valid
[board] office of professional licensure and certification;
(b) A partnership in which at least one partner holds a valid license issued by the
[board] office;
(c) A limited liability company in which the managing member holds a valid license
issued by the [board] office;
(d) A sole proprietorship or sole-shareholder corporation in which the sole proprietor or
sole shareholder holds a valid license issued by the [board] office; or
(e) A trust in which at least one trustee holds a valid license issued by the [board] office. Amendment RSA 311-B:4, III to read as follows:

III. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "auction," "auctioneer," or "auctioneering" or any modification or derivative thereof in its corporate or business name or which includes the practice of auctioneering among the objectives for which it is established unless the [board] office shall have issued, with respect to such applicant, a certificate of authorization, a copy of which shall have been presented to the secretary of state. The [board] office shall issue such a certificate only to an authorized business organization. The secretary of state shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except for trade names and service marks of business entities which have presented to the secretary of state proof that they qualify as authorized business organizations under this chapter.

180 Electricians. Amend RSA 319-C:1 to read as follows:

319-C:1 Electricians. No electrician installation shall be made for compensation, unless made by an electrician or other person licensed by the [electrician's board] office of professional licensure and certification, except as provided in this chapter.

181 Electricians; Definitions. Amend RSA 319-C:2, IV to read as follows:

IV. "Journeyman electrician" means a person doing work of installing electrical wires, conduits, apparatus, fixtures, and other electrical equipment. A journeyman electrician shall be employed by a New Hampshire licensed master electrician or entity licensed pursuant to RSA 319-C:10. [Each journeyman electrician shall work under the direction and supervision of a master electrician.]

182 Electricians; Exceptions. Amend RSA 319-C:3, IX-a to read as follows:

IX-a. Any electrical installations in residential or commercial buildings performed by students enrolled in a high school vocational electrical program, college vocational electrical program, and apprenticeship training program, approved by the department of education, provided such work is performed under the supervision of either a teacher holding an electrician's license or by a licensed electrician who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board of electricians. Any person nominated by the state board shall hold a master's license issued by the [board] office of professional licensure and certification.

183 Electricians; Third Party Electrical Inspections. Amend RSA 319-C:5-a, I to read as follows:
I. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person who conducts residential electrical inspections for up to 4 contiguous units, which shall be considered a level 1 inspector, or a person who conducts all types of electrical inspections, which shall be considered a level 2 inspector, who is conducting third-party electrical inspections of electrical installations in this state to have the person conducting the inspection be approved by the board office of professional licensure and certification in accordance with criteria established by the board. The board shall determine the qualifications necessary for approval as a level 1 or level 2 electrical inspector. The board office of professional licensure and certification shall maintain and make available a list of such persons approved for level 1 or level 2 third-party electrical inspections. The approval of a person to conduct either level of third-party electrical inspections shall not prohibit a city or town that has established inspections under RSA 47:22 or RSA 674:51 from contracting with any person of its choice to perform third-party electrical inspections.

184 Electricians; Continuing Education; NFPA 70 Changes. Amend RSA 319-C:6-c to read as follows:

319-C:6-c Continuing Education, NFPA 70 Changes. The board shall adopt rules relative to continuing education applicable to all licensees for training and compliance with the latest published edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection Association. Each licensee shall show proof of completion of continuing education requirements adopted under this section within 12 months from the January 1 following the publication date of the latest version of the NFPA 70. Proof of completion shall be furnished to the board office by the continuing education provider. Failure to complete the continuing education shall render the electrician’s license invalid until the licensee demonstrates to the board that he or she has completed the requisite number of continuing education hours.

185 Electricians; Licensing Requirements. Amend RSA 319-C:7 to read as follows:

319-C:7 Licensing Requirements.

I. [Repealed.]

II. The board office shall issue a license as a master or journeyman electrician to any person who files an application and meets the following qualifications:

(a) Completion of 8,000 hours of service as an apprentice electrician. The board may give credit toward such service for the satisfactory completion of a course of instruction in the field at a school recognized by the board or experience in the field received in military service, in accordance with rules adopted by RSA 541-A; and

(b) Satisfactory passing of an examination approved by said board as provided in RSA 319-C:8 to determine the person’s fitness to receive such license.

II-a. The board office shall issue a license as a high/medium voltage electrician to any person who files an application and meets the following qualifications:
(a) Shows proof of successfully completing a state, national, or employer certification program approved by the board or;

(b) Prior to January 1, 2003, shows proof of having been employed for a minimum of 5 years as a high/medium voltage electrician working for a company with an approved training program.

III. All persons licensed by the [board] office shall receive a certificate which must be publicly displayed at the principal place of business of said electrician, or, if no such place of business, must be carried on his or her person and displayed at any time upon request to any electrical inspector appointed by the board under this chapter, as long as said person continues in the business as herein defined. The certificate shall specify the name of the person licensed who, in the case of a firm, shall be one of its members or employees and, in the case of a corporation, one of its officers or employees passing the examination. In the case of a firm or corporation, the license shall be void upon the death of or the severance from the company of said person.

IV. Apprentice electricians shall register with the [board] office.

186 Electricians; Examinations for License. Amend RSA 319-C:8 to read as follows:

319-C:8 Examinations for License. Each applicant for licensure shall present to the [board] office, [on forms furnished by the board] a written application for examination and license, containing such information as the board may require, accompanied by the required application fee established by the [board] office. Proctored examinations shall be written, written and oral, oral, or computerized as approved by the board, and shall be of a thorough and practical character. They shall include such provisions of the National Electrical Code as the board may deem appropriate. Any person failing to pass his or her first examination may be reexamined [at any subsequent examination meeting of the board or] by an examination entity approved by the board, and thereafter may be examined as often as he or she may desire upon submitting the written application for examination and license and payment of the required application fee as set forth in this chapter.

187 Electricians; Corporations and Partnerships. Amend RSA 319-C:10 to read as follows:

319-C:10 Corporations and Partnerships.

I. The [board] office may issue a license to corporations and partnerships engaged in the business of making electrical installations, provided that one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or a member of such partnership directly in charge of its business affairs, is a licensed master electrician.

II. The [board] office may issue a license to corporations or partnerships engaged in the business of making electrical installations on high or medium voltage distribution systems operating over 600 volts, provided that one or more officers or employees of any such corporation directly in charge of the electrical business affairs of such corporation, or a member of a partnership directly in
charge of its business affairs, is a licensed master electrician or a licensed high/medium voltage
electrician.

188 Foresters; Rulemaking. Amend RSA 310-A:102, III to read as follows:

III. Examination [procedures] requirements.

189 Foresters; Qualifications for License. Amend RSA 310-A:104 to read as follows:

310-A:104 Qualifications for License. Applicants for licensure as foresters shall qualify under
one of the following categories:

I. Possession of a 4-year forestry degree and 2 years' experience of a nature satisfactory to
the board in accordance with rules adopted under RSA 541-A. The board may [require adopt
rules requiring] an applicant to pass an [oral or written] examination[—or otherwise meet the
approval of the board].

II. Possession of a 2-year forestry degree and 4 years' experience of a nature satisfactory to
the board in accordance with rules adopted under RSA 541-A. The board may [require adopt
rules requiring] an applicant to pass an [oral or written] examination[—or otherwise meet the
approval of the board].

III. Possession of a 4-year degree in a related field and 4 years' experience of a nature
satisfactory to the board in accordance with rules adopted under RSA 541-A. The board may
[require adopt rules requiring] an applicant to pass an [oral or written] examination[—or otherwise
meet the approval of the board].

IV. Possession of a 2-year degree in a related field and 6 years' experience of a nature
satisfactory to the board in accordance with rules adopted under RSA 541-A. The board may
[require adopt rules requiring] an applicant to pass an [oral or written] examination[—or otherwise
meet the approval of the board].

V. There shall be no minimum educational requirement for licensure as a forester for
applicants who have 8 years of experience within the last 10 years of a nature satisfactory to the
board in accordance with rules adopted under RSA 541-A. The board may [require adopt
rules requiring] an applicant to pass an [oral or written] examination[—or otherwise meet the
approval of the board].

190 Foresters; Applications; Fees. Amend RSA 310-A:105 to read as follows:

310-A:105 Applications; Fees. Applications for licensing shall [be made on forms prescribed and
furnished by the board, and shall] contain statements made under oath as to citizenship, residence,
the applicant's education, a detailed summary of the applicant's technical experience, and shall
contain the names of not less than 5 references, 3 or more of whom shall be individuals having
personal or professional knowledge of the applicant's forestry experience. The fee for a license as a
forester shall be fixed by the [board] office pursuant to RSA 541-A. [One-half of the fee shall
accompany the application, the balance to be paid before the issuance of the license. Should the
applicant fail to remit the remaining balance within 30 days after being notified by certified mail,
HB 1095 - AS AMENDED BY THE HOUSE
- Page 66 -

return receipt requested, that the application has been accepted, the applicant shall forfeit the right
to have the license issued and the applicant may be required to again submit an original application
and pay an original fee on such application. Should the board deny the issuance of a license to any
applicant, the fee deposited shall be retained by the board as an application fee.]

191 Foresters; Examination; Re-Examination; Fee. Amend RSA 310-A:106 to read to as follows:

310-A:106 Examination; Re-Examination; Fee. The requirements for examination, if any,
[The methods and procedure for written and oral examinations] shall be prescribed by the board. [A
candidate failing an examination may apply for re-examination at the expiration of 6 months and
shall be entitled to one re-examination without payment of an additional fee. Subsequent re-
examinations may be granted upon payment of a fee to be fixed by the board.]

192 Foresters; Issuance of License; Endorsement of Documents. Amend RSA 310-A:107 to read
as follows:

310-A:107 Issuance of License; Endorsement of Documents. The [board] office of professional
licensure and certification shall issue a license upon payment of the fee as provided in this
subdivision to any applicant, who[— in the opinion of the board] has satisfactorily met all the
requirements of this subdivision. Licenses shall show the full name of the licensee and shall have a
serial number. The issuance of a license by the [board] office of professional licensure and
certification shall be evidence that the person named in the license is entitled to all rights and
privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps,
and reports issued by the licensee shall be endorsed with the licensee's name and license number
during the life of the license. It shall be a class B misdemeanor for anyone to endorse any document
with such name and license number after the license of the named licensee has expired or has been
revoked, unless said license has been renewed or reissued. It shall be a class B misdemeanor for any
licensed forester to endorse any plan, map, or report unless the licensed forester shall have actually
prepared such plan, map, or report, or shall have been in the actual charge of the preparation of the
same.

193 Foresters; Expiration. Amend RSA 310-A:108 to read as follows:

310-A:108 Expiration. All licenses issued by the board shall expire [on the last day of the month
of the licensee's birth in the year 2 years following the year of issuance] as set forth in RSA 310:8.

194 Foresters; License Renewal. Amend RSA 310-A:109 to read as follows:

310-A:109 License Renewal. Licenses may be renewed [by written application prior to the
expiration date and by payment of the prescribed renewal fee] every two years in accordance
with RSA 310:8. [The secretary shall notify each forester one month prior to the expiration of such
certificate.] The applicant shall [submit proof of completion of] have completed 20 hours of
continuing education approved by the board at the time of license renewal, [together with a] and
shall submit a record of any legal action brought against the applicant for services as a forester.

195 Foresters; Repeals. The following are repealed:
I. RSA 310-A:101, relative to procedures.

II. RSA 310-A:110, relative to failure to renew.

III. RSA 310-A:111, relative to reciprocity.

IV. RSA 310-A:113-a, relative to additional powers.

V. RSA 310-A:115, relative to injunctions.

VI. RSA 310-A:116, relative to administrative costs.

196 Professional Geologists; Definitions. Amend RSA 310-A:118, IV to read as follows:

IV. "Licensed professional geologist" means a person who, by reason of advanced knowledge of geology and the supporting physical and life sciences, acquired by education and experience, is technically and legally qualified to engage in the practice of geology as defined in this section and has successfully passed the examination as may be required in this subdivision and who is licensed by the [board office] or otherwise authorized by this subdivision to engage in the practice of the profession of geology.

197 Professional Geologists; Rulemaking; Fees. Amend RSA 310-A:121, I to read as follows:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) [Repealed.]

(b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;

(c) The examination procedures criteria in accordance with applicable statutes;

(d) License renewal, including requirements for continuing education;

(e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;

(f) [Repealed.]

(g) The design of an official seal;

(h) What constitutes geology experience for the purposes of RSA 310-A:125; and

(i) [Procedures] Requirements for a waiver of the fundamentals of geology examination under RSA 310-A:129[; and

(i) Interstate licensure and temporary permits under RSA 310-A:131].

198 Professional Geologists; Licensure. Amend RSA 310-A:124 to read as follows:

310-A:124 Licensure. No person shall practice professional geology or represent oneself as a professional geologist who is not licensed by the [board office] or whose license expired, or was canceled, suspended, or revoked, except as otherwise provided in this subdivision. Licensure to practice geology shall not be required until after the one-year period set forth in RSA 310-A:125, II has ended.

199 Professional Geologists; Requirements for Licensure as a Professional Geologist. Amend RSA 310-A:125 to read as follows:
I. (a) Applicants for licensure as a professional geologist shall meet the ethical standards set forth in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II. In addition, each applicant shall have a bachelor's degree in geology or a bachelor's degree in a related field which included 30 credit hours or 45 quarter hours in geology from an accredited 4-year college, or a master's or doctoral degree from an accredited graduate program in geology, including but not limited to degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics, groundwater geology, hydrogeology, hydrology, marine geology, mineralogy, mining geology, paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water resources studies; and shall present evidence suitable to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a licensed professional geologist or a geologist who otherwise meets the requirements of a licensed professional geologist as determined by the board. Applicants meeting these ethics, education and experience requirements shall be eligible to sit for an examination [to be administered by the board]. Unless otherwise provided, applicants shall take the examination and receive a passing score.

(b) Experience in the practice of geology, obtained before the expiration of the period described in paragraph II of this section, may count towards the experience in the practice of geology under the supervision of a professional geologist required in subparagraph I(a) of this section if the supervising geologist met the education and experience qualifications of paragraph II at the time of the relevant experience. For purposes of this section, experience in the practice of geology does not include routine sampling, laboratory work or geological drafting.

(c) A completed academic year of graduate study in geology may be applied either towards a year of the experience requirement of this section up to a total maximum of 2 years, or to the education requirement of this section, but not both.

(d) A completed academic year of college or graduate level teaching in geology may be applied towards a year of the experience requirement of this section.

II. Following the effective date of the initial adoption by the board of rules under RSA 541-A, the [board] office may issue licenses without examination to applicants whose applications for licensure have been received during a one-year period following the effective date of adoption of rules and who either meet the education and experience requirements of subparagraph I(a) of this section, or who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements.

III. Whenever information presented in an application for licensure or renewal is determined by the [board] office to be incomplete or insufficient, the [board] office may require additional information as necessary to determine if the application requirements of this section have been met.

200 Professional Geologists; Continuing Education. Amend RSA 310-A:127 to read as follows:
Continuing Education. [Evidence satisfactory to the board of the] Completion in each biennial renewal period of a minimum of 24 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

I. Applications for licensure shall be made using the method prescribed and furnished by the office of professional licensure and certification. Applications shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be professional geologists having personal knowledge of the applicant's professional experience.

II. References relating to experience in the practice of geology performed prior to the effective date of this subdivision may be provided by either a professional geologist or a person determined by the board according to rules to be of equivalent ethical standards, education, and experience who may or may not have been licensed.

III. If the [board] office denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

201 Professional Geologists; Examinations. Amend RSA 310-A:129 to read as follows:

310-A:129 Examinations. [Written technical examinations in geology shall be held at least annually as the board shall determine.] The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. [A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.]

202 Professional Geologists; Certificates; Seals. Amend RSA 310-A:130 to read as follows:

310-A:130 Certificates; Seals. The [board] office shall issue a license, upon payment of the licensing fee established by the office of professional licensure and certification, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.
203 Professional Geologists; License Renewals. RSA 310-A:132 is repealed and reenacted to read as follows:

310-A:132 License Expiration and Renewals. All licenses issued by the board shall expire in accordance with RSA 310:8. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements established by the board. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

204 Professional Geologists; Repeals. The following are repealed:

I. RSA 310-A:122, relative to immunity.

II. RSA 310-A:131, relative to interstate licensure.

III. RSA 310-A:134, relative to enforcement.

IV. RSA 310-A:136, relative to reissuance of licenses.

V. RSA 310-A:138, relative to restraint of violations.

205 Home Inspectors; Rulemaking Authority. Amend RSA 310-A:187 to read as follows:

310-A:187 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The qualifications of applicants in addition to requirements of this subdivision, and including the qualifications for satisfactory evidence of good professional character.

(b) The criteria for a license to be renewed or reinstated, including any requirements for continuing education.

(c) [Repealed.]

(d) [Repealed.]

(e) [Procedures for approving education courses for eligibility for licensure and for a continuing education program.]

(Ω) How an applicant shall be examined, including the form of the examination.

(φφ) (f) The design of an official seal.

(θθ) (g) The establishment of administrative fines which may be levied in the administration of this subdivision.

II. The board shall adopt one eligibility examination required for licensure that is an independent nationally recognized proctored examination.

[III. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board shall furnish a copy of any proposed rules of or amendments thereto, to all affected professionals licensed by the board.]

206 Home Inspector Licensure Requirements. Amend RSA 310-A:190 to read as follows:

310-A:190 Eligibility Requirements for Licensure as a Home Inspector.
I. Each applicant for licensure as a home inspector shall meet the following minimum requirements:
   (a) Completion of no less than 80 hours of board-approved education covering all of the following core components of a residential building of 4 units or less:
       (1) Heating system.
       (2) Cooling system.
       (3) Plumbing system.
       (4) Electrical system.
       (5) Structural components.
       (6) Foundation.
       (7) Roof covering.
       (8) Exterior and interior components.
       (9) Site aspects as they affect the building.
   (b) Have successfully completed high school or its equivalent.
   (c) Proof of passing the board-adopted examination required for licensure.
   (d) Be at least 18 years of age.
   (e) Submit to the [board] office of professional licensure and certification a public criminal history record information authorization form as provided by the New Hampshire state police, which authorizes the release of the applicant's public criminal history record information, if any. The applicant shall bear the cost of the public criminal history record information check.

II. A person who was actively engaged in the business of home inspection in this state as a means of his or her livelihood for at least 12 months preceding the effective date of this subdivision shall be eligible for licensure by the [board] office of professional licensure and certification without completion of the requirements of subparagraph I(a). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of subparagraph I(a). All applicants shall meet the requirements of subparagraphs I(b) through (e), pay an initial fee, and fulfill all other license application requirements.

III. The board shall approve all education programs under subparagraph I(a) of organizations or education institutions providing acceptable education and training.

IV. The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:
   (a) Conviction for commission of a felony;
   (b) Misstatement of facts by the applicant in connection with the application;
   (c) Violation of any of the standards of practice or code of ethics as they are set forth in this subdivision or in rules adopted by the board; or
(d) Practicing home inspections without being licensed in violation of laws of the
jurisdiction in which the practice took place.

207 Home Inspectors; Continuing Education. Amend RSA 310-A:192 to read as follows:

310-A:192 Continuing Education. [Evidence satisfactory to the board of the] Completion in each
2-year renewal period of a minimum of 20 hours of continuing education shall be required for license
renewal, provided that one hour of the 20 required hours shall be from a board-approved course on
appropriate building regulations including any recent revisions to regulations. The board shall
approve educational courses and activities that would further the professional competence of
licensees. The continuing education credits shall be determined on the basis of one credit for each
contact hour of course instruction or professional development activity actually attended by a
licensee.

208 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

310-A:193 Issuance of Licenses. The [board] office shall issue a license upon payment of the
license fee established by the office of professional licensure and certification, to any applicant who,[
in the opinion of the board,] has satisfactorily met all the requirements of this subdivision. Licenses
shall show the full name of the licensee and have a serial number. The issuance of a license [by the
board] shall be prima facie evidence that the person named in the license is entitled to all the rights
and privileges of a licensed home inspector while the license remains valid. It shall be a class B
misdemeanor for the licensee to perform home inspections after the license of the licensee has
expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

209 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

310-A:195 Expiration and Renewals.

I. [The board shall send, by mail or otherwise, notification of the impending license
expiration to each licensee at least one month prior to the expiration of the license, along with a
request for payment of a renewal fee.] Licensees in good standing may renew their licenses [by
paying the renewal fee prior to the expiration date of the license, and by presenting evidence
satisfactory to the board of completion of the continuing education requirements] every two years in
accordance with RSA 310:8. If properly renewed, a license shall remain in effect continuously
from the date of issuance, unless suspended or revoked by the board for just cause.

II. [All licenses issued by the board shall expire on the last day of the licensee's month of
birth in the second year following the year of issuance, or upon such other biennial date as the board
may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the
licensee's name shall be removed from current status, and application for reinstatement shall be
required to return to current status. The board shall charge a 20 percent late fee for each month or
fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal
application received 12 months after the expiration date shall be rejected, unless accompanied by
proof of successful completion of the examination required by the board.] A licensed home inspector
shall complete at least 20 hours of board-approved continuing education during each license period in order to maintain his or her license. [If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.

III. Licenses who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.]

210 Office of Professional Licensure and Certification; Repeals. The following provisions of RSA 310-A are repealed:

I. RSA 310-A:188, relative to fees.
II. RSA 310-A:194, relative to reciprocity.
III. RSA 310-A:198, relative to re-issuance of licenses.
IV. RSA 310-A:200 relative to restraint of violations.

211 Land Surveyors; General Provisions. Amend RSA 310-A:53, IV and V to read as follows:

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors as a business organization, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this subdivision and provided such entity has been issued a certificate of authorization by the [board] office as provided in this subdivision. Any entity issued a certificate under this section shall be required to comply with all of the provisions of this subdivision.

V. Each such entity shall file with the [board] office of licensure a designation of an individual or individuals licensed to practice land surveying in this state who shall be in charge of land surveying by such entity in this state. The person designated shall be a full-time officer, partner, owner, or full-time employee of that entity. Such entity shall notify the [board] office of licensure of any change in the entity's designation within 30 days after such change becomes effective.

212 Land Surveyors; Definitions. Amend RSA 310-A:54, I-b to read as follows:

I-b. "Certificate of authorization" means any certificate issued by the [board] office to a business organization to engage in the practice of land surveying.

213 Land Surveyors, Licensure. RSA 310-A:63 is repealed and reenacted to read as follows:

310-A:63 Licensure.

I. As minimum evidence satisfactory to the board according to rules adopted under 541-A that a person is qualified for licensure as a land surveyor, such person shall have a specific record of 6 years or more accumulated experience in land surveying work indicating that such person is competent to practice land surveying and has passed a proctored examination, prescribed by the board.
II. A year of accumulated experience for the purpose of paragraph I shall include, but not be
limited to:

(a) Any year during which the applicant was enrolled at an institution of higher learning
pursuing a curriculum of surveying, engineering, forestry, or forestry technician, so long as the
applicant completed at least one course in land surveying during the said enrollment; provided such
education credits towards accumulated experience shall not exceed 4 years of accumulated
experience;

(b) Any year during which the applicant was actively engaged in land surveying work as
a land surveyor-in-training under the supervision of a licensed land surveyor; or

(c) Any substantial period of time, even if less than a full calendar year, during which
the applicant, in the discretion of the board, was considered to be actively engaged in land surveying
work.

214 Land Surveyors; Application. Amend RSA 310-A:65 to read as follows:

310-A:65 Application. Applications for licensure [shall be on forms prescribed and furnished by
the board] shall contain statements made under oath, showing the applicant's education and
detailed summary of the applicant's technical work, and shall contain not less than 5 references, of
whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying
experience. All applications shall be accompanied by a fee established by the [board] office.

read as follows:

certificate of authorization to any business organization in accordance with the following:

I. As a requirement of the issuance of any certificate of authorization or any renewal of
certificate to any proprietorship under this subdivision, the proprietorship shall file with the [board]
office an application on a form [provided by the board], which specifies:

(a) The name and address of the owner of the proprietorship.

(b) Any person licensed under this subdivision and designated to engage in the practice
of land surveying for the proprietorship.

(c) Any other information required by the board relevant to the practice of land
surveying.

II. As a requirement of the issuance of any certificate of authorization or any renewal of
certificate to any corporation under this subdivision, a business organization, other than a
proprietorship or partnership, shall file with the [board] office an application on a form [provided by
the board], which specifies:

(a) The names and addresses of all officers and board members of the business
organization.
(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the business organization.

(c) Any other information required by the board relevant to the practice of land surveying.

III. As a requirement of the issuance of any certificate of authorization or renewal of any certificate to any partnership under this subdivision, the partnership shall file with the [board] office an application on a form[provided by the board], which specifies:

(a) The names and addresses of all general and limited partners.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the partnership.

(c) Any other information required by the board relevant to the practice of land surveying.

IV. Any change in any of the information reported to the [board] office by a business organization under paragraphs I, II and III shall be reported to the [board] office within 30 days of the change.

216 Land Surveyors; Examinations. RSA 310-A:66 is repealed and reenacted to read as follows:

310-A:66 Examinations. The board shall prescribe the examination requirements in rules adopted pursuant to RSA 541-A.

217 Land Surveyors; Licenses. Amend RSA 310-A:67, I to read as follows:

I. The [board] office shall issue a license upon payment of the required fee to any applicant who, in the opinion of the board, has satisfactorily met all the requirements for such license. This license shall authorize the practice of land surveying. The issuance of a license [by the board] shall be prima facie evidence that the licensee is entitled to all rights and privileges of a licensed land surveyor while the license remains valid.

218 Land Surveyors; Expiration and Renewals. Amend RSA 310-A:68 to read as follows:

310-A:68 Expiration and Renewals. All licenses issued [by the board] shall expire [on the last day of the month of the licensee’s birth in the year 2 years following the year of issuance]. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration [in accordance with RSA 310:8]. Renewal may be effected at any time during the month of expiration by the payment of the fee [established by the board] and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. [The failure on the part of any licensee to renew the license in the month of expiration as required above shall not deprive such person of the right of renewal, provided that the board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late. If a licensee fails to renew such license within the 12 months after the date of expiration, it
shall become null and void and the licensee shall be required to reapply and to be reexamined for
licensure as required in this section.]  

219 Land Surveyors; Nonresidents. RSA 310-A:69 is repealed and reenacted to read as follows:

310-A:69 Nonresidents. The secretary of state shall not issue a certificate of incorporation to
any applicant for incorporation or for registration as a foreign business organization which includes
the words "surveyor" or "surveying" or any modification or derivative thereof in its business name, or
which includes the practice of land surveying among the objects for which it is established, unless
the office shall have issued, with respect to such applicant, a certificate of authorization or eligibility
for authorization under this subdivision, a copy of which shall have been presented to the secretary
of state. The secretary of state, after a reasonable transition period, shall decline to register any
trade name or service mark which includes such words or modifications or derivatives thereof in its
firm or business name except to business organizations holding certificates of authorization issued
under the provisions of this subdivision, a copy of which shall have been presented to the secretary of
state.

220 Land Surveyors; Violations and Penalties. Amend RSA 310-A:72, II to read as follows:

II. The [board] office may investigate any actual, alleged, or suspected unlicensed activity
and report the findings of such investigations to the attorney general for prosecution.

221 Land Surveyors; Repeals. The following provisions are repealed:

I. RSA 310-A:59, relative to relative to additional powers.

II. RSA 310-A:60, relative to fees.

III. RSA 310-A:64, relative to surveyors in training.

IV. RSA 310-A:73, relative to injunctions.

222 Landscape Architects; Applications. Amend RSA 310-A:149 to read as follows:

310-A:149 Applications.

I. Applications for licensure shall [be on forms prescribed and furnished by the board, shall]
contain statements made under oath, showing the applicant's education and a detailed summary of
the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall
be licensed landscape architects having personal knowledge of the applicant's professional
experience. [The board shall establish fees for application and any examination required under this
subdivision. Should the board deny the issuance of a license to any applicant, any initial fee
deposited shall be retained as an application fee.]

II. References relating to experience in the practice of landscape architecture performed
prior to the effective date of this subdivision may be provided by either a landscape architect or a
person determined by the board in rules adopted pursuant to RSA 541-A to be of equivalent
ethical standards, education, and experience who may or may not have been licensed.

223 Landscape Architects; Continuing Education. Amend RSA 310-A:150 to read as follows:
310-A:150 Continuing Education. [Evidence satisfactory to the board of the] Completion in each biennial renewal period of a minimum of 30 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

224 Landscape Architects; Examinations. Amend RSA 310-A:151 to read as follows:

310-A:151 Examinations. [Written technical examination in landscape architecture shall be held at least annually as the board shall determine.] The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. [A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date.]

225 Landscape Architects; Certificates; Seals. Amend RSA 310-A:152 to read as follows:

310-A:152 Certificates; Seals. The [board] office shall issue a license upon payment of the license fee established by the office of professional licensure and certification, to any applicant who,[ in the opinion of the board,] has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license [by the board] shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed landscape architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "licensed landscape architect." All papers or documents involving the practice of landscape architecture under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

226 Landscape Architects; Expiration and Renewals. RSA 310-A:154 is repealed and reenacted to read as follows:

310-A:154 Expiration. All licenses shall expire in accordance with RSA 310:8.

227 Landscape Architects; Repeals. The following provisions are repealed:

I. RSA 310-A:143, II, relative to rulemaking authority.

II. RSA 310-A:144, relative to fees.

III. RSA 310-A:153, relative to interstate licensure.

IV. RSA 310-A:157, relative to reissuance of licenses.

V. RSA 310-A:159, relative to injunctions.

228 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29 to read as follows:

153:29 Examinations; Licenses.
I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, shall establish, through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure shall be prescribed by the board. This may include an outside organization approved by the board.

II. Each license issued by the board shall identify which of the following special licenses or license endorsements apply to the licensee:

(a) Hearth system installation and service technician.
(b) Fuel gas installation technician.
(c) Fuel gas service technician.
(d) Fuel gas piping installer.
(e) Fuel gas trainee.
(f) Domestic appliance technician.
(g) Master plumber.
(h) Journeyman plumber.
(i) Apprentice plumber.

III. No licensee shall engage in any activity not covered by his or her specialty license.

IV. The license issued shall be available for inspection on request. The board shall issue a license suitable to be carried by the individual licensee.

229 State Board of Fire Control; Mechanical License; Business Entities. Amend RSA 153:29-a to read as follows:

153:29-a Mechanical License; Business Entities.

I. The board may issue a business entity a license in accordance with the rules adopted by the board. The rules may permit licensure without examination or continuing education requirements to corporations, partnerships, or limited liability companies engaged in fuel gas fitting and/or plumbing, provided one or more officers of the corporation, or designee, or one or more members of the partnership, or designee, or one or more managing members of the limited liability company, or designee, hold an active and current license as a domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber for the appropriate mechanical business entity license, or any combination thereof, provided that the licensee of record is properly licensed for each of the business entities listed by the applicant under this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership, or designee, or one or more managing members of the limited liability company, or designee, the licensed person, corporation, partnership, or limited liability company shall give notice
thereof to the board and, if no other officer, partner, manager or designee, is licensed as a domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber, the corporation, or partnership, or limited liability company shall not act as a fuel gas fitter or plumber until some other officer, member, or designee, has obtained a license as a domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber. [Notwithstanding any other provision of law, the board shall not require a fee for a business entity engaged in fitting and/or plumbing where a licensed domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber is the sole individual holding the license of the business entity.]

II. All licenses issued under this section shall expire every 2 years [on the last day of January] in accordance with RSA 310:8. The [board] office shall renew a valid license issued under this section on receipt of an application for renewal and the required fee before the expiration date of the license.

III. [Notwithstanding RSA 21:G:9.] The board, with an affirmative vote of at least 4 of the appointed board members, [in consultation with the office of professional licensure and certification and with the approval of the executive director of the office of professional licensure and certification.] shall adopt rules, pursuant to RSA 541-A, relative to the application and renewal [procedure and any] eligibility requirements in addition to those in this subdivision for a fuel gas fitter license or plumber for business entities issued pursuant to this section.

[IV. The board shall establish a fee structure for mechanical business entities by providing the following:]

(a) Fees not to exceed $250 for a business entity which employs no less than one additional licensee and not more than 5 employees required to be licensed under this subdivision.

(b) Fees not to exceed $400 for a business entity employing not more than 20 employees required to be licensed under this subdivision.

(c) Fees not to exceed $600 for a business employing 21 or more employees required to be licensed under this subdivision.

(d) Application, renewal, late renewal and re-instatement fees.]

[IV.] IV. A licensed business entity may apply for and receive a permit from any municipality within the state.

[V.] V. All business entities shall provide proof of good standing with the secretary of state and proof of liability insurance prior to issuance and renewal of a business entity license.

230 Natural Scientists; Definitions. Amend RSA 310-A:76, II and II-a to read as follows:

II. "Certified soil scientist" means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience, as specified by
RSA 310-A:84, I and II, is qualified to identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil Survey, or standards adopted by the New Hampshire department of environmental services, or standards adopted by the board, and who has been duly certified by the [board] office.

II-a. "Certified wetland scientist" means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and to prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire department of environmental services or the United States Army Corps of Engineers or their successors, and who has been duly certified by the [board] office.

231 Natural Scientists; Qualifications for Certification. Amend RSA 310-A:84, II-b and III to read as follows:

II-b.(a) Experience in the practice of wetland science shall be of a quality and character that indicates [to the board] that the applicant is competent to practice as a wetland scientist. Experience shall be defined as one or more of the following:

(1) Teaching wetland science courses or performing research in wetland science at an accredited college, university, or institution offering an approved wetland science or wetland ecology curriculum.

(2) Actual field experience gained in an acceptable apprenticeship program.

(3) Actual field mapping experience, defined as the delineation of wetland boundaries and the preparation of wetland maps; the classification of wetlands; the preparation of wetland function and value assessments; the design of wetland mitigation; the implementation of wetland mitigation; the monitoring of wetlands functions and values; and preparation of associated reports, all in accordance with standards for the identification of wetlands adopted by the department of environmental services or the United States Army Corps of Engineers or their successors.

(b) For the purposes of this paragraph, educational training shall not be considered as experience; summer employment shall be considered experience.

(c) For the purposes of this paragraph, each advanced degree in a related field may be counted as one year of experience, however, a minimum of one year of actual field experience shall be required for all candidates.

III. A candidate failing an examination may apply for a re-examination upon payment of an additional fee [as determined by the board in its rules and shall be re-examined on the next regularly scheduled semiannual examination date]. A candidate failing the examination 3
consecutive times shall be required to furnish to the office of professional licensure and certification evidence of additional experience, study, or education credits (acceptable to) established by the board before being allowed to proceed with the examination.

232 Natural Scientists; Certification Procedure. Amend RSA 310-A:86, I to read as follows:

I. Application for certification shall be on forms prescribed and furnished by the board. Such forms shall include the applicant's educational background, including transcripts from educational institutions attended, a detailed work experience history, and such other information as the board may by rule require. All applications shall be signed under oath by the applicant.

233 Natural Scientists; Expiration of Certification. Amend RSA 310-A:88 to read as follows:

310-A:88 Expiration. A certification shall expire in accordance with RSA 310:8. [on the last day of the certificate holder's month of birth in the year 2 years following the year of issuance.]

234 Natural Scientists; Certificate Renewal. Amend RSA 310-A:89 to read as follows:

310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. [The secretary shall notify each certified individual one month prior to expiration of such certificate.]

235 Repeal; Natural Scientists. The following are repealed:

I. RSA 310-A:80, relative to reciprocity.
II. RSA 310-A:83, relative to additional powers.
III. RSA 310-A:90, relative to failure to renew.
IV. RSA 310-A:92, relative to fees.
V. RSA 310-A:96, relative to injunctions.

236 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company; Adherence to Standards. Amend RSA 310-B:12-j, I and II to read as follows:

I. Each appraisal management company seeking to be registered in this state shall certify to the [board] office on an annual basis that it requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice including the requirements for geographic and product competence.

II. Each appraisal management company seeking to be registered in this state shall certify to the [board] office on an annual basis that it has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

237 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company; Recordkeeping. Amend RSA 310-B:12-k to read as follows:
310-B:12-k Appraisal Management Company; Recordkeeping. Each appraisal management company seeking to be registered in this state shall certify to the [board] office on an annual basis that it maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal for the appraisal management company. Such records must be retained for a period of at least 5 years after an appraisal is completed or 2 years after final disposition of a judicial proceeding related to the assignment, whichever period expires later.

238 State Licensed or Certified Real Estate Appraisers; Principal Place of Business. Amend RSA 310-B:15 to read as follows:

310-B:15 Principal Place of Business.

I. Each licensed or certified real estate appraiser shall advise the [board] office of the address of his principal place of business and all other addresses at which he is currently engaged in the business of preparing real estate appraisal reports.

II. Whenever a licensed or certified real estate appraiser changes a place of business, he shall, within 10 days of such change, give written notification of the change to the [board] office and apply for an amended license or certificate.

III. Every licensed or certified real estate appraiser shall notify the [board] office of his or her current residence address and electronic address. Residence addresses and electronic addresses on file with the board are exempt from disclosure as public records.

239 State Licensed or Certified Real Estate Appraisers; Appraisal Management Companies. Amend RSA 310-B:16-a, I and II to read as follows:

I. The board shall adopt rules under RSA 541-A which shall establish minimum requirements for the annual registration of appraisal management companies. Such minimum requirements shall include that such companies:

(a) Register with the [board] office by each January 1 and be subject to supervision by the New Hampshire real estate appraiser board;

(b) Verify that only licensed or certified appraisers are used for federally related transactions;

(c) Comply with the Uniform Standards of Professional Appraisal Practice in coordinating appraisals; and

(d) Conduct appraisals independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the federal Truth in Lending Act.

II. An appraisal management company shall not be registered by the [board] office or included on the national registry if such company, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state. Additionally, each person that owns more than 10
percent of an appraisal management company shall be of good moral character, as determined by the board, and shall submit to a background investigation carried out by the board.

240 New Hampshire Real Estate Practice Act; Commission; Duty. Amend RSA 331-A:5, VI to read as follows:

VI. The commission shall annually elect, from among its members, a chairperson, and a clerk. [Each member of the commission shall receive $50 for each day actually engaged in the duties of the office, and shall be reimbursed for actual travel expenses while performing official duties.]

241 New Hampshire Real Estate Practice Act; Qualifications for Licensure. Amend RSA 331-A:10 to read as follows:

331-A:10 Qualifications for Licensure.

I. The [commission, or designee,] office shall issue a salesperson's license to any applicant who:

   (a) Has attained the age of 18;
   (b) Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The executive director shall only accept for licensure, an applicant who shows proof of completion of 40 hours of approved study which shall have been completed prior to the date of the applicant's examination;
   (c) Demonstrates no record of unprofessional conduct;
   (d) Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness, and integrity; and
   (e) Complies with the criminal records check under RSA 331-A:10-a.

II. The [commission, or designee,] office shall issue a broker's license to any applicant who:

   (a) Has attained the age of 18;
   (b) Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The [commission, or designee,] office shall only accept for licensure, an applicant who shows proof of completion of 60 hours of approved study which shall have been completed prior to the date of the applicant's examination;
   (c)(1) Has been employed full time by an active principal broker for at least one year within 5 years of the date of application; or
   (2) Has at least 2,000 part-time hours as a licensed salesperson in this state within 5 years of the date of application; or
   (3) Proves to the [commission] office, based on criteria provided by the commission, that the applicant has experience equivalent to the experience required by subparagraph (c)(1) or (c)(2);
   (d) Demonstrates no record of unprofessional conduct;
(e) Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness, and integrity;

(f) For a broker acting as a principal broker or a managing broker, but excluding associate brokers or a corporation, partnership, limited liability company, or association, files a surety bond with the commission office which shall be held in accordance with RSA 331-A:14;

(g) Submits evidence [acceptable to the commission] of at least 6 separate real estate transactions in which the applicant was actively involved and was compensated or proves to the commission office, based on criteria set by the commission, that the applicant has equivalent experience in accordance with rules adopted pursuant to 541-A; and

(h) Complies with the criminal records check under RSA 331-A:10-a.

242 New Hampshire Real Estate Practice Act; Examinations. RSA 331-A:11 is repealed and reenacted to read as follows:

331-A:11 Examinations. Any applicant seeking a salesperson’s or broker’s license shall first past a reasonable written examination approved by the board. Any person who has passed the examination for broker or salesperson shall become licensed within 6 months of the date of the examination. Any person who fails to become licensed within the 6-month period shall be required to retake the examination.

243 New Hampshire Real Estate Practice Act; Supervision of Real Estate Office; Branch Offices. Amend RSA 331-A:16, I to read as follows:

I. Every real estate office or real estate branch office, whether operated as a corporation, partnership, or sole proprietorship, shall be directed, supervised, and managed by a licensed real estate broker. The principal broker shall submit to the commission office a branch office application form prior to the opening of any branch office. The principal broker shall designate a managing broker for each branch office the principal broker opens. The principal broker shall notify the commission office when any licensee associated with the principal broker transfers from one branch office to another branch office within the same association.

244 New Hampshire Real Estate Practice Act; Programs of Study. Amend RSA 331-A:20 to read as follows:

331-A:20 Programs of Study; Preparatory Education; Continuing Education.

I. An individual, institution, or organization seeking accreditation or renewal of accreditation to offer teach a preparatory or continuing education program of study shall meet criteria and submit documentation to the office as required by the commission prior to approval.

I-a. The commission shall require any individual, institution, or organization seeking accreditation or renewal of accreditation of a real estate preparatory or continuing education course to submit documents, statements, and forms prior to approval.

II. In reviewing and approving an application for a continuing education course, the commission shall assess the content with the primary purpose of assuring that real estate licensees
possess the knowledge, skills, and competence necessary to perform the licensee's duties in the real estate business. The subject matter of the preparatory or continuing education course must be directly related to real estate practice in New Hampshire[; and satisfy all requirements established by the commission pursuant to RSA 541-A. Continuing education courses shall consist of the following:

(a) Continuing education 3-hour core courses shall cover, but not be limited to, changes in state and federal laws dealing with real estate brokerage, housing, financing of real property and consumer protection as well as changes in state enabling laws dealing with zoning and subdivision practices. The core courses shall be designed to assist the licensee in keeping abreast of changing laws, rules and practices which will affect the interest of the licensee's clients or customers.

(b) Continuing education elective courses shall cover, but not be limited to, property valuation, construction, contract and agency law, ethics, financing and investment, land use and zoning, property management, taxation, environmental issues, and supervision and office management. The elective courses shall be designed to assist the licensee in keeping abreast of changing laws, rules, and practices which affect the interest of the licensee's clients or customers.

[III. The commission shall establish a program of continuing education for license renewal to be administered in at least 5 geographical locations including, but not limited to, locations in or near Berlin, Concord, Keene, Nashua and Portsmouth, depending upon local requirements and the ability to engage accredited individuals, corporations or educational institutions.

IV. Any instructors accredited by the office to teach [individual, institution, or organization offering] a preparatory or continuing education program who commits any of the following acts, conduct, or practices shall, after a hearing under RSA 331-A:30, be subject to disciplinary action as provided in RSA 331-A:28:

(a) Obtaining or attempting to obtain an accreditation or re-accreditation by means of fraud, misrepresentation, or concealment.

(b) Violating any of the provisions of this chapter, or any rules adopted, or order issued pursuant to this chapter.

(c) Advertising the availability of accredited courses in a false, misleading, or deceptive manner.

(d) Failing to include in any advertisement the individual, institution, or organization's legal name or reasonable derivative thereof accredited to teach the course.

(e) Offering or providing a course with curriculum or subject matter which is not the curriculum or subject matter submitted for accreditation.

(f) Engaging in conduct which demonstrates incompetence.

(g) Providing an affidavit of completion of an accredited course to a licensee or a potential licensee who has not completed the required hours of such course.
(h) Providing outdated, inappropriate, or inaccurate teaching materials or information.

(i) Receiving poor student evaluations or commission audits.

(j) Failing to take corrective action toward unsatisfactory performance or issues identified in commission audits.

(k) Demonstrating unprofessional conduct as defined by RSA 331-A:2, XV, or, when presenting a course to licensees or potential licensees, engaging in inappropriate conduct.

(l) Discriminating against an individual based on age, sex, race, creed, color, marital status, physical or mental disability, religious creed, national origin, or sexual orientation.

(m) Offering or providing a course for credit that has not yet been accredited or whose accreditation has expired.

(n) Failing to preserve, for at least 3 years from the beginning date of an accredited course, attendance records, documentation, and materials relating to the course.

245 New Hampshire Real Estate Practice Act; Temporary Licenses. Amend RSA 331-A:21 to read as follows:

331-A:21 Temporary Licenses. In the event of the death or total incapacity of a licensed real estate principal broker of a real estate business, the [commission] office may, upon application by the principal broker's legal representative, issue without examination a temporary license to such legal representative or to an individual designated by the legal representative and approved by the commission, and by the payment of the prescribed fee, which shall authorize such temporary licensee to continue to transact real estate business for a period not to exceed one year from the date of death or incapacitation.

246 New Paragraphs; New Hampshire Real Estate Practice Act; Rulemaking. Amend RSA 331-A:25 by inserting after paragraph XV the following new paragraphs:

XVI. The supervision requirements for salespersons.

XVII. The accreditation of instructors of preparatory and continuing education courses.

XVIII. The requirements for accreditation of preparatory and continuing education courses.

247 Repeals; Real Estate Practice Act. The following are repealed:

I. RSA 331-A:5, VII, relative to an official seal.

II. RSA 331-A:12, I, relative to application forms.

III. RSA 331-A:24-a, relative to notice of rulemaking.

248 Cremation of Human Remains; Deny or Refuse to Renew License; Grounds. Amend RSA 325-A:11 to read as follows:

325-A:11 Deny or Refuse to Renew License; Grounds.

The [board] office of professional licensure and certification may deny or refuse to renew a license under this chapter or take disciplinary action against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the following grounds:

I. Violation of this chapter or rules adopted and pursuant to this chapter;
II. [Conviction of any crime involving moral turpitude;]

III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and which has a rational connection with the fitness or capacity of the crematory authority to operate a crematory;

IV. Conviction of a violation pursuant to RSA 325-A:15;

V. Obtaining a license as a crematory authority by false representation or fraud;

VI. Misrepresentation or fraud in the operation of a crematory; or

VII. Failure to allow access by an agent or employee of the [board] office of professional licensure and certification to a crematory operated by the crematory authority for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the board or office of professional licensure and certification.

249 Physician Assistants; License Required. Amend RSA 328-D:2, I to read as follows:

I. No person shall practice as a physician assistant in the state of New Hampshire unless he or she is licensed [by the board of medicine] in accordance with this chapter.

250 Physician Assistants; Criminal History Records Check. Amend RSA 328-D:3-a to read as follows:

328-D:3-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the [board] office a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [board] office.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] office shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] office.

IV. The [board] office shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.
V. The applicant shall bear the cost of a criminal history record check.

251 Physicians Assistants; Renewal of License. Amend RSA 328-D:5 to read as follows:

328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply to the [board] office for biennial renewal of license on forms provided by the office of professional licensure and certification and shall pay a renewal fee as established by the office of professional licensure and certification. [Applications for renewal shall be filed no later than December 31 of every other year.] A license issued under this chapter shall expire unless renewed in accordance with RSA 310:8 [not expire until the board has taken final action upon the application for renewal].

252 Repeal. RSA 328-D:5-a, relative to physicians assistants failure to renew, is repealed.

253 Office of Professional Licensure and Certification; Complaints and Investigations. Amend RSA 310:9, V(a) to read as follows:

V. To carry out investigations, the executive director is authorized to:

(a) Retain qualified experts according to criteria established by the relevant board. If the board has not established criteria, or under extraordinary circumstances, the executive director may retain qualified experts who have sufficient knowledge on appropriate statutes or professions and their practices.

254 Professional Engineers; Definitions. Amend RSA 310-A:2, II to read as follows:

II. "Professional engineer" means a person who by reason of advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice engineering, and who is licensed by the [board] office or otherwise authorized by this subdivision to engage in the practice of engineering.

255 Professional Engineers; Receipts and Disbursements. RSA 310-A:8 is repealed and reenacted to read as follows:

310-A:8 Disbursements.

The office may make expenditures for the reasonable expenses of the board's delegate to meetings of, and membership dues to, the National Council of Examiners for Engineering and Surveying (NCEES).

256 Professional Engineers; Applications. Amend RSA 310-A:16 to read as follows:

310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms prescribed and furnished by the [board] office, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed professional engineers having personal knowledge of the applicant's professional experience. [The board shall establish fees for application and any examination required under this subdivision.] If the [board] office denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.
HB 1095 - AS AMENDED BY THE HOUSE
- Page 89 -

257 Professional Engineers; Examinations. Amend RSA 310-A:17 to read as follows:

310-A:17 Examinations. Proctored technical examinations in engineering shall be held at least annually as the [board] office of professional licensure and certification shall determine. If examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the examination upon completion of the requisite years of professional experience. The [board] office may issue to each applicant, upon successfully passing the examination in fundamental subjects, a certificate stating that the applicant has passed the examination. The scope of the technical and professional examination [and the methods of procedure] shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the [board] office and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.

258 Professional Engineers; Certificates; Seals. Amend RSA 310-A:18 to read as follows:

310-A:18 Certificates; Seals. The [board] office shall issue a license, upon payment of the registration fee established by the office of professional licensure and certification, to any applicant who[...in the opinion of the board,...] has satisfactorily met all the requirements of this subdivision. [Licensees shall show the full name of the licensee and have a serial number.] The issuance of a license by the [board] office shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design [authorized] meeting the criteria established by the board, bearing the registrant's name and the legend, "Licensed Professional Engineer." All papers or documents involving the practice of engineering under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the licensed professional engineer who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued.

259 Professional Engineers; Interstate Licensure; Temporary Permit. Amend RSA 310-A:19, II-III to read as follows:

II. Applicants who are certified by the National Council of Engineering Examiners (NCEE) may apply for licensure by having their NCEE record sent to the [board] office and by furnishing such other information on a standard application form as the [board] office may direct.

III. A person not a resident of and having no established place of business in this state who wishes to practice or to offer to practice engineering in this state may make application to the [board] office for a temporary permit. A temporary permit shall be limited to practice on a specific project in this state for a period not to exceed 6 months in any one calendar year, provided such
person is a licensed professional engineer in a state or country where the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or higher than those specified in this subdivision.

260 Professional Engineers; Engineering Certificates for Business Organizations. Amend RSA 310-A:20 to read as follows:

310-A:20 Engineering Certificates for Business Organizations.

I. The practice of or offer to practice professional engineering for others by individual engineers licensed under this subdivision through a business organization as officers, partners, associates, employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

(a) One or more of the corporate officers, of a corporation or one or more general partners, or associates is designated as being responsible for the engineering activities and engineering decisions of the business organization, and is a licensed engineer under this subdivision.

(b) All personnel of the business organization who act in its behalf as professional engineers are licensed under this subdivision.

(c) The business organization has been issued a certificate of authorization by the [board] office of professional licensure and certification, as provided in this section.

II. The requirements of this subdivision shall not affect a business organization or its employees in performing services for such business organization or its subsidiary or affiliated business organizations. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering, when issued or filed for public record, shall be dated, and bear the signature and seal of the professional engineer who prepared them or under whose direct supervisory control they were prepared.

III. A business organization desiring a certificate of authorization shall file with the [board] office of professional licensure and certification an application, using a form provided by the [board] office of professional licensure and certification, listing the names and addresses of all officers and board members, general and limited partners, associates, and any individuals duly licensed to practice engineering in this state who shall be in responsible charge of the practice of engineering in this state through the business organization, and any other information required by the board. The same form, giving the same information, must accompany the [annual] renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the [board] office of professional licensure and certification within 30 days after the effective date of such change. If all requirements of this section are met, the [board] office of professional licensure and certification shall issue a certificate of authorization to such business organization, and such business organization shall be authorized to contract for and to collect fees for furnishing engineering services.
IV. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners, by reason of its compliance with the provisions of this section, nor shall any individual practicing engineering be relieved of responsibility for engineering services performed by reason of such individual's employment by or relationship with such business organization.

V. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name or which includes the practice of engineering among the objects for which it is established unless the [board] office shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates of registration or authorization issued under the provisions of this subdivision, a copy of which shall likewise have been presented to the secretary of state. However, the requirements of this subdivision shall not apply to any business formed and registered with the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name, and which does not perform or require the services of a professional engineer.

VI. A professional engineer who renders occasional, part-time or consulting engineering services to or for a business organization may not, for the purposes of this subdivision, be designated as being responsible for the engineering activities and decisions of such business organization.

261 Professional Engineers; Investigations and Disciplinary Proceedings. Amend RSA 310-A:22, II(k) to read as follows:

(k) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the [board] office as a result of any formal complaint to the [board] office alleging a violation of this subdivision.

262 Repeal. The following are repealed:

I. RSA 310-A:5-a, relative to notice of rulemaking proceedings.

II. RSA 310-A:6, I(o), relative to rulemaking authority on interstate licensure and temporary permits.

III. RSA 310-A:6, I(p), relative to rulemaking authority on waiver of certain renewal fees.

IV. RSA 310-A:6, I(q), relative to rulemaking authority on civil penalties.

V. RSA 310-A:6, III, relative to notice of proposed rules of professional conduct.

VI. RSA 310-A:6-a, relative to immunity from civil liability.

VII. RSA 310-A:7, relative to fees.
VIII. RSA 310-A:11, relative to licensure required.

IX. RSA 310-A:19, I, relative to interstate licensure.

X. RSA 310-A:21, relative to license expiration and renewals.

XI. RSA 310-A:23, relative to hearings, appeals, and penalties.

XII. RSA 310-A:24, relative to reissuances of licenses.

XIII. RSA 310-A:25, II, relative to attorney general as a legal advisor.

263 New Hampshire Veterinary Practice Act; License Required and Exceptions. Amend the introductory paragraph of RSA 332-B:2 to read as follows:

Except as provided in RSA 332-B:9, no person may practice veterinary medicine in the state who is not a licensed veterinarian, or the holder of a valid temporary permit issued by the [board] office of professional licensure and certification. This chapter shall not be construed to prohibit:

264 New Hampshire Veterinary Practice Act; Meetings and Duties. Amend RSA 332-B:5 to read as follows:

332-B:5 Meetings and Duties. The board shall meet at least 6 times a year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. The quorum and the actions of the board shall be in accordance with RSA 91-A. At its annual meeting, the board shall organize by electing a president and such other officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall preside at board meetings [and serve as administrative head of the board].

265 New Hampshire Veterinary Practice Act; Powers of the Board. Amend RSA 332-B:7, I to read as follows:

I. [Examine and] Determine the criteria for examinations and fitness of applicants for a license to practice veterinary medicine in this state.

266 New Hampshire Veterinary Practice Act; Rulemaking Authority. Amend RSA 332-B:7-a, XII to read as follows:

XII. Establishing [and enforcing] standards for veterinary facilities; and

267 New Hampshire Veterinary Practice Act; Application for License; Qualifications. Amend RSA 332-B:9 to read as follows:

332-B:9 Application for License; Qualifications. Any person desiring a license to practice veterinary medicine in this state shall make written application to the [board] office of professional licensure and certification. The application shall show that the applicant is 18 years of age or more, a graduate of an AVMA accredited school of veterinary medicine or other veterinary school acceptable to the board, or the holder of an ECFVG certificate or a PAVE certificate, a person of good professional character, and such other information and proof as the
board may require by rule. The application shall be accompanied by [a] the requisite fee [in the
amount established and published by the board].

268 New Hampshire Veterinary Practice Act; Examinations. Amend RSA 332-B:10 to read as
follows:

332-B:10 Examinations. The [board] office of professional licensure and certification shall
hold at least one examination during each year and may hold such additional examinations as are
necessary. The [board] office shall give public notice of the time and place for each examination at
least 90 days in advance of the date set for the examination. A person desiring to take an
examination shall make application at least 30 days before the date of the examination. The
preparation[administration] and grading of examinations shall be governed by rules prescribed by
the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in
the subjects and techniques commonly taught in veterinary schools and familiarity with the law and
rules governing veterinary medicine in this state. To pass the examination, the examinee must
demonstrate scientific and practical knowledge sufficient to prove that he or she is a competent
person to practice veterinary medicine in [the judgment of] accordance with criteria established
by the board. All examinees shall be tested by a written examination, supplemented by such oral
interviews and practical demonstrations as the board may deem necessary. The board may adopt
and use a national examination as adopted in rules of the board. For purposes of licensure[except
by reciprocity] an individual's results from a national examination shall be valid for 5 years from
the date of the examination. After each examination, the [board] office shall notify each examinee
of the results of the examination[and the board shall issue licenses to the persons successfully
completing the examination]. The [board] office shall record the new licenses and issue a certificate
of registration to the new licensees. Any person failing an examination shall be admitted to any
subsequent examination on payment of the application fee.

269 New Hampshire Veterinary Practice Act; Reciprocity. Amend RSA 332-B:11, II to read as
follows:

II. Applicants who are not graduates of schools of veterinary medicine accredited by the
AVMA[other than those described in paragraph I] shall possess a certificate issued by the ECFVG,
PAVE, or a Certificate of Qualification issued by the Canadian Veterinary Medical Association,
unless at the time such applicant became licensed in the state, province, or U.S. territory from which
they are applying, an ECFVG certificate or a PAVE certificate was not required by this state.

270 New Hampshire Veterinary Practice Act; Temporary Permit. Amend RSA 332-B:12 to read
as follows:

332-B:12 Temporary Permit. The [board] office of professional licensure and certification
may issue without examination a temporary permit to practice veterinary medicine in this state to
any person who is a graduate of a veterinary college recognized as provided for in RSA 332-B:9 for a
period not to exceed one year, providing that the person write the next available set of examinations
and also providing said person is employed by and practices the profession under the supervision of a duly licensed veterinarian practicing in the state. [A temporary permit may be summarily revoked by a majority vote of the board.]

271 New Hampshire Veterinary Practice Act; License Renewal and Lapse. Amend RSA 332-B:13 to read as follows:

332-B:13 License Renewal and Lapse.

I. The procedure and timeframe for license renewals shall be as described in RSA 310-A:1-h. Persons previously licensed who allow their license to lapse shall be required to file a reinstatement application containing such information as required by the board. Persons who have allowed their license to lapse more than 5 years shall apply for reinstatement of licensure in accordance with RSA 332-B:17. All licenses established under this chapter shall be renewed in accordance with RSA 310:8.

II. The board may by rule waive the payment of the renewal fee of a licensed veterinarian during the period when the person is on active duty with any branch of the armed services of the United States, not to exceed 3 years or the duration of a national emergency, whichever is longer.

III. As a condition of renewal of license, each licensed veterinarian shall be required to show proof that he or she has attended an approved educational program or programs totaling at least 24 hours in the 2-year period preceding each renewal date. Approved educational programs shall be at the discretion of the board, in accordance with rules adopted by the board. The board may excuse a licensee from all or a portion of the educational requirement upon the filing of a petition establishing good cause for the waiver as set forth in rules adopted by the board.

272 New Hampshire Veterinary Practice Act; Enforcement. Amend RSA 332-B:19 to read as follows:

332-B:19 Enforcement.

I. Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor, and each act of such unlawful practice shall constitute a distinct and separate offense.

II. No person who shall practice veterinary medicine without a currently valid license or temporary permit may receive any compensation for services so rendered.

III. The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate, the provisions of this chapter, it shall enter an injunction restraining the person from such unlawful acts.

IV. The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.
V. In addition to other penalties imposed by this section, a person who practices veterinary medicine without a currently valid license or temporary permit shall be subject to civil penalties assessed by the board in the amount of $2,000 per violation, or, in the case of continuing violations, $200 for each day the violation continues, whichever is greater. A person who disputes such an assessment may request a hearing by the board, and any final disposition rendered by the board shall be enforceable as any other civil judgement.

273 New Hampshire Veterinary Practice Act; Animal Physical Therapy Certification. Amend RSA 332-B:20, I to read as follows:

I. Any physical therapist practicing physical therapy on any animal shall meet the requirements of this section and any additional requirements set by the board of veterinarians pursuant to RSA 332-B:7-a, XIV and shall be certified by the [board of veterinary medicine] office of professional licensure and certification.

274 Repeal. The following are repealed:

I. RSA 332-B:6, relative to revenues.
II. RSA 332-B:7, II, relative to board power relevant to licenses and temporary permits.
III. RSA 332-B:7, VI, relative to board employment and office space.
IV. RSA 332-B:7-a, IV(a), relative to rulemaking authority regarding the time and place of examination.
V. RSA 332-B:7-a, XIII, relative to rulemaking authority regarding civil penalties.
VI. RSA 332-B:11, I, relative to interstate reciprocity.
VII. RSA 332-B:17, relative to reinstatement applications.

275 Mental Health Practice; Clinical Social Workers. Amend the section heading of RSA 330-A:18 to read as follows:

330-A:18 Licensed Independent Clinical Social Workers (LICSW).

276 Mental Health Practice; Social Work; Conditional License. Amend the introductory paragraph of RSA 330-A:18-d, I(a) to read as follows:

(a) Licensed Independent Clinical Social Worker:

277 Effective Date. This act shall take effect July 1, 2024.
Amendment to HB 1095

Amend the bill by replacing section 8 with the following:

8 Master Licensed Alcohol and Drug Counselor; Initial License. Amend RSA 330-C:16, I(b)-V to read as follows:

(b) Have graduated with a master's degree of less than 60 hours in a discipline described in subparagraph (a) and has completed the necessary additional hours of master's level course work as determined by the board pursuant to RSA 330-C:9, I(b).

II. Pass testing procedures of a nationally recognized credentialing entity specified by the board. Such procedures shall be based on the core functions and practice dimensions of substance use and co-occurring disorders counseling.

III. Complete 3,000 hours of clinically supervised post-master's degree work experience in the treatment of substance use, mental health, and co-occurring disorders. Up to 1,500 hours of clinically supervised work experience accumulated by the applicant during his or her practice as an LADC may be counted toward the required 3,000 hours. A current license issued by the board of mental health practice under RSA 330-A may be substituted for up to 1,500 hours of the required 3,000 hours of clinically supervised work experience. Where substitution of the full 1,500 hours is denied by the board, the applicant shall be provided the rationale for the board's denial. The board shall not deny the substitution of hours solely based on the applicant's clinical supervisor holding a license issued by the board of mental health practice.

IV. Meet other criteria as established by the board.

V. If the applicant does not meet the requirements of paragraphs I-IV, the board shall not issue a MLADC license but shall, if the individual meets all requirements for licensure as a LADC, issue a LADC license to the individual. In such circumstances, the OPLC shall not require the applicant to submit a separate application and fee.

Amend section 12 of the bill by deleting paragraph IV and renumbering paragraphs V-VII to read as IV-VI, respectively.

Amend RSA 313-A:8 as inserted by section 18 of the bill by inserting after paragraph XIII the following new paragraph:
XIV. Conditions and standards for operation under a shop license, including health and safety standards.

Amend RSA 319-C:7, II as inserted by section 185 of the bill by replacing it with the following:

II. The [board] office shall issue a license as a master or journeyman electrician to any person who files an application and meets the following qualifications:

(a) Completion of 8,000 hours of service as an apprentice electrician. The board may give credit toward such service for the satisfactory completion of a course of instruction in the field at a school recognized by the board or experience in the field received in military service, in accordance with rules adopted by RSA 541-A; [and]

(b) Complete not less than 600 hours of education that meet criteria established by the board in rules adopted pursuant to RSA 541-A; and

(c) Satisfactory passing of an examination approved by said board as provided in RSA 319-C:8 to determine the person's fitness to receive such license.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Public Hearing: 02/13/2024 02:00 pm LOB 305</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Public Hearing on non-germane Amendment # 2024-0031h: 02/14/2024 02:30 pm LOB 306-308</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 09:30 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Executive Session: 03/20/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1212h (NT) 03/20/2024 (Vote 20-0; CC) HC 12 P. 14</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1212h (NT): AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1212h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration; SJ 8</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>S</td>
<td>Hearing: 04/10/2024, Room 103, SH, 09:30 am; SC 14</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1738s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1095, relative to the administration of occupational boards by the office of professional licensure and certification.

Hearing Date: April 10, 2024

Time Opened: 11:05 a.m. Time Closed: 11:30 a.m.

Members of the Committee Present: Senators Pearl, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill makes various changes to the procedures and terminology of the office of professional licensure and certification and the occupational regulatory boards thereunder to coordinate with regulatory changes made in recent legislative sessions.

Sponsors: Rep. Gallager


Who opposes the bill: None.

Who is neutral on the bill: Erin Masury (NHADACA), Heather Smith (NHADACA), Dir. Lindsey Courtney (OPLC), and Simon Thomson (ECBA).

Summary of testimony presented:

Representative Dianne Schuett, Merrimack 12

- Rep. Schuett explained this bill originally dealt with the official pronunciation of “New Hampshire” and “Concord”. The bill was amended with the current version. She explained that Rep. Grote did much of the work to produce the amendment.
- Rep. Schuett stated that she and a colleague went through the bill to ensure that each board that is addressed delineates OPLC to do the administrative and
clerical work, but the individual boards retain authority over their professional and educational standards.

- Rep. Schuett explained the bill passed the House Executive Departments and Administration committee unanimously and passed the House floor on the consent calendar.
- Sen. Pearl mentioned that he received a note from Rep. Grote to add language about clinical social workers.

**Simon Thomson, Electrical Contractors Business Association**

- Mr. Thomson expressed appreciation for the recommended changes.
- Mr. Thomson recommended a change on page 63, line 25-35. He said this deals with the licensure of a journeyman electrician. He said OPLC keeps pointing to the RSA regarding on-the-job training and educational hours. He said, in the bolded language, there is always how it has been, and they now want that put into statute so OPLC can reference it.
- Mr. Thomson explained that, as currently written, the educational hours can be taken counted in the eight thousand hours of service as an apprentice electrician. He said that should be separated.
- Sen. Pearl asked if currently the six hundred hours is part of the eight thousand service hours.
  - Mr. Thomson said it is. There is a proposed rule change to be heard later in the month. He explained that Steve Rancourt with the ECBA has been going back and forth with OPLC advocating that it should be separate. He recommended a “belt-and-suspenders” type language to fix this.
- Sen. Altschiller asked about the draft rules previously mentioned.
  - Mr. Thomson said there are draft rules, and the hearing on those will be on April 19. He said the rules need to reference the statute, and this bill would further clarify that.
- Sen. Altschiller asked if Part B is in RSA now.
  - Mr. Thomson said it is not in RSA; it is in the rules. He said rules are being promulgated that will make adjustments.
- Sen. Altschiller asked if this bill pulls the language from Part B out of rule and puts it into statute.
  - Mr. Thomson said that is correct, and that OPLC could further clarify.
- Sen. Altschiller asked about the six hundred educational hours. She asked if some of those hours are applicable to the eight thousand service hours.
  - Mr. Thomson said that is what ECBA does not want. He explained the eight thousand hours is on the job training, whereas the six hundred hours is in classroom training. He stated that ECBA does not want to see less on the job training.

**Erin Masury and Heather Smith, New Hampshire Alcohol and Drug Abuse Counselors Association**
- Ms. Masury pointed to page 5, line 27, dealing with RSA 330-C:16, V. She said the concern is that, because the bill repeals that section of RSA, if someone is going for their MLADC and it is denied because they do not meet the qualifications, if they receive the qualifications, would automatically be approved. She said she hopes to leave that RSA in statute to alleviate administrative burdens on OPLC and the cost of applications.

- Ms. Smith said another benefit of keeping the original verbiage is that it will help with licensing and attraction for the industry.

**Director Lindsey Courtney and Doug Osterhoudt, Office of Professional Licensure and Certification**

- Dir. Courtney stated support for the bill. She said it is a clean-up bill.
- Dir. Courtney asked the committee to recall all the legislation regarding OPLC in the current legislative session. She said those all had the same initiative: to clarify or to ensure that OPLC gets to issue licenses based on criteria established by the boards, and they get to do any investigations while the boards adjudicate.
- Dir. Courtney explained the decision was made to move forward with the legislative initiatives while taking out the portions of those bills that was the clean-up. She said this is the clean-up. She said there were many subcommittee meetings where stakeholders had the opportunity to come forward.
- Dir. Courtney said the bill has clean-up language to clarify that OPLC has the authority to issue licenses and that it is the boards that get to set the substantive criteria for licensure. She said the bill is so large because it deals with the majority of the boards. She said the rest will be addressed next year.
- Dir. Courtney said the fee language was removed from statute last session except for naturopaths.
- The bill proposes to remove the requirement that the board establish endorsement or reciprocity criteria, because that was already established in HB 594 of last year.
- Dir. Courtney said she was not privy to the MLADC concern. She proposed that, in lieu of a straight repeal, OPLC work with the stakeholders on some language. She said the language has been implemented differently than her interpretation.
- Dir. Courtney stated OPLC does not have any concerns with the proposed language dealing with electricians. She said the issue is that the existing statute says the eight thousand hours may include classroom instruction. She said the way the board has implemented this language is that they require the education, but that is not authorized by statute. The board and stakeholders wanted to ensure there is an educational component. OPLC put into rules that, to be substantially similar, the other state must incorporate an education component. She said an argument could be made that requirement is not supported by statute. The amendment would make that clear.
- Dir. Courtney said she has seen the letter sent by Rep. Grote. She said questions about the licensed independent social workers is addressed on page 95, line 22.
- Dir. Courtney addressed a question to Rep. Schuett about the licensed independent social workers.
- Sen. Perkins Kwoka asked how the bill deals with reciprocity and endorsement.
  o Dir. Courtney said some boards still have language in their statute that require them to adopt rules setting forth their requirements for endorsement, but HB 594 gave that rulemaking obligation to OPLC. This bill clarifies OPLC has that obligation.
- Sen. Perkins Kwoka asked there are substantive changes to the statutes regarding barbering and cosmetology included in the bill.
  o Dir. Courtney explained that, for clarity, the bill repeals and reenacts the sections. She said she would have to review the language further. She said that as administrative authority has been consolidated, multiple repeals have left some statute uneasy to read.
- Sen. Perkins Kwoka pointed to page 73, dealing with land surveyors. She noted that during the budget process, many constituents were worried with how land surveyors and landscape architects were being treated in the budget. She asked if there were any substantive changes included in this bill.
  o Dir. Courtney said not that she is aware of.
  o Mr. Osterhoudt said the changes to those professions were pulled out of HB 2.
- Mr. Osterhoudt pointed to Section B of the bill. He said the goal is to allow the board to set criteria, and OPLC wants to clarify the meaning of the word “approved”.
- Dir. Courtney said RSA 541-A:1 broadly defines license to include anything requiring State approval so anytime that language is used in statute the question OPLC always has, from an implementation standpoint, is “is this a license and does it need to be in our system?”

**John DeJoie, National Association of Social Workers**

- Mr. DeJoie said the language on the last page is the exact language provided by Rep. Grote.

**Simon Thomson, Electrical Contractors Business Association**

- Mr. Thomson said he represents land surveyors and landscape architects as well as ECBA. He said there was concern over doing away with the architect’s license and merging the land surveyor board with another board. He said this bill does not do either of those things.
AN ACT relative to qualifications for licensed nursing assistants.


COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill amends the requirement that a licensed nursing assistant must have the ability to read and write in the English language and allows the board of nursing to establish rules on the level of English proficiency required.

Explanation: Matter added to current law appears in **bold italics**. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to qualifications for licensed nursing assistants.

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

1 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16 to read as follows:

I. All applicants seeking licensure as an APRN, RN, or LPN shall:

(a) Submit a completed application and fees as established by the board.

(b) Have the ability to read and write in the English language.

(c) Report any pending criminal charges, criminal convictions, or plea arrangement in lieu of convictions.

(d) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made.

(e) Meet continuing competence requirements as defined in rules adopted under RSA 541-A.

(f) Meet other criteria as established by the board.

II. All applicants seeking licensure as an LNA shall:

(a) Submit a completed application and fees as established by the executive director.

(b) Have sufficient aptitude in the English language as defined in rules adopted under RSA 541-A.

(c) Report any pending criminal charges, criminal convictions, or plea arrangement in lieu of convictions.

(d) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made.

(e) Meet continuing competence requirements as defined in rules adopted under RSA 541-A.

(f) Meet other criteria as established by the board.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to qualifications for licensed nursing assistants.

FISCAL IMPACT: [X] State  [ ] County  [ ] Local  [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>Office of Professional Licensure and Certification Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

**METHODOLOGY:**

This bill amends the requirement that a licensed nursing assistant must have the ability to read and write in the English language and allows the board of nursing to establish rules on the level of English proficiency required.

The Office of Professional Licensure and Certification (OPLC) states the bill divides application requirements into two groups: one for APRNs, RNs, and LPNs, and another for LNAs. A notable distinction between the categories is that APRNs, RNs, and LPNs must demonstrate proficiency in reading and writing English, a requirement that will no longer apply to LNAs. The OPLC is uncertain about the number of additional applications it would receive due to the revised requirements, particularly the elimination of the English language proficiency requirement for LNAs. However, currently there are 18,191 licensed LNAs with a license fee of $35 for a two year term. The OPLC states they do not track denials but they do know they have not denied anyone, to this point, for failure to meet the English language proficiency requirement. This change will have an indeterminable fiscal impact on state revenues starting in FY 2025.

**AGENCIES CONTACTED:**

Office of Professional Licensure and Certification
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 10:30 am LOB 307</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1025h 03/13/2024 (Vote 20-0; CC) HC 12 P. 15</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1025h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1025h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration; SJ 8</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>S</td>
<td>Hearing: 04/17/2024, Room 103, SH, 09:00 am; SC 14</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1188-FN, relative to qualifications for licensed nursing assistants.

Hearing Date: April 17, 2024

Time Opened: 9:02 a.m. Time Closed: 9:08 a.m.

Members of the Committee Present: Senators Pearl, Carson and Gendreau

Members of the Committee Absent: Senators Perkins Kwoka and Altschiller

Bill Analysis: This bill amends the requirement that a licensed nursing assistant must have the ability to read and write in the English language and allows the board of nursing to establish rules on the level of English proficiency required.

Sponsors:


Who opposes the bill: Julie Smith.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Jaci Grote, Rockingham 24

- Rep. Grote introduced House Bill 1188-FN.
- Rep. Grote explained the bill was submitted because current statute requires that APRNs, RNs, LMPs, and LNAs have the ability to read and write in the English language.
- Rep. Grote said that because some of these people come from a culture where English is not their primary language, there is a concern it may be seen as barrier. She explained that English is her second language, and that it can be intimidating to learn.
- Rep. Grote said the bill would make the requirement for LNAs to have sufficient aptitude in the English language, as adopted by rules. She said OPLC was amendable to this.
- Rep. Grote explained that OPLC brought this part of the statute up to date regarding the responsibilities of OPLC in licensing and where the responsibility for boards lie with meeting the criteria.
- Sen. Pearl asked if OPLC would put into rules how they would define “sufficient aptitude”.
  - Rep. Grote said that is correct. One of the requirements to become an LNA is passing the LNA exam, which is in English.

Kerri Dutton, LNA Health Careers

- Ms. Dutton explained that LNA Health Careers is the largest LNA training school in New Hampshire.
- Ms. Dutton stated that they turn away many students who do not meet the standardized test that they use for English reading, writing, and speaking. She said this bill will allow them to change and adapt their test.
- Ms. Dutton explained they will be able to attract through marketing people who don’t listen to English radio or do not read English media; this will allow them to attract a broader audience.
- She explained that when people are currently rejected, they are sent to English as a Second Language courses, but applicants are able to find other jobs in the meantime. This means they do not enter the industry. She said this bill would allow the profession to capture applicants at the time of interest and get them into training and get those people to the skill and competency level needed to pass the competency test.
- Sen. Pearl asked what Ms. Dutton feels “sufficient aptitude” for English would be.
  - Ms. Dutton said they want to make sure applicants understand dementia, non-communicative body language, and what the medical terminology means. She said LNAs should know enough for the employer setting that they plan to go work with. She explained the testing is hands-on skills and a written test. She said ESL course often do not teach certain words that are used in the profession, such as ambulation and ambulatory.
- Sen. Pearl asked if the State had to make sure, in rulemaking, that potential LNAs understand all the medical related terms in English.
  - Ms. Dutton said that is correct.
HOUSE BILL 1274-FN

AN ACT relative to judicial administration.

SPONSORS: Rep. Lynn, Rock. 17

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill makes changes to various statutes as requested by the judicial council:

1. This bill amends the requirements for who can serve on the judicial council.

2. This bill amends the requirements for when a person is arrested with or without a warrant.

3. This bill authorizes the courts to appoint contract or other qualified attorneys in the first instance, provides for the repeal of this provision, and requires a report to be issued on the fiscal impact of this provision.

4. This bill raises the threshold amount to trigger the requirement of approval of the fiscal committee of the general court for the supreme court to transfer appropriated funds.

Explanation:

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

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

1 Judicial Council. Amend RSA 494:1 to read as follows:

494:1 Judicial Council. There is hereby established a judicial council which shall consist of the following:

I. The [4] 5 members of the judicial branch administrative council, appointed pursuant to supreme court rules.

II. The attorney general or designee.

III. A clerk or administrator of the superior court, selected by the chief justice of the superior court.

IV. A clerk or administrator of the circuit court, selected by the administrative judge of the circuit court.

V. The president-elect of the New Hampshire Bar Association.

VI. The chairperson of the senate judiciary committee or a designee from such committee appointed by the chairperson.

VII. The chairperson of the house judiciary committee or a designee from such committee appointed by the chairperson.

VIII. Eight other members appointed by the governor and council, 3 of whom shall be lawyers of wide experience and at least 2 of whom are members of the New Hampshire Bar Association who have been admitted to practice for more than 5 years [members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years], and 5 of whom shall be members of the public who are not lawyers.

IX. Five other members appointed by the chief justice of the supreme court, 3 of whom shall be lawyers of wide experience and at least 2 of whom are members of the New Hampshire Bar Association who have been admitted to practice for more than 5 years [members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years], and 2 of whom shall be members of the public who are not lawyers.

2 Arrests in Criminal Cases; Place and Time of Detention. Amend RSA 594:20-a to read as follows:

I. When a person is arrested with or without a warrant he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody. The person shall be taken to appear before a circuit court [or a superior court] in the case of felony complaints and misdemeanors and violation level charges that
HB 1274-FN - AS AMENDED BY THE HOUSE
- Page 2 -
are directly related to those felonies] without unreasonable delay[,] to answer for the offense. All
persons shall appear no later than 24 hours after arrest, or no later than 36 hours after arrest if
arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an
arraignment on the same day, Saturdays, Sundays, and holidays excepted.

II. Notwithstanding the provisions of paragraph I, defendants detained under RSA 173-B
shall have timely access to a bail hearing by telephonic means or otherwise as determined by the
circuit court or the superior court [in the case of felony complaints and misdemeanors and violation
level charges that are directly related to those felonies].

3 New Paragraph; Adequate Representation for Indigent Defendants in Criminal Cases;
Appointment of Counsel. Amend RSA 604-A:2 by inserting after paragraph II the following new
paragraph:

II-a. Notwithstanding paragraph II, the court may appoint a contract attorney or other
qualified attorney in the first instance when it is in the interest of justice to do so. The court shall
inform the judicial council of each case in which it makes an appointment of counsel pursuant to this
paragraph and the reason for doing so, and the judicial council shall maintain records of all cases in
which appointment of council pursuant to this paragraph has been made. Such records shall be
maintained in such a manner as to be easily separated from appointments of counsel not made
pursuant to this paragraph.

4 Appropriations; Transfer of Appropriations, Judicial Branch. Amend RSA 9:17-d to read as
follows:

9:17-d Transfer of Appropriations, Judicial Branch. The supreme court may transfer funds for
any specific purposes to funds for other purposes in the general appropriations for any accounting
unit within the judicial branch, provided that any transfer of [[$75,000]] $100,000 or more shall
require prior approval of the fiscal committee of the general court, and provided that no funds may
be transferred in violation of the provisions of RSA 9:17-a or any other restriction provided by law.
The judicial branch shall certify such transfers to the commissioner of administrative services. The
certification shall state that the transfers are necessary to efficiently carry out the functions of the
courts and that the legislative fiscal committee has approved the transfers. The provisions of this
section shall not supersede the provisions of RSA 99:4 and RSA 9:17-a.

5 Report Required. By October 1, 2025, the executive director of the judicial council shall report
to the house and senate finance committees on the cost and fiscal impact of the appointments
authorized in RSA 604-A:2, II-a on the contract attorney and assigned counsel programs.

6 Repeal. RSA 604-A:2, II-a, relative to the appointment of contract attorneys or other qualified
attorneys, is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect January 1, 2026.

II. The remainder of this act shall take effect upon its passage.
AN ACT relative to judicial administration.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill makes changes to various statutes as requested by the Judicial Council including:

- Amends the requirements for who can serve on the Judicial Council.
- Adds a new section concerning witness attendance and travel fees.
- Amends the requirements for when a person is arrested with or without a warrant.
- Authorizes the courts to appoint contract or other qualified attorneys in the first instance, provides for the repeal of this provision, and requires a report to be issued on the fiscal impact of this provision.
- Raises the threshold amount to trigger the requirement of approval of the fiscal committee of the general court for the supreme court to transfer appropriated funds from $75,000 to $100,000.

The Judicial Council provided the following information concerning the fiscal impact of this bill.

- Council Membership. The change to lawyer members for appointment to the Council to allow lawyers of wide experience who are not necessarily members of the New Hampshire Bar Association will have no fiscal impact.
- Witness attendance and travel fees. Former RSA 516:16 set the witness fee at $12/half day and $.17 for each mile of travel required; however, this statute was repealed in 2019.
The Judicial Council only pays these fees when the defense subpoenas lay witnesses in indigent defense cases. The Council has been paying the rate in the now repealed RSA 516:16 because there is no current statute that sets this rate. Accordingly, the proposed legislation will merely codify the current practice and will have no fiscal impact.

- **Arrest Change.** RSA 594:20-a provides that a person who is arrested and detained must be taken to appear before a court without unreasonable delay. The proposed change is consistent with the repeal of "felonies first" and strikes language that is no longer applicable. It will have no fiscal impact.

- **Appointment of attorneys.** In some cases, a criminal defendant may be arrested on new charges, or an arrest may trigger imposition of a prior suspended sentence, or a probation or parole violation. In those cases, current law (RSA 604-A:2) mandates that a new case against a defendant who is already represented by a contract attorney or assigned counsel be sent to the public defender in the first instance and follow the statutory order of appointment. This bill would permit the court, when in the interests of justice, to appoint the defendant's current lawyer on the new case, without having to first appoint the public defender. The Judicial Council estimates that these situations represent a small minority of indigent defense cases. There may be an increased cost to contract attorney and assigned counsel expenditures; however, the Judicial Council believes this cost will be minimal and will be offset by efficiency in having the defendant represented by a single lawyer in all legal proceedings. The reporting requirement in the proposed legislation directs the Judicial Council to track these cases and report on the fiscal impact of the change in procedure.

The Judicial Branch indicates it would be required to make reports of contract attorney appointments to the Judicial Council, but does not have an estimate of the frequency of such reports. The Branch does not currently track data on contract attorney appointments and would need to retrain existing staff to collect the information. The Branch states the bill could result in additional costs in court time or for someone in the Branch to aggregate the information.

**AGENCIES CONTACTED:**
Judicial Council and Judicial Branch
Amendment to HB 1274-FN

Amend the bill by inserting after section 3 the following and renumbering the original section 4 through 7 to read as 5 through 8:

4 New Hampshire Retirement System; Definitions. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system, but excepting per diem court security officers, [and] court bailiffs, and the assistant director for safety and security of the judicial branch, means employment by one or more participating employers of the retired member which shall not exceed 1,352 hours in a calendar year, except as provided in RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Section 7 of this act shall take effect January 1, 2026.

II. The remainder of this act shall take effect upon its passage.
AMENDED ANALYSIS

This bill:

I. Amends the requirements for who can serve on the judicial council.

II. Amends the requirements for when a person is arrested with or without a warrant.

III. Authorizes the courts to appoint contract or other qualified attorneys in the first instance, provides for the repeal of this provision, and requires a report to be issued on the fiscal impact of this provision.

IV. Raises the threshold amount to trigger the requirement of approval of the fiscal committee of the general court for the supreme court to transfer appropriated funds.

V. Adds to the exemption from the definition of "part-time" for the New Hampshire retirement system the judicial branch's assistant director of safety and security.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Judiciary  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 02:30 pm LOB 206-208</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Executive Session: 01/22/2024 09:00 am LOB 206-208</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0224h 01/22/2024 (Vote 19-0; CC)  HC 4  P. 8</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Amendment # 2024-0224h: AA VV 02/01/2024  HJ 3  P. 9</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0224h: MA VV 02/01/2024 HJ 3  P. 9</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Executive Departments and Administration;  SJ 6</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Hearing: 03/20/2024, Room 103, SH, 09:45 am;  SC 11</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1851s, 05/16/2024; Vote 5-0; CC;  SC 19</td>
</tr>
</tbody>
</table>
HB 1274-FN, relative to judicial administration.

**Hearing Date:**  March 20, 2024

**Time Opened:**  9:45 a.m.  
**Time Closed:**  10:02 a.m.

**Members of the Committee Present:**  Senators Pearl, Gendreau, Perkins Kwoka and Altschiller

**Members of the Committee Absent:**  Senator Carson

**Bill Analysis:**  This bill makes changes to various statutes as requested by the judicial council:

1. This bill amends the requirements for who can serve on the judicial council.

2. This bill amends the requirements for when a person is arrested with or without a warrant.

3. This bill authorizes the courts to appoint contract or other qualified attorneys in the first instance, provides for the repeal of this provision, and requires a report to be issued on the fiscal impact of this provision.

4. This bill raises the threshold amount to trigger the requirement of approval of the fiscal committee of the general court for the supreme court to transfer appropriated funds.

**Sponsors:**
Rep. Lynn

**Who supports the bill:**  Rep. Bob Lynn and Janet Lucas.

**Who opposes the bill:**  Daniel Richardson.

**Who is neutral on the bill:**  None.

**Summary of testimony presented:**

Representative Bob Lynn, Rockingham 17
- Rep. Lynn introduced House Bill 1247-FN.
- Rep. Lynn stated this is a judicial clean-up bill introduced at the request of the Judicial Council and Judicial Branch.
- This bill adds the term “administrator” to the people who comprise the Administrative Council. He explained clerks used to be the primary administrators. Now, administrators play a bigger role as the judicial branch has grown, particularly in the circuit court.
- This bill increases the number of members of the Administrative Council from four to five. This reflects the current membership of the council.
- In parts VIII and IX, the conditions of membership for attorneys is changed. Formerly, attorneys had to be members of the New Hampshire Bar. This bill changes statute so only two must be NH Bar members now. Rep. Lynn said the Judicial Council has indicated they have qualified potential candidates who cannot be on the council because of the current rules in place.
- Section 2 of the bill removes certain language in RSA 594:20-A. Rep. Lynn said the removed language made sense when the state had the felony first system, but, since felonies first has been repealed, that language no longer makes sense.
- Section 3 is designed to address a problem pointed out by the Judicial Council. There is a hierarchy of the way counsel is appointed for an indigent person. The public defender has first choice and gets roughly eighty-five percent of cases. Attorneys contracted by the judicial branch to provide counsel are next. Appointed counsel is the last resort.
- Rep. Lynn stated the bill is designed to address a few cases in which a defendant is charged with a crime, the public defender has a conflict of interest, the defendant is appointed counsel, and while their case is pending, the defendant is charged with another crime, for which the public defender has no conflict. Rep. Lynn said it makes no sense for someone to have two lawyers in this scenario, and it costs more money. He said there are often reasons why it is in the best interest of the defendant to unify counsel. This bill changes the law to allow a contract attorney or appointed counsel to represent the defendant in both cases.
- Section 5 of the bill requires a report by October 1, 2025. He explained the legislation is set to expire on January 1, 2026. The idea is to get the report, and afterwards, both houses of the legislature will have an opportunity to review the report and act.
- Section 4 of the bill is designed to correct an oversight in last year’s budget. Transfer authority between executive branch agencies was increases from $75,000 to $100,000, but the judicial branch was accidentally left out.
- Sen. Pearl asked if the new paragraph in Section 3 creates a new approach to defending indigent defendants.
  o Rep. Lynn said that is correct. The new approach would sunset unless the current system is working the way it is supposed to and the legislature extends the policy.
- Sen. Altschiller asked about parts XII and IX. She asked if the state is struggling to recruit people who have been practicing members of the NH Bar.
Rep. Lynn said he could not say, because he does not want to single out attorneys. The Judicial Council often has difficulty achieving a quorum. He said the basis for the request of this bill was the Judicial Council or judicial branch thought there was a particular candidate who was an experienced attorney that would make an excellent candidate for the Judicial Council, but that person was not a NH Bar member. Rep. Lynn stated he would have a problem with legislation for a single person, but there are many attorneys who retire to New Hampshire. He said several of them provide pro bono work which has been valuable.

Sen. Altschiller voiced concern the bill creates a not insignificant block of people on the Judicial Council that have no significant connection to the New Hampshire system.

Rep. Lynn stated eight other members are appointed by the governor, three of whom shall be lawyers. He said only one person can fit into the category created by the bill.

Sen. Altschiller asked how long a term on the Judicial Council is.

Rep. Lynn said he believes a term is three years. He was unsure how many times a member is eligible for reappointment.

Sen. Pearl asked if the candidates still must go through the Governor and Executive Council for approval.

Rep. Lynn said he does not think so. Various people make appointments to the Judicial Council. He stated he is on the Judicial Council because he is the Chair of the House Judiciary Committee.

Sen. Pearl noted Section 8 of the bill.

Rep. Lynn stated he was mistaken; candidates do have to go through the Governor and Executive Council.

Sen. Altschiller pointed to Section 8 and 9. She said the wording seems to point to people who practiced in other states. She asked if they would fall under that category.

Rep. Lynn said he does not think so. He said three members shall be lawyers, two of those being NH Bar members, and five non-lawyers. He said it seems the language would exclude more lawyers, whether they are members of the NH Bar or not.
HOUSE BILL 1292-FN

AN ACT relative to coverage of children under the state retiree insurance plan.

SPONSORS: Rep. Luneau, Merr. 9; Rep. Myler, Merr. 9; Sen. Whitley, Dist 15

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill removes the requirement that young adult children covered under a retired state employee's insurance plan be full-time students.

Explanation:
Matter added to current law appears in bold italics.
Matter removed from current law appears in brackets and struckthrough.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1292-FN - AS INTRODUCED

24-2146
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to coverage of children under the state retiree insurance plan.

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

1  State Employees Group Insurance; Medical and Surgical Benefits; Eligibility of Children Between the Ages of 19 and 25. Amend RSA 21-I:30, IV to read as follows:
   IV. Fully dependent minor children, children between the ages of 19 through 25 [if full-time students], and any certifiably dependent child with a disability who is institutionalized or living in the household and being cared for by the qualified retired member, the member's spouse, or the qualified surviving spouse, and whose certificate is on file, shall be eligible for this plan on payment of a premium as long as they are eligible for the plan benefit per the foregoing requirements. The amount of the premium shall be the full cost of the plan benefits as determined by the department of administrative services. Participants may voluntarily cease participation in plan benefits at any time.

2  Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to coverage of children under the state retiree insurance plan.

FISCAL IMPACT:  [X] State       [ ] County       [ ] Local       [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Various Agency Funds</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Various Agency Funds</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill eliminates the mandate for dependent minor children of retirees, aged 19 to 25, to maintain full-time student status to qualify for coverage under the State of NH retiree health benefit program.

The Department of Administrative Services states the fiscal impact is indeterminable because the Department is unable to predict how many retirees would opt to cover dependents aged 19 to 25. However, the cost for a dependent's coverage on the retiree health plan is around $983 per month, paid entirely by the retiree to the Plan. Expanding eligibility may increase enrollment and claims, potentially increasing costs for the Retiree Health Benefit Plan.

AGENCIES CONTACTED:

Department of Administrative Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration  HJ 1</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>==CANCELLED== Public Hearing: 02/01/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Executive Session: 01/30/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/30/2024 (Vote 11-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4 P. 9</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Executive Departments and Administration; SJ 6</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Hearing: 03/20/2024, Room 103, SH, 09:15 am; SC 11</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1292-FN, relative to coverage of children under the state retiree insurance plan.

Hearing Date: March 20, 2024

Time Opened: 9:16 a.m.  Time Closed: 9:25 a.m.

Members of the Committee Present: Senators Pearl, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill removes the requirement that young adult children covered under a retired state employee's insurance plan be full-time students.


Who opposes the bill: Julie Smith, Daniel Richardson, and Curtis Howland.


Summary of testimony presented:

Representative David Luneau, Merrimack 9

- Rep. Luneau introduced House Bill 1292-FN.
- Rep. Luneau said this is a statewide responsibility bill. It came from an interaction with two constituents, both who are retired state employees. He said they are having a hard time adding children onto their retiree health insurance when those children are no longer full-time students.
- He explained that the Senate Research Office, Department of Administrative Services, and New Hampshire Insurance Department helped investigate the issue. They determined it is an oversight in the law that needs to be changed.
- Rep. Luneau said the bill changes a paragraph in statute that relates to state employee retiree health insurance and the eligibility of children between the ages of 19 and 25. Under current statute, these minors must be full time students. This bill removes that condition.
- He explained that premiums for these insurance plans are one hundred percent paid for by retirees; there would be no cost to the state.
- Rep. Luneau explained he has run into others who have expressed this bill would positively impact.
- Sen. Pearl asked for a copy of the revised fiscal note.

Representative Carol McGuire, Merrimack 27

- Rep. McGuire explained that the retirees pay the cost; it is a self-insured plan, so the amount charged adds up to the cost of the claims.
- Rep. McGuire stated the cost noted in the fiscal note is the administrative cost on enrolling people and administering their claims.
- She said adding more young people into the plan would be advantageous, and that her only concern is that the insurance is expensive compared to others on the market. She noted it could be that only those with higher than usual expenses will enroll in the retiree insurance.
- Rep. McGuire reiterated that enrollees pay the full cost of claims and administration. That amount is set every year.

Joyce Pitman, New Hampshire Administrative Services

- Ms. Pitman attended the hearing to answer any questions.
- Ms. Pitman explained that DAS calculates the working rate with the help of a consultant. Working rates looks at the utilization and calculates what the monthly cost would be.
- She confirmed that one hundred percent of the cost of the dependent is paid by the retiree; for a non-Medicare retiree the cost for a dependent to be on that plan is $982.87 per month.
HOUSE BILL 1323-FN-A
AN ACT relative to the furnishing of copies of the state constitution by the secretary of state to the public.


COMMITTEE: Finance

AMENDED ANALYSIS

This bill requires the secretary of state to furnish copies of the state constitution to the general public.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the furnishing of copies of the state constitution by the secretary of state to the public.

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

1 New Section; Copies of State Constitution to be Furnished. Amend RSA 5 by inserting after section 5-b the following new section:

5:5-c Copies of State Constitution to be Furnished. The secretary of state is hereby directed to furnish such number of copies of the state constitution to the general public as he or she may deem necessary. The secretary of state may assess a fee to cover costs for bulk orders of copies of the state constitution requested by members of the legislative, judicial, and executive branches as well as members of the public.

2 Effective Date. This act shall take effect July 1, 2025.
AN ACT relative to the furnishing of copies of the state constitution by the secretary of state to the public.

FISCAL IMPACT:
The Legislative Budget Assistant has determined that this legislation, as amended by the House, has a total fiscal impact of less than $10,000 in each of the fiscal years 2025 through 2027.

AGENCIES CONTACTED:
Department of State
Amendment to HB 1323-FN-A

Amend the bill by replacing section 1 with the following:

1 New Section; Copies of State Constitution to be Furnished. Amend RSA 5 by inserting after section 5-a the following new section:

5:5-b Copies of State Constitution to be Furnished. The secretary of state is hereby directed to furnish such number of copies of the state constitution to the general public as he or she may deem necessary. The secretary of state may assess a fee to cover costs for bulk orders of copies of the state constitution requested by members of the legislative, judicial, and executive branches as well as members of the public.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Finance HJ 1</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>==CANCELLED== Division I Work Session: 01/16/2024 11:00 am LOB 212</td>
</tr>
<tr>
<td>01/19/2024</td>
<td>H</td>
<td>Public Hearing: 01/29/2024 10:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Division I Work Session: 03/06/2024 01:25 pm LOB 212</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0909h (NT) 03/20/2024 (Vote 25-0; RC) HC 12 P. 32</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0909h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0909h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration; SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>==ROOM CHANGE== Hearing: 04/24/2024, Room 101, LOB, 09:15 am; SC 16</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1723s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Executive Departments and Administration Committee  
Kevin Condict 271-7875

HB 1323-FN-A, relative to the furnishing of copies of the state constitution by the secretary of state to the public.

Hearing Date: April 24, 2024

Time Opened: 9:15 a.m.  
Time Closed: 9:22 a.m.

Members of the Committee Present: Senators Pearl, Altschiller and Gendreau

Members of the Committee Absent: Senators Carson and Perkins Kwoka

Bill Analysis: This bill requires the secretary of state to furnish copies of the state constitution to the general public.

Sponsors:
Rep. Hobson  
Rep. Peternel  
Rep. Drye


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Katy Peternel, Carroll 6

- Rep. Peternel introduced House Bill 1323-FN.
- Rep. Peternel said the intent of the bill is to provide more physical copies of the New Hampshire Constitution to residents of the state. She explained that a constituent had come to the sponsors of the bill and requested for more copies to be made available.
- Rep. Peternel stated that the original thought was to provide more of the booklets that are currently distributed by the Secretary of State’s Office. Currently, copies are available for fourth graders and high schoolers. When copies are needed, staff will get older versions from the archives.
- Rep. Peternel explained that the amended version of this bill, passed by the House, allows for the printing of a smaller copy. She said this would be similar to pocket copies of the United States Constitution that are already available.
- Rep. Peternel referenced two RSAs: RSA 189:22 and RSA 189:23. They require the Secretary of State to furnish to the State Board of Education such number of copies of the Constitution as may be necessary as well as for the State Board of Education to distribute copies of the Constitution and election laws to all history, civics, and U.S. history teachers. She explained this is no longer being done, but the Department of Education claimed they would attempt to make sure this occurs again.
- Rep. Peternel stated that the New Hampshire Constitution is available online at the nh.gov website, but she argued that having a hard copy available for distribution and purchase would encourage people to be involved in their state government.
- Sen. Altschiller asked if the copies are given at the Secretary of State’s office or if they are sold at the visitor’s center.
  - Rep. Peternel explained that copies of the New Hampshire Constitution are distributed through the Secretary of State’s office and are not available for purchase at the visitor’s center. She stated that the copies discussed in the bill are meant to be made available for purchase.
  - Rep. Peternel gave an example that if someone were to want one hundred copies of the New Hampshire Constitution, they would have to purchase them.

**Representative Margaret Drye, Sullivan District 7**

- Rep. Drye discussed how the bill was amended. Originally, the bill was just an appropriation. Now, the amended version gives the Secretary of State some leeway in how to do things and to print copies.
- Rep. Drye called attention to RSA 5-C in the amended version. She says RSA 5-A was repealed, and there is no longer 5-B. She is unsure where 5-C would go and asked the committee look into this problem in the statute.
- Rep. Drye explained that the effective date, July 2025, is different from the original date because, if there is a constitutional question on the fall 2024 ballot, there may be a possibility of changes in the Constitution.

**Erin Hennessey, Deputy Secretary of State**

- Ms. Hennessey brought an example of a possible copy of the pocket Constitution.
- Ms. Hennessey explained that the new effective date not only allows for possible constitutional changes to make it into the pocket Constitution, but it also allows the Secretary of State’s office to put the money for printing of these copies into their budget. She says that the House took out the appropriation for this. The Secretary of State anticipates putting this into their budget request for 2025-
2026. Ms. Hennessey says the timing for this bill will allow the office to make that request. Ms. Hennessey believed the cost to be $1 each.

- Ms. Hennessey argued that the flexibility in the bill’s wording allows the Secretary of State’s office to give out a copy of the Constitution as well as sell to, for example, someone who requests copies for their entire town.

- Senator Pearl asked if Ms. Hennessey is familiar with the issue that Representative Drye raised about the numbering in the statute.
  - Ms. Hennessey said she was unsure. This was just mentioned to her. She said that there may be something that was passed in the interim that had not yet made it to the website. She suggested to ask OLS if there is a new RSA 5-B.
HB 1355-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1355-FN

AN ACT relative to the New Hampshire National Guard recruitment and reenlistment incentive program.


COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill allows the New Hampshire National Guard to offer a reenlistment bonus of up to $6,000 to members of the New Hampshire National Guard who reenlist and are not eligible for a federal reenlistment bonus.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears in brackets and struckthrough.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1355-FN - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the New Hampshire National Guard recruitment and reenlistment incentive program.

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

1 Enlistment and Reenlistment Incentive. Amend RSA 110-B:60 to read as follows:

110-B:60 New Hampshire National Guard Enlistment and Reenlistment Incentive Program

Established. For the purpose of encouraging enlistment and reenlistment in the national guard there is hereby established a New Hampshire national guard enlistment incentive program. This program authorizes a cash incentive up to $1000 to current members of the New Hampshire national guard in the pay grades of E-1 to O-3 or any former member of the New Hampshire national guard for each new or prior service recruit that they bring into the New Hampshire national guard. The program also authorizes a cash incentive up to $6,000 to current members of the New Hampshire national guard who are not eligible for a federal reenlistment bonus and who reenlist for service in the New Hampshire national guard.

2 Fund. Amend RSA 110-B:61, I to read as follows:

   I. There is hereby established a fund to be known as national guard enlistment and reenlistment incentive program fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of encouraging enlistment and reenlistment in the national guard and shall not be used for any other purpose. The adjutant general shall oversee expenditures from the fund. The moneys in the fund shall be continually appropriated and nonlapsing.

3 Oversight and Administration. Amend RSA 110-B:62 to read as follows:

   110-B:62 Oversight and Administration. The adjutant general shall establish procedures necessary for the administration of the enlistment and reenlistment incentive program and relative to its execution by the New Hampshire Army and Air national guard recruiting offices in coordination with the department of military affairs and veterans services.

4 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to the New Hampshire National Guard recruitment and reenlistment incentive program.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill allows the New Hampshire National Guard to offer a reenlistment bonus of up to $6,000 to members of the New Hampshire National Guard who reenlist and are not eligible for a federal reenlistment bonus.

The Department of Military Affairs and Veterans Services estimates the cash incentive of $6,000 in bill would result in additional annual expenditures of $50,000. With an effective date of 60 days after passage, such additional expenditures would likely begin in fiscal year 2025.

AGENCIES CONTACTED:

Department of Military Affairs and Veterans Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to State-Federal Relations and Veterans Affairs</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/12/2024 01:15 pm LOB 206-208</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Executive Session: 01/19/2024 02:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/19/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/01/2024 HJ 3 P. 12</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Referred to Finance 02/01/2024 HJ 3 P. 12</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Division I Work Session: 03/06/2024 01:50 pm LOB 212</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; RC)</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Executive Departments and Administration; SJ 10</td>
</tr>
<tr>
<td>04/23/2024</td>
<td>S</td>
<td>Hearing: 05/01/2024, Room 103, SH, 09:00 am; SC 17</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1355-FN, relative to the New Hampshire National Guard recruitment and reenlistment incentive program.

Hearing Date: May 1, 2024

Time Opened: 9:04 a.m. Time Closed: 9:15 a.m.

Members of the Committee Present: Senators Pearl, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill allows the New Hampshire National Guard to offer a reenlistment bonus of up to $6,000 to members of the New Hampshire National Guard who reenlist and are not eligible for a federal reenlistment bonus.

Sponsors:


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented:

Rep. Jess Edwards, Rockingham 31

- Rep. Edwards explained the bill proposes minor modifications and increased language to the existing RSA.
- Rep. Edwards stated the bill is intended to enable the New Hampshire National Guard (NHNG) to better retain the military technicians that are fundamental to the sound running of National Guard units. He explained these are essentially...
full-time employees that do the care and feeding of a unit. He said they fill a
tremendous amount for what the commander wants to see done between drills.
- Rep. Edwards explained that because of the way the federal reenlistment
structure is set up, after twelve years these people are no longer eligible for
reenlistment bonuses. He said the $6,000 bonus would go a long way to
maintaining the Guard’s commitment to keeping quality people in jobs that are
very important.
- Rep. Edwards stated the bill passed the State-Federal Relations and Veteran’s
Affairs Committee, as well as the House Finance Committee, unanimously.

Major General David Mikolaities and Lieutenant Colonel Brooks Hayward,
New Hampshire National Guard

- MG. Mikolaities stated the NHNG, like all employers in the state, are in a
competition for talent. New Hampshire’s unemployment rate is just under three
percent, while the NHNG’s unemployment rate is twelve percent. He said the
NHNG has over two hundred vacancies.
- MG. Mikolaities explained that childhood obesity, prescription medication, and
the decline of propensity to serve are all negatively affecting the NHNG’s ability
to assess or bring in new recruits.
- MG. Mikolaities explained the NHNG has two levers to attract people: money
and referrals. If somebody refers someone who joins the NHNG, they receive
$1,000.
- MG. Mikolaities said that around the six-to-twelve-year mark, the NHNG is
finding that the changes in the military retirement system are causing many
sergeants to leave in the period. He said the goal to increase retention is to
provide a financial incentive.
- MG. Mikolaities said the NHNG wants to offer a state retention bonus to those
who are ineligible for a federal bonus. He explained this bill would give the
NHNG the authority to spend up to $6,000 for a six-year reenlistment for
sergeants in their mid-career pay grade to hopefully stay in the Guard.
- Sen. Pearl noted that $6,000 is a lot of money. He asked what the cost to the
NHNG is to lose someone and then retrain another.
  - MG. Mikolaities said he does not have an exact number, but estimated
the cost is upward of $100,000. He said the bill applies to less than two
hundred people. He noted the Air Force and Air National Guard are not
doing well with personnel and are offering up to $90,000 bonuses for
people to join.
- MG. Mikolaities said there is a gap with the retention lever. If the Department
of Defense says NHNG technicians are not eligible for bonuses, this bill allows
the NHNG to make up the gap in who is eligible for a retention bonus.
- LTC. Brooks pointed out that full-time staff within the NHNG are ineligible for
a federal bonus. He said that federal technicians can be the same rank and do
all the duties of another soldier who is eligible for a bonus. He stated that full-
time staff should not be punished for working full-time.
Kevin Grady, State Veterans Advisory Committee

- Mr. Grady stated the SVAC’s support for the bill.
- Mr. Grady said he listened to a fireside chat between the Chief Master Sergeant of the Air Force and the Space Force President. They discussed that ten-to-fifteen years ago, the Air Force benefits package was attractive; now everyone has a similar package. He stated they are all competing for the same workforce.
- Mr. Grady explained that when he was in the Air Force, he was in charge of trying to keep pilots on the force. He noted it is harder to retain support staff. He stated the military is losing experience when they fail to retain people.
- Mr. Grady said this bill affects airmen and soldiers in their late twenties to early thirties. He said the goal should be to have them decide to stay in New Hampshire.
HB 1385-FN - AS AMENDED BY THE HOUSE

28Mar2024... 1090h

2024 SESSION

24-2495
11/10

HOUSE BILL 1385-FN

AN ACT relative to establishing the veteran licensing acceleration program and making an appropriation therefor.


COMMITTEE: Executive Departments and Administration

__________________________________________________________

AMENDED ANALYSIS

This bill establishes the veteran licensing acceleration program for occupational licensure administered by the office of professional licensure and certification, and makes an appropriation therefor.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to establishing the veteran licensing acceleration program and making an appropriation therefor.

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

1 New Section; Veterans Licensing Acceleration Program. Amend RSA 110-B by inserting after section 90 the following new section:

110-B:91 Veterans Licensing Acceleration Program.

I. For this section:
   (a) "Board" means a regulatory body with jurisdiction over professions within the office of professional licensure and certification under RSA 310.
   (b) "License" shall include licenses, certifications or registrations required to practice a regulated occupation, or commensurate training and experience in a military occupational specialty as determined by the OPLC.
   (c) "OPLC" means the office of professional licensure and certification.
   (d) "Scope of practice" means the procedures, actions, processes, and work that a person may perform under an occupational license issued in this state.
   (e) "Written confirmation" means confirmation by any writing, including email or text message.

II. The veteran licensing acceleration program (VLAP) is hereby established to provide accelerated licensing and certification processes for veterans seeking to enter licensed occupational professions overseen by boards organized under the OPLC.

III. VLAP shall be administered by the department of military affairs and veterans services, in consultation with the OPLC, United States Department of Veterans Affairs, relevant licensing boards, relevant educational institutions, state and national veterans service organizations, and relevant professional organizations. The department of military affairs and veterans services shall designate a VLAP administrator within its office.

IV. The VLAP administrator shall:
   (a) Provide veterans with comprehensive resources and support to assist them in navigating the licensing process, including, but not limited to, the requirements of this section, as well as educational materials and access to mentors or subject matter experts;
   (b) Collaborate with the United States Department of Veterans Affairs and other appropriate agencies to provide employment counseling and assistance to participating veterans.
   (c) Conduct an annual assessment of VLAP's impact on licensure and employment outcomes of participating veterans; and
(d) Submit an annual report to the senate and house of representatives committees with
jurisdiction over veterans affairs detailing program activities, participant outcomes, and
recommendations for program improvements; and

(e) Assist the OPLC in determining what military experience or training satisfies
licensure requirements under RSA 310:16.

2 Military Service Members and Spousal Temporary Licensure. Amend RSA 310:16 to read as
follows:

310:16 Military Service Members, [and Spousal Temporary Licensure] Spouse and Veterans.

I. The office of professional licensure and certification shall issue temporary licenses to a
member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered
occupational or professional license in good standing issued by a state or territory of the United
States, in accordance with rules adopted under RSA 541-A by the executive director [of the office of
professional licensure and certification under RSA 541-A, provided that the]. Provided an
applicant meets the requirements of this section, the executive director shall issue the
temporary license within 30 days of having received an application or, if the applicant is subject to
a criminal records check, within 14 days of having received the results of a criminal records check.
The rules shall contain the following provisions:

[I.] (a) The applicant shall obtain a temporary license for a period of not less than 180 days
while completing any requirements for licensure in New Hampshire so long as no cause for denial of
a license exists under this title, or under any other law.

[II.] (b) The [license] applicant must submit a notarized affidavit affirming, under penalty of
law, that the applicant is the person described and identified in the application, that all statements
made on the application are true and correct and complete, that the applicant has read and
understands the requirements for licensure, [and] certifies that they meet those requirements, and
that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a
license or was not subject to discipline in a jurisdiction where the applicant previously held
a license that resulted in the loss of licensure.

[III.] (c) The applicant may request a one-time 180-day extension of the temporary license if
necessary to complete the New Hampshire licensing requirements. The applicant must make this
request within 15 days prior to the [temporary license’s] expiration date of the temporary license.

[IV.] (d) All individuals licensed under this section shall be subject to the jurisdiction of the
state licensing body for that profession.

II. Notwithstanding any general or special law to the contrary, the executive
director shall facilitate the issuance of a license or certification for a person:

(a) Licensed in a state other than New Hampshire;

(b) Whose spouse is a member of the armed forces in the United States;

(c) Whose spouse is the subject of a military transfer to New Hampshire; and
(d) Who left employment to accompany a spouse to New Hampshire.

III. The executive director shall, in consultation with the boards, councils, and commissions, adopt rules, under RSA 541-A for what constitutes commensurate military education, training, or service acceptable for the specific regulated occupation or profession, as required pursuant to RSA 332-G:7, I.

3 Appropriation. For the fiscal year ending June 30, 2025, or effective upon receipt of sufficient funding, funds to implement and sustain the VLAP shall be appropriated from the general fund to the New Hampshire department of military affairs and veterans services. For each biennium thereafter, appropriations of state general funds for such program shall be made through the New Hampshire department of military affairs and veterans services biennial operating budget. Such funds shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 2024.
AN ACT relative to establishing the veteran licensing acceleration program and making an appropriation therefor.

FISCAL IMPACT: [ X ] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill establishes the veteran licensing acceleration program for occupational licensure administered by the Department of Military Affairs in consultation with Office of Professional Licensure and Certification, and makes an appropriation therefor. This bill provides appropriation language to provide general funds necessary in FY 2025 to implement and sustain the VLAP. Based on the responses below, the appropriation will not be needed.

The Office of Professional Licensure and Certification states the bill modifies the language of RSA 310:16 to require the Office, in consultation with the regulatory boards, to adopt rules pertaining to what constitutes commensurate military education, training, or service acceptable for licensure in the State. The Office does not anticipate additional expenditures as a result of the proposed language and expects to manage the additional workload with staff on hand.

The Department of Military Affairs and Veterans Services indicates this bill, as amended by the House, will have no fiscal impact. The Department has an existing position that works on military professional licensing pursuant to RSA 110-B:73-b. The bill would not significantly
increase the positions responsibilities and the Department expects this position would be able to absorb the requirements of this bill without additional costs.

AGENCIES CONTACTED:
Department of Military Affairs and Veterans Services and Office of Professional Licensure and Certification
Amendment to HB 1385-FN

Amend the bill by replacing section 2 with the following:

2 Military Service Members, Spouse and Veterans Temporary Licensure. Amend RSA 310:16 to read as follows:

310:16 Military Service Members, [and Spousal Temporary Licensure] Spouse and Veterans.

I. The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted under RSA 541-A by the executive director [of the office of professional licensure and certification under RSA 541-A, provided that the]. Provided an applicant meets the requirements of this section, the executive director shall issue the temporary license within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check. The rules shall contain the following provisions

[II.] (a) The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

[III.] (b) The [license] applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure, [and] certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license or was not subject to discipline in a jurisdiction where the applicant previously held a license that resulted in the loss of licensure.

[IV.] (c) The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the [temporary license's] expiration date of the temporary license.

[V.] (d) All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

II. Notwithstanding any general or special law to the contrary, the executive director shall facilitate the issuance of a license or certification for a person:

(a) Licensed in a state other than New Hampshire;
(b) Whose spouse is a member of the armed forces in the United States;
(c) Whose spouse is the subject of a military transfer to New Hampshire; and
(d) Who left employment to accompany a spouse to New Hampshire.

III. The executive director shall, in consultation with the boards, councils, and commissions, adopt rules, under RSA 541-A for what constitutes commensurate military education, training, or service acceptable for the specific regulated occupation or profession, as required pursuant to RSA 332-G:7, I.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 11:15 am LOB 210-211</td>
</tr>
<tr>
<td>02/12/2024</td>
<td>H</td>
<td>==CANCELLED== Subcommittee Work Session: 02/20/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/20/2024 01:30 pm LOB 307</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/08/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/13/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1090h (NT) 03/13/2024 (Vote 19-1; CC) HC 12 P. 15</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1090h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1090h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration; SJ 8</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Hearing: 05/08/2024, Room 103, SH, 09:30 am; SC 18</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1876s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Executive Departments and Administration Committee  
Kevin Condict 271-7875

HB 1385-FN, relative to establishing the veteran licensing acceleration program and making an appropriation therefor.

Hearing Date: May 8, 2024

Time Opened: 9:40 a.m.  
Time Closed: 10:15 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill establishes the veteran licensing acceleration program for occupational licensure administered by the office of professional licensure and certification, and makes an appropriation therefor.

Sponsors:
Rep. C. Brown  
Rep. Mazur  
Rep. Colcombe
Rep. Sellers  
Rep. Quaratiello  
Rep. Polozov
Rep. Dunn  
Rep. Popovici-Muller  
Sen. Birdsell


Who opposes the bill: None.

Who is neutral on the bill: Dir. Lindsey Courtney (OPLC).

Summary of testimony presented:

Representative Carroll Brown, Grafton 10

- Rep. Brown introduced House Bill 1385-FN.
- Rep. Brown explained this bill was crafted after meeting a fourteen-year Navy veteran who, after working many jobs as a corpsman, was unable to qualify as an LNA or anything else in New Hampshire. He said this was nine years ago. He said the former corpsman lamented about not being able to get a job in his field after years of military experience.
- Rep. Brown stated that military members often face a difficult transition to civilian life. He said service members are generally told that if they learn skills in the military, they will be able to carry them forward into the outside world.
- Rep. Brown said the bill involves the Department of Military Affairs and Veteran Services (DMAVS) in assisting veterans who have transitioned recently or will be leaving the military soon. The bill directs DMAVS to help those veterans through the licensing process and make that process simpler and more streamlined.
- Rep. Brown pointed to line 8 on page 2, which changes the title of RSA 310:16. The change specifies that section applies to veterans as well.
- Rep. Brown said much of the language of the bill is an effort by OPLC to adjust the wording of the statute.
- Rep. Brown explained that the group which crafted this bill’s goal was to create a crosswalk, or a matrix, saying that if someone held a job in the military, they could do similar jobs in New Hampshire. He said that is a large undertaking. He explained Dir. Courtney believes that this can be done in rulemaking over a period.
- Rep. Brown stated that the Nursing Practice Act was adjusted following the emergency orders during the pandemic. Changes were made that said current or former military service members can be deemed to have taken a board approved nursing course and qualify as an LNA. He stated that expanding this policy beyond just the LNA profession would be good for service members.
- Rep. Brown pointed to the handout he provide the committee, which lists several positions that service members could be qualified for.
- Rep. Brown pointed to line 2 on page 3. He said that in current law, RSA 332-G:7:1, all boards are required to write rules regarding what is commensurate to military education. He said according to Dir. Courtney, rulemaking has not happened because there is no deadline in law as to when that had to be done. He said since OPLC has gained more responsibility since the statute was written, the idea is that OPLC will create this matrix.
- Rep. Brown said that SB 485 adds a wrinkle to this issue. He said the House has put in an amendment to require all boards not under OPLC to finish rulemaking on this issue.
- Sen. Pearl asked if the amendment to SB 485 creates conflict with this bill.
- Sen. Perkins Kwoka pointed to lines 26-27 on page 2, regarding applicants submitting affidavits. She asked if it would be reasonable to require something equivalent to a certificate of good standing.
  - Rep. Brown said the language she pointed to came from OPLC; it is a slight change to the original language. He said that Dir. Courtney could better answer that question.
- Sen. Perkins Kwoka pointed to lines 2-5 on page 3, regarding the executive director of OPLC’s involvement in rulemaking. She asked how many rules this bill would require to be created.
  - Rep. Brown reiterated that this would be a huge undertaking, which is why the date in the bill was pushed out to 2026.
- Sen. Carson agreed this would be a massive undertaking, as each branch of the military does their own thing. She referenced Sen. Perkins Kwoka’s question regarding certificates of good standing. She said this might be difficult to procure because military members move from place to place. She asked if it would be appropriate to have applicants submit their last job evaluation. She suggested that might be an easier way to tell is someone is in good standing.
  o Rep. Brown said he is open to anything. He said the job of legislators when it comes to licensing is to ensure public safety.
- Sen. Altschiller said there may be conflict between the goals of SB 485 and this bill. She asked if he has objections to putting in language from SB 485 regarding transference of licenses using “substantially similar requirements.” She said it is hard to imagine LNA requirements would not be met by military members. She said this bill is lacking an acknowledgment that where someone came from provided them with the same minimum standards or training that are required in New Hampshire.
  o Rep. Brown pointed to line 3 on page 3, dealing with commensurate military education. He explained conversations were had regarding “substantially similar.” He said his recollection of the conversations is that line 3 on page 3 covers that the applicant must show they have the experience needed to enter a field in New Hampshire.
- Sen. Altschiller said that would take care of comparison rulemaking. She said the bill is missing spouses. She noted spouses do not get the same education in the scope of military service. She said if a spouse is a civilian then SB 485 language would have to be incorporated somewhere to include them. She stated her worry that this bill creates an avenue to have two different tiers of how licenses are treated.
  o Rep. Brown said many conversations were had in the group that crafted this bill. He said it is not the intent to make it any easier to receive a license qualification wise. He said the intent is to streamline the process and help veterans transition to civilian life. He said the wording of the bill does not change the way spouses are treated in law right now.

**Director Lindsey Courtney, Office of Professional Licensure and Certification**

- Dir. Courtney said there are two things happening in this bill. First, OPLC has an existing process to facilitate temporary licensure of military spouses. She said the goal is to get people a temporary license and get them working. She said she is proud to say OPLC is doing a fantastic job at getting people in and licensed. She said the current process may become obsolete but is not comfortable removing the process.
- Dir. Courtney noted OPLC could add a requirement for a certificate of good standing. She said many of those documents still come via the postal service.
- Dir. Courtney said the second thing the bill does is require OPLC to work with the boards to find out what military training is comparable with New
Hampshire’s requirements. She said there are few professions that OPLC will be able to do that for. She said SB 594 is the best model to get that done. She stated there is no doubt OPLC will be able to accomplish that task.

**Kevin Grady, State Veterans Advisory Committee**

- Mr. Grady said SVAC is not the expert on the nuts and bolts of how everything gets done. He said SVAC loves the idea that a veteran coming into the state has an opportunity to be temporarily licensed and then ultimately get their license on an accelerated basis.
- Mr. Grady stated SVAC likes that DMAVS is taking the lead in putting someone in charge of keeping an eye on this issue and making sure everyone is doing what they need to do.
- Mr. Grady said many associate what is happening with the tanker squadron at Pease ANG Base with the New Hampshire National Guard, but there is an active-duty squadron of Air Force personnel there who will be rotating in and out of the state when that program is up and running.
- Mr. Grady stated that SVAC likes the idea of military spouses being included in the bill because they believe when one family member serves, the whole family serves. He said SVAC is dedicated to making it easier for spouses to adjust when the family moves.
- Mr. Grady said this policy may have long-term benefits. He said they want military families to remember that it was easy to find work in New Hampshire because the process of licensure is easy for them.
- Mr. Grady stated SVAC supports this bill.

**Deputy Adjutant General Warren Perry, Department of Military Affairs and Veterans Services**

- Dep. AG Perry explained this bill passed the House on a voice vote.
- Dep. AG Perry said this bill provided no additional cost to the Department of State.
- Dep. AG Perry explained this bill codifies DMAVS partnership with OPLC to provide benefits to veterans and their families.
- Dep. AG Perry explained that DMAVS is integrated into OPLC’s rulemaking process, and that it is important to make sure rulemaking is done right.
- Dep. AG Perry said that this bill does not guarantee anyone a license, it simply allows for consideration of military training. He said the State will continue to try to meet the goal of ensuring public safety.
- Dep. AG Perry explained that existing statutes say a veteran can get an LNA license three years removed from military medical services.
- Sen. Carson noted previous testimony. She asked if DMAVS wanted the committee to make sure to change line 8 on page 2 to reflect “spouse and veterans.”
- Dep. AG Perry said he agrees that would be a good change.
- Sen. Altschiller stated she is pleased to hear DMAVS is integrated with OPLC in making determinations of comparing qualifications within the military structure with New Hampshire’s qualifications. She asked if DMAVS is facilitating gathering the qualifications of all branches.
- Dep. AG Perry said the boards have been examined, and there are less than twenty that may have relevance to this bill. He said they discussed the various boards and military specialties. He explained many think specifically of the medical industries, but military folks have training in a number of occupational specialties. He said the scope of the bill is large but only includes specific fields. He explained the American Council on Education (ACE) has examined military specialties to determine which credits are given to people trying to earn a degree. He stated that the number of people who serve in the occupations involved in this bill is small.
- Sen. Carson explained that public universities use the ACE guidelines to determine experience. She said service members will get a basic education but will have extensive experience. She said ACE is trying to equate education and experience. She highlighted the value of the practical experience that military personnel gain. She stated this bill is about the value of that experience.
- Dep. AG Perry said the ACE system considers experience. He provided the example that in the Army different levels of experience have different skill level ratings. He said the ACE system gives more credit for experience.

**Representative Carroll Brown, Grafton 10**

- Rep. Brown explained that the effective date of January 2026 for this policy is included in the amendment to SB 485.
- Sen. Pearl asked if including the effective date in this bill is not necessary then.
  - Rep. Brown said he does not believe so.
HOUSE BILL 1394-FN-A

AN ACT relative to licensure and regulation of music therapists.


COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill establishes the licensure and regulation of music therapists under the office of professional licensure and certification. This bill further directs the office of professional licensure and certification, for the biennium ending June 30, 2027, to increase their annual budget by $3,000 for the purpose of hiring temporary or part-time staff, or overtime costs, to help with licensing and administration of the music therapists governing board.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to licensure and regulation of music therapists.

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

1 New Chapter; Music Therapists. Amend RSA by inserting after chapter 326-M the following new chapter:

CHAPTER 326-N

MUSIC THERAPISTS

326-N:1 Definitions. In this chapter:

I. "Board" means the music therapists governing board established in RSA 328-F.

II. "Board certified music therapist" means an individual who holds current board certification from the Certification Board for Music Therapists.

III. "Executive director" means the executive director of the office of professional licensure and certification.

IV. “Individualized music therapy treatment plan” means a music therapy treatment plan for a client that identifies the goals, objectives, and potential strategies for the music therapy services appropriate for the client using music therapy interventions, including:

(a) Music improvisation;

(b) Receptive music listening;

(c) Songwriting;

(d) Lyric discussion;

(e) Music and imagery;

(f) Music performance;

(g) Learning through music; and

(h) Movement to music.

V. "Music therapist" or "licensed professional music therapist" means a person licensed to practice music therapy pursuant to this chapter.

VI. (a) “Practice of music therapy” means the clinical and evidence-based use of music therapy interventions to accomplish individualized goals for individuals of all ages and ability levels within a therapeutic relationship.

(b) “Practice of music therapy” includes:

(1) Accepting referrals for music therapy services from:

(A) Medical, developmental, mental health, or education professionals;

(B) Family members;
(C) Clients;

(D) Caregivers; or

(E) Others involved with the provision of and authorized to provide client services;

(2) Collaborating with a client’s treatment team to review the client’s diagnosis, treatment needs, and treatment plan before providing music therapy services to a client for an identified clinical or developmental need;

(3) Collaborating with the individualized family service plan team or individualized education program team to review the student’s diagnosis, treatment needs, and treatment plan before providing music therapy services to a student for an identified educational need in a special education setting;

(4) Collaborating with a client’s treatment team, including the client’s physician, psychologist, licensed clinical social worker, or other mental health professional, during the provision of music therapy services to the client;

(5) Collaborating with and discussing the music therapy treatment plan with the audiologist or speech-language pathologist of a client with a communication disorder during the provision of music therapy services so that a music therapist may work with the client and address communication skills;

(6) Conducting a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide for the client;

(7) Developing an individualized music therapy treatment plan for a client that is based on the music therapy assessment;

(8) Implementing an individualized music therapy treatment plan that:

(A) Is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, or wellness care or educational services being provided to a client; and

(B) Does not replace the services provided by an audiologist or a speech–language pathologist;

(9) Evaluating a client’s response to music therapy and the individualized music therapy treatment plan, documenting change and progress, and suggesting modifications, as appropriate;

(10) Developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with a client, the client’s physician or another provider of health care or education for the client, an appropriate member of the client’s family, and any other appropriate individual on whom the client relies for support;
1 (11) Minimizing any barriers to ensure that a client receives music therapy services
2 in the least restrictive environment;
3 (12) Collaborating with and educating a client, the family or caregiver of the client,
4 or any other appropriate individual about the needs of the client that are being addressed in music
5 therapy and the manner in which the music therapy addresses those needs; and
6 (13) Using appropriate knowledge and skills, including research, reasoning, and
7 problem-solving skills, to inform practice and determine appropriate actions in the context of each
8 specific clinical setting.

326-N:2 Prohibition on Unlicensed Practice; Professional Identification.
I. No person without a license as a music therapist shall use the title "music therapist" or
similar title or practice music therapy.
II. Nothing in this chapter shall be construed to prohibit or restrict the practice, services, or
activities of the following:
(a) Any person licensed, certified, or regulated under the laws of this state in another
profession or occupation or personnel supervised by a licensed professional in this state performing
work, including the use of music, incidental to the practice of his or her licensed, certified, or
regulated profession or occupation, if that person does not represent himself or herself as a music
therapist; or
(b) Any person whose training and national certification attests to the individual’s
preparation and ability to practice his or her certified profession or occupation, if that person does
not represent himself or herself as a music therapist; or
(c) Any practice of music therapy as an integral part of a program of study for students
enrolled in an accredited music therapy program, if the student does not represent himself or herself
as a music therapist; or
(d) Any person who practices music therapy under the supervision of a licensed music
therapist, if the person does not represent himself or herself as a music therapist.
III. An individual licensed under this chapter may not represent to the public that the
individual is authorized to treat a communication disorder. Unless authorized to practice speech-
language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech
language, communication, and swallowing disorders and conditions. Nothing in the section may be
construed to prohibit an individual licensed under this chapter as a music therapist from
representing to the public that the individual may work with a client who has a communication
disorder and address communication skills.

326-N:3 Music Therapists Governing Board; Duties. In addition to the duties of a governing
board under RSA 328-F:
I. The board may facilitate the development of materials to educate the public concerning music therapist licensure, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings.

II. The board may act as a facilitator of statewide dissemination of information between music therapists, the American Music Therapy Association or any successor organization, the Certification Board for Music Therapists or any successor organization, and the executive director.

2 Governing Board; Establishment. Amend RSA 328-F:3 to read as follows:

328-F:3 Governing Boards Established. – There shall be established governing boards of athletic trainers, occupational therapists, physical therapists, speech-language pathologists and hearing care providers, [and] genetic counselors, and music therapists. In order to eliminate a redundant regulatory framework and promote efficiency and economy, and as set forth in RSA 310, the responsibility for administration of the governing boards shall be with the office of professional licensure and certification, and the authority of the board of directors of allied health professionals is repealed.

3 New Paragraph; Music Therapists Governing Board; Appointment. Amend RSA 328-F:4 by inserting after paragraph X the following new paragraph:

XI. The music therapists governing board shall consist of 3 licensed music therapists, who have actively engaged in the practice of music therapy in this state for at least 2 years, one member who is a licensed health care provider who is not a music therapist, and one public member. Initial appointment of professional members by the governor and council shall be qualified persons practicing music therapy in this state. All subsequent appointments or reappointments shall require licensure.

4 New Subparagraph; Office of Professional Licensure and Certification; Definitions; Establishment. Amend RSA 310:2, II by inserting after subparagraph (bbb) the following new subparagraph:

(ccc) Governing board of music therapists established under RSA 328-F and 326-N.

5 Office of Professional Licensure and Certification; Directive. For the biennium ending June 30, 2027, the office of professional licensure and certification shall increase their annual budget by $3,000 for the purpose of hiring temporary or part-time staff or for overtime to help with licensing and administration of the music therapists governing board.

6 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to licensure and regulation of music therapists.

FISCAL IMPACT:  [ X ] State    [ ] County    [ ] Local    [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Office of Professional Licensure and Certification Fund</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Office of Professional Licensure and Certification Fund</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill establishes the licensure and regulation of music therapists, creates a Music Therapists Governing Board under the Office of Professional Licensure and Certification (OPLC), and requires the OPLC to add $3,000 annually to their budget for the biennium ending June 30, 2027 for the purpose of hiring temporary or part-time staff or for overtime to help with licensing and administration of the music therapists governing board.

The OPLC states although this bill requires the OPLC to add an additional $3,000 annually to their budget for the biennium ending June 30, 2027 to hire temporary or part-time staff or for overtime for administration and licensing pertaining to this bill, they are unable to determine if this amount is sufficient to cover personnel costs, administrative expenditures, Board member per diem, travel, promulgation of rules, and legal support, as they are uncertain about the volume of licenses expected.

Along with the indeterminable amount of expenditures, there will be an increase in OPLC revenue due to the new licensing fee, which would be attributable to the rules, however, the Office is unable to estimate the amount of license revenue that will be generated.
It is assumed any fiscal impact will not occur until FY 2025.

AGENCIES CONTACTED:
Office of Professional Licensure and Certification
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 02:00 pm LOB 306-308</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/07/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>02/02/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/07/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 02/07/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0399h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0399h: MA RC 194-186 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/13/2024 10:00 am LOB 212</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-1141h (NT) 03/26/2024 (Vote 15-10; RC) HC 14 P. 11</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1141h (NT): AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Executive Departments and Administration; SJ 10</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Hearing: 05/08/2024, Room 103, SH, 09:15 am; SC 18</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Hearing: 05/08/2024, Room 103, SH, 09:20 am, on proposed non-germane amendment # 2024-1740s; SC 18</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Executive Departments and Administration Committee
Kevin Condict 271-7875

AMENDMENT # 2024-1740s, relative to licensure and regulation of music therapists and relative to nonresident special tuna licenses. to HB 1394-FN-A, relative to licensure and regulation of music therapists.

Hearing Date: May 8, 2024

Time Opened: 9:38 a.m.  Time Closed: 9:40 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill establishes the licensure and regulation of music therapists under the office of professional licensure and certification. This bill further directs the office of professional licensure and certification, for the biennium ending June 30, 2027, to increase their annual budget by $3,000 for the purpose of hiring temporary or part-time staff, or overtime costs, to help with licensing and administration of the music therapists governing board.

Sponsors:
Sen. Perkins Kwoka

Who supports the amendment: None.

Who opposes the amendment: Rep. Jaci Grote, Major Dave Walsh (Fish & Game), Marty Mobley (Fish & Game), and Rep. Sherry Gould.

Who is neutral on the amendment: Sen. Howard Pearl.

Summary of testimony presented:

Senator Howard Pearl, Senate District 17

- Sen. Pearl introduced amendment #2024-1740s. He explained he introduced the amendment on behalf of a constituent.
- Sen. Pearl said that constituent and the Department of Fish & Game are not on the same page regarding this policy.
- Sen. Pearl said he would be happy to reintroduce the amendment in another year but asked the committee to kill the amendment at this time.

KC
Date Hearing Report completed: May 10, 2024
Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

HB 1394-FN-A, relative to licensure and regulation of music therapists.

Hearing Date: May 8, 2024

Time Opened: 9:33 a.m. Time Closed: 9:38 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill establishes the licensure and regulation of music therapists under the office of professional licensure and certification. This bill further directs the office of professional licensure and certification, for the biennium ending June 30, 2027, to increase their annual budget by $3,000 for the purpose of hiring temporary or part-time staff, or overtime costs, to help with licensing and administration of the music therapists governing board.

Sponsors:
Rep. McGhee
Rep. Grote
Rep. Roy
Sen. Perkins Kwoka


Who opposes the bill: Julie Smith, Nancy Hersey, Jean Holden, Renee Werner, David Werner, Curtis Howland, Bill Alleman, and Aubrey Freedman.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Jaci Grote, Rockingham 24

- Rep. Grote explained this bill has come before the legislature before. She said the bill passed the House and Senate last year but did not make it out of the Committee of Conference.
- Rep. Grote said the bill went to the House floor without recommendation from the House Executive Departments and Administration Committee.
- Rep. Grote noted that the House Finance Committee amended the bill. The fiscal note is now $3,000 instead of $70,000.

**Representative Sherry Gould, Merrimack 8**

- Rep. Gould explained that the House Executive Departments and Administration Committee heard a lot of testimony on this bill.
- Rep. Gould explained she has a master’s degree in human services and worked with teenagers to help them adjust to society. She said she knows the importance of having all the tools in the toolbox of therapeutic milieu.
- Rep. Gould said the House committee heard many veterans come forward and talk about post-traumatic stress disorder (PTSD) and the impact that music therapy had on them. She said music is a modality of treatment that is very effective for veterans.
- Rep. Gould explained the House committee also heard a lot about PTSD in first responders.
- Rep. Gould noted there is concern about insurance and payment. She said the bottom line is that veterans should not need to reach into their pocket to pay for an important modality of treatment like they must with the current system.
HOUSE BILL 1410-FN

AN ACT relative to certain professional licenses.

SPONSORS: Rep. Osborne, Rock. 2; Rep. T. Lekas, Hills. 38

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill repeals the chapter on the board of registration of medical technicians. This bill further makes changes to the nurse practice act.

Explanation: Matter added to current law appears in **bold italics**. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1410-FN - AS AMENDED BY THE HOUSE

15Feb2024... 0534h 24-2690
09/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to certain professional licenses.

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

1 Nurse Practice Act; Board of Nursing. Amend RSA 326-B:3, II to read as follows:
   II. Each APRN or RN member shall be a resident of this state, licensed in good standing
   under the provisions of this chapter, and currently engaged in the practice of nursing as an RN and
   shall have no fewer than 5 years of experience as an RN, at least 3 of which shall have immediately
   preceded appointment. RN members of the board shall represent the various areas of nursing
   practice including education, administration, and clinical practice.

2 Nurse Practice Act; Powers and Duties of the Board. Amend RSA 326-B:4 to read as follows:
   326-B:4 Powers and Duties of the Board. The board may:
   I. Establish reasonable and uniform standards for nursing practice consistent with the
      criteria identified by the National Council of State Boards of Nursing.
   II. Provide consultation regarding nursing practice for institutions and agencies.
   III. Examine, license, and renew the licenses of duly qualified individuals.
   IV. Establish eligibility criteria for licensure and renewal of licensure, including
       examination requirements and continuing education requirements. The board shall select an
       appropriate nationally approved licensing examination.
   V. Gather and report to the public statistical information regarding, but not limited to, the
      education and licensure of registered and practical nurses.
   VI. [Repealed.]
   VII. [Repealed.]
   VIII. Determine and enforce appropriate disciplinary action against all individuals
       found guilty of violating this chapter or the rules adopted under this chapter.
   IX. Deny or withdraw approval of nursing and nursing assistant educational
       programs that do not meet the minimum requirements of this chapter.
   X. Conduct conferences, forums, studies, and research on nursing practice and education.
   XI. [Repealed.]
   XII. [Repealed.]
   XIII. Establish and collect fees, under rules adopted by the board under RSA 541-A, relative
       to applicants seeking any type of license issued by the board under this chapter, including fees for
       applications for temporary licenses, reinstatement of inactive licenses, licenses by examination, and
renewal of licenses, as well as fees for verifying license status, program graduation, or computerized lists, and fees for site visits associated with nursing education programs under RSA 326-B:32.

[XIV.] V. In accordance with state due process laws, limit the multistate licensure privilege of any registered nurse or licensed practical nurse to practice in New Hampshire and may take any other actions under applicable state laws necessary to protect the health and safety of New Hampshire citizens. If the board does take such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such action taken by the state of New Hampshire.

[XV.] VI. Establish a liaison committee, a practice and education committee, and such additional subcommittees as may be appropriate to assist the board in the performance of its duties.

3 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 to read as follows:

326-B:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A, relative to the following:

I. Eligibility requirements for the issuance of all initial, temporary, and renewal licenses, specialty licenses, and certificates issued by the board under this chapter, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

II. Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary action.

III. Recognition of national certifying bodies issuing specialty certifications required for licensure as an APRN which shall also be recognized by the National Council of State Boards of Nursing.

IV. The standards to be met by, and the process for approval of, education programs designed to prepare applicants to qualify for licensure or certification in any of the disciplines regulated by the board under RSA 326-B:32, including the time period within which noncompliance must be corrected before such approval is withdrawn.

V. The standards to be met by, and the process for approval of, education programs designed to prepare LPNs in intravenous therapy and by programs designed to prepare LNAs to perform tasks not addressed in the basic curriculum required for licensure.

VI. The determination of disciplinary sanctions authorized by this chapter, including the determination of administrative fines.

VII. The administration of examinations authorized by this chapter, and the manner in which information regarding the contents of any licensing examinations may be disclosed, solicited, or compiled.

VIII. Ethical standards for the practice of nursing and nursing-related activities.

IX. Continuing competence requirements.
X. Designations that may be used by persons regulated by the board and retired persons regulated by the board.

XI. The implementation and coordination of the nurse licensure compact adopted in RSA 326-B:46. The board shall use model rules developed for the nurse licensure compact by the National Council of State Boards of Nursing as the basis for adopting rules which shall be modified as necessary to comply with state statutes.

XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

XIII. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

XIV. The implementation of strategies and procedures necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a nurse. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R. section 483.156, including placement of qualified individuals on the nursing assistant registry.

XVI. The requirements for approval of a nurse aide training and competency evaluation program pursuant to 42 C.F.R. sections 483.151-152 and nurse aide competency evaluations pursuant to 42 C.F.R. section 483.154.

4 Nurse Practice Act; Criminal History Record Checks. Amend RSA 326-B:15, I to read as follows:

I. Every applicant for initial licensure shall submit to the board office a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the board office.

5 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I to read as follows:

I. Submit a completed application and fees [as established by the board].

6 Nurse Practice Act; Modified License; Registered Nurse or Licensed Practical Nurse. Amend RSA 326-B:25 to read as follows:

326-B:25 Modified License; Registered Nurse or Licensed Practical Nurse. The board office may issue a modified license to an individual who has met licensure requirements and who is able to practice without compromising public safety within a modified scope of practice or with accommodations or both as specified by the board.

7 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants. Amend RSA 326-B:27, I to read as follows:

I. The board office may issue a certificate of medication administration to a current LNA who:

(a) Has participated in and completed a board-approved medication administration education program;
(b) Has passed an examination approved by the board; and

(c) Has paid the certification fee.

Amend RSA 310:7, II to read as follows:

II. Individuals licensed, certified, or registered pursuant to RSA 137:F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-D; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I; RSA 328-J; or RSA 332-B may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

Repeal. The following are repealed:

I. RSA 328-I, relative to the board of registration of medical technicians.

II. RSA 151:3-d, relative to verification of medical technician registration.

III. RSA 310:2, II(jj), relative to the board of registration of medical technicians.

IV. RSA 326-B:3, IX-XI, relative to the board of nursing.

V. RSA 326-B:6, relative to collection and expenditure of funds.

VI. RSA 326-B:8, relative to fees and charges.

VII. RSA 326-B:21, relative to licensure by endorsement for licensed nursing assistants.

VIII. RSA 326-B:22, relative to license renewal.

IX. RSA 326-B:23, relative to license reinstatement.

Effective Date. This act shall take effect 60 days after its passage.
HB 1410-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0534h)

AN ACT relative to certain professional licenses.

FISCAL IMPACT:  [X] State    [ ] County    [ ] Local    [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td>($23,825) to $0 Depending on when the bill is passed</td>
<td>($95,300)</td>
<td>($71,475)</td>
<td>Indeterminable decrease to $0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>Office of Professional Licensure and Certification Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>Office of Professional Licensure and Certification Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>** Appropriations**</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill repeals the chapter on the board of registration of medical technicians. Additionally, it amends certain provision of the nurse practice act under RSA 326-B to reflect the intent of RSA 310 as well as redefines licensing and fees within the act.

The Office of Professional Licensure and Certification (OPLC) currently has 1,733 licensed medical technicians, with a license fee of $110, estimating the total revenue to be $95,300. To calculate the fiscal impact of eliminating the licensing of the medical technicians, the OPLC assumed a consistent biennial renewal rate with no new initial licensing fees generated. In FY 2024 the OPLC assumed a 25% impact on licenses to account for the partial year remaining after passage equaling a loss of $23,825 in licensing fees, FY 2025 was assumed at 100% for a loss of $95,300 in licensing fees, and FY 2026 was assumed to be an impact of 75% for a loss of $71,475 in licensing fees. Eliminating the license and board would minimally impact overhead costs, as the Office already supports other boards administratively. While administering fewer boards yields savings, a shared board administrator serving multiple boards ensures no staff reduction.

AGENCIES CONTACTED:
Office of Professional Licensure and Certification
Amendment to HB 1410-FN

Amend the bill by replacing all after section 7 with the following:

8 Registration of Medical Technicians. Amend the chapter name of RSA 328-I to read as follows:

[BOARD OF] REGISTRATION OF MEDICAL TECHNICIANS

9 Registration of Medical Technicians, Definitions. Amend RSA 328-I:1, I to read as follows:

I. "Board" means the board of registration of medical technicians. "Executive Director" means the executive director of the office of professional licensure and certification.

10 Registration of Medical Technicians; Powers and Duties of the Executive Director. RSA 328-I:3 is repealed and reenacted to read as follows:

The powers and duties of the executive director under this chapter shall include:

I. Accepting applications for registration pursuant to RSA 310:4.

II. Conducting disciplinary proceedings in accordance with RSA 310:10.

III. Adopting rules pursuant to RSA 328-I:4.

IV. Other duties necessary to carry out the purposes of this chapter in accordance with RSA 310.

11 Registration of Medical Technicians; Rulemaking. RSA 328-I:4 is repealed and reenacted to read as follows:

The executive director shall adopt rules, pursuant to RSA 541-A, relative to:

I. Registration eligibility requirements for initial, renewal, and reinstatement of registration.

II. Adopting such rules as are necessary to carry out the purposes of this chapter in accordance with RSA 310:6.

III. Procedures for sharing information with other in-state boards, the office inspector general, department of health and human services, out-of-state boards, and law enforcement entities.

12 Registration of Medical Technicians; Registration of Medical Technicians Required. Amend RSA 328-I:5, III-V to read as follows:
III. The board executive director, after hearing and upon making an affirmative finding under paragraph II, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:

(a) A cease and desist order in accordance with paragraph IV.
(b) The imposition of an administrative fine not to exceed $50,000.
(c) The imposition of an administrative fine for continuation of unlawful practice in the amount of $1,000 for each day the activity continues after notice from the board executive director that the activity shall cease.
(d) The denial or conditional denial of a license application, application for renewal, or application for reinstatement.

(e) The imposition of other sanctions permitted by RSA 310:12.

IV. The board executive director is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board executive director, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the board executive director.

13 Registration of Medical Technicians; Initial Registration; Application, Fees. Amend RSA 328-I:6 to read as follows:

I. The board executive director may register any person who submits a completed application and pays the established fee.

II. Completed applications shall include:

(a) Payment of the non-refundable registration fee;
(b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification, or registration boards, or other appropriate licensing authorities.
(c) A complete set of fingerprints and a criminal history record release form pursuant to RSA 328-I:7.
(d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.
IV. Upon approval of the application [by the board], the applicant shall be registered as a medical technician for 2 years in accordance with RSA 310:8. [Such registration shall take effect within 30 days after the filing of such completed application.]

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the [board] executive director in writing within 30 days. For failure to report such a change within 30 days of such event, the [board] executive director may suspend the medical technician’s registration.

VI. Once an application has been approved [by the board], a temporary registration may be issued, pending receipt of the criminal records check and fingerprint information.

14 Registration of Medical Technicians; Criminal History Record Checks. Amend RSA 328-I:7 to read as follows:

328-I:7 Criminal History Record Checks.

I. Every applicant for initial registration or reinstatement shall submit [to the board] a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [board] executive director.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] executive director may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] executive director shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] executive director.

IV. The [board] executive director shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

15 Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8 to read as follows:

328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years in accordance with RSA 310:8 and shall expire unless renewed in
the manner prescribed by the [board] executive director. Certificates of registration for medical
technician shall be renewed upon the payment of the renewal fee.

16 Registration of Medical Technicians; Refusal to Issue or Renew Certificate. Amend RSA 328-
I:9 to read as follows:

328-I:9 Refusal to Issue or Renew Certificate.[Return of Certificate].

[I. The [board] executive director may deny the application for registration or refuse to
issue a renewal thereof if it is determined after hearing that such applicant or registrant:

[(a)] I. Has made a material false statement or concealed or omitted a material fact in
connection with his or her application for registration;

[(b)] II. Had a registration issued under this chapter suspended previously;

[(c)] III. Has been convicted of a felony under the laws of the United States or any state
or any offense involving moral turpitude;

[(d)] IV. Has willfully or repeatedly failed to comply with any other provision of this
chapter or any rules adopted by the [board] executive director; or

[(e)] V. Is a habitual user of drugs or intoxicants.

[II. Upon the suspension or revocation of a certificate of registration by the board and the
issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays,
deliver to the board the certificate of registration. If surrendered by mail, the certificate of
registration shall be sent by registered or certified mail, postmarked no later than 3 days, not
including Sundays and holidays, following notice of suspension or revocation. Failure to return a
certificate of registration which has been revoked or suspended hereunder within the prescribed
time shall constitute a misdemeanor.]

17 Registration of Medical Technicians; Disciplinary Action; Remedial Proceedings. RSA 328-
I:10 is repealed and reenacted to read as follows:

328-I:10 Disciplinary Action; Remedial Proceedings.

I. The executive director is authorized to undertake investigations and disciplinary
proceedings upon:

(a) The executive director’s initiative.

(b) A written complaint made by any person complaining that a registrant has
committed an act of misconduct and specifying the nature of the misconduct.

(c) A written complaint made by any person that a person is engaged in unauthorized
practice.

(d) Notification by a licensing or certifying agency of this state that a registrant has been
disciplined by that agency.

(e) Notification by the regulatory authority of another domestic or foreign jurisdiction
that a registrant has been disciplined in that jurisdiction.

(f) A report made pursuant to the obligation to report imposed by this chapter.
II. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the executive director any disciplinary or action related to disruptive conduct, professional incompetence, or violation of an organizational rule or procedure involving controlled substances, or any adverse action which results in the termination of an employment relationship, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered as a medical technician. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

III. The executive director, after hearing, may take disciplinary action against any person registered by the executive director upon finding that the person:

(a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.

(d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the executive director.

(e) Has been convicted of a felony under the laws of the United States or any state.

IV. The executive director may take non-disciplinary remedial action against any person registered by the executive director upon finding that the person is afflicted with a physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the executive director, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the executive director.

(b) By revocation of registration.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the executive director.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the executive director.

(e) By imposition of any sanction permitted pursuant to RSA 310:12.

18 Registration of Medical Technicians; Telemedicine. Amend RSA 328-I:16 to read as follows:
Telemedicine. Medical technicians registered by the [board] executive director shall be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

19 Residential Care and Health Facility Licensing; Verification of Medical Technician Registration. Amend RSA 151:3-d to read as follows:

151:3-d Verification of Medical Technician Registration. Every facility administrator, or designee, for any health care facility licensed under this chapter shall verify with the executive director of the office of professional licensure and certification [board of registration of medical technicians established under RSA 328-I:2] prior to employing a medical technician, as defined in RSA 328-I:1, VI, that such medical technician is registered [with the board].

20 Office of Professional Licensure and Certification; Definitions; Establishment. Amend RSA 310:2, II(jj) to read as follows:

(jj) [Board of] Registration of medical technicians under RSA 328-I.

21 Repeal. The following are repealed:

I. RSA 326-B:3, IX-XI, relative to the board of nursing.
II. RSA 326-B:6, relative to collection and expenditure of funds.
III. RSA 326-B:8, relative to fees and charges.
IV. RSA 326-B:21, relative to licensure by endorsement for licensed nursing assistants.
V. RSA 326-B:22, relative to license renewal.
VI. RSA 326-B:23, relative to license reinstatement.
VII. RSA 328-I:2, relative to the board of registration of medical technicians.

22 Effective Date. This act shall take effect 60 days after its passage.
This bill eliminates the board of registration of medical technicians and transfers authority over the registration of medical technicians to the office of professional licensure and certification. This bill further makes changes to the nurse practice act.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration</td>
<td>HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>Public Hearing: 01/17/2024 11:30 am LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>01/19/2024</td>
<td>Subcommittee Work Session: 01/26/2024 01:00 pm LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>01/29/2024</td>
<td>Subcommittee Work Session: 02/02/2024 10:30 am LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>02/05/2024</td>
<td>Subcommittee Work Session: 02/07/2024 09:00 am LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>01/31/2024</td>
<td>Executive Session: 02/07/2024 10:30 am LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>02/08/2024</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0534h</td>
<td>02/07/2024 (Vote 19-0; CC) HC 6 P. 5</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>Amendment # 2024-0534h: AA VV 02/15/2024 HJ 5 P. 8</td>
<td></td>
</tr>
<tr>
<td>02/15/2024</td>
<td>Ought to Pass with Amendment 2024-0534h: MA VV 02/15/2024 HJ 5 P. 8</td>
<td></td>
</tr>
<tr>
<td>02/15/2024</td>
<td>Referred to Ways and Means 02/15/2024 HJ 5 P. 11</td>
<td></td>
</tr>
<tr>
<td>02/28/2024</td>
<td>Public Hearing: 03/05/2024 10:00 am LOB 202-204</td>
<td></td>
</tr>
<tr>
<td>02/28/2024</td>
<td>Full Committee Work Session: 03/06/2024 09:30 am LOB 202-204</td>
<td></td>
</tr>
<tr>
<td>02/28/2024</td>
<td>Executive Session: 03/06/2024 01:30 pm LOB 202-204</td>
<td></td>
</tr>
<tr>
<td>03/15/2024</td>
<td>Committee Report: Ought to Pass 03/06/2024 (Vote 20-0; CC)</td>
<td></td>
</tr>
<tr>
<td>03/21/2024</td>
<td>Ought to Pass: MA VV 03/21/2024 HJ 9</td>
<td></td>
</tr>
<tr>
<td>03/26/2024</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration</td>
<td>SJ 8</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>Hearing: 04/17/2024, Room 103, SH, 09:15 am; SC 14</td>
<td></td>
</tr>
<tr>
<td>05/09/2024</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1849s, 05/16/2024; Vote 5-0; CC; SC 19</td>
<td></td>
</tr>
</tbody>
</table>
HB 1410-FN, relative to certain professional licenses.

Hearing Date: April 17, 2024

Time Opened: 9:15 a.m.  Time Closed: 9:42 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau and Perkins Kwoka

Members of the Committee Absent: Senator Altschiller

Bill Analysis: This bill repeals the chapter on the board of registration of medical technicians. This bill further makes changes to the nurse practice act.

Sponsors:


Who opposes the bill: Janet Lucas and Daniel Richardson.

Who is neutral on the bill: Doug Osterhoudt (OPLC).

Summary of testimony presented:

Representative Tony Lekas, Hillsborough 38

- Rep. Lekas introduced House Bill 1410-FN.
- Rep. Lekas explained the bill cleans up things that were missed during last year’s licensing changes.
- Rep. Lekas pointed to page 1, line 2. This line adds APRNs to the Board of Nursing. He said that instead of examining the licenses, licensing power was granted to OPLC while criteria is set by the board.
- Rep. Lekas pointed to page 13, line 14. The establishment and collection of fees was moved from the boards to OPLC. He said this change should have been made last year, but it was not.
- Rep. Lekas pointed to page 3, line 14. This added language concerning the federal registration of nursing assistants. He explained OPLC has been doing this, and that it is better to have this explicitly stated in law.

- Sen. Pearl asked if the federal registry is the applicant’s duty to fill in or if that is OPLC’s duty.
  - Rep. Lekas believes it is the applicants’ duty, but that OPLC would be able to better explain. He said he understands there is some consideration of possibly combining licensing and application to the federal registry so that it is one step.

- Page 3, line 23 moves authority for criminal background checks from the Board of Nursing to OPLC.

- Page 3, line 25 moves the requirement to submit the application and fees to OPLC rather than the board.

- Rep. Lekas explained there are several changes that go from the board to OPLC because administrative duties were transferred from boards to OPLC.

- Rep. Lekas said the bill eliminates the Board of Registration of Medical Technicians. The reason for this change is that the current system is not working. He explained that medical technicians are not otherwise licensed but may have access to either drugs and/or patients. He said this could be cleaning staff or a wide range of other people that work in the medical field. He said the problem OPLC has had is that medical technicians do not see themselves as a profession. He said the Board of Registration for Medical Technicians has never had a quorum and has never been able to do rulemaking. This has limited what OPLC can do regarding the profession. Unless there is a criminal complaint, OPLC cannot do anything.

- Sen. Pearl asked if the remainder of lines 15-20 on page 4 are clean up language.
  - Rep. Lekas said that is correct. Line 16 deals with the collection of expenditure funds. He said those lines deal with many administrative parts that moved to OPLC. He stated that the Board of Nursing sets rules on how licensing should work, but OPLC runs the machinery of implementing rules.

- Sen. Carson pointed to page 1, line 2. She said she sees where the APRN has been added but the bill says a member shall be a resident of the state. She asked if the bill says that if somebody lives in a surrounding state and wants to work as an APRN then they cannot work in the state of New Hampshire.
  - Rep. Lekas said no, that language is a matter of who can be a member of the board.

- Sen. Carson asked if there can be someone who has worked in New Hampshire and practiced for twenty years who cannot be a member the board.
  - Rep. Lekas said that is correct. He said that is existing language. He said that is a policy decision that can be changed but that is not something new.

- Sen. Carson pointed to page 4, the repeal of lines 12-14. She noted she was here when that board was created because of events that happened at Exeter Hospital. She explained there was no way to determine who was there and who
was practicing; many of the folks working there were travelers. She said medical technicians are licensed and regulated in most states. She noted medical technicians are separated out into separate boards. She explained they deal with sensitive testing, materials, and machines. She said people go to school for four years to qualify and must take exams. She said the board not working properly is an OPLC issue. Sen. Carson stated she would have difficulty getting rid of that board because it is important.

- Rep. Lekas explained there are a variety of medical technicians, and there are a range of them that have their own license. They are separated out in other states; they are separately licensed and have boards that function. He said what is being called medical technicians in the bill are otherwise not licensed. He said generally the ones who receive schooling are licensed, but not under the statute this bill deals with. He said Mr. Osterhoudt could provide more detail.

**Doug Osterhoudt, Office of Professional Licensure and Certification**

- Mr. Osterhoudt explained that OPLC is notified when students pass the exam, and they place the individuals on a federal registry. That is separate and distinct from licensure; someone can be on the registry and not be licensed in the state.
- Mr. Osterhoudt said he does not know the specifics of where all other medical technicians are licensed and under what board they could be under. He said one of the problems is that they do not have applicants for the board because people do not typically identify as medical technicians.
- Mr. Osterhoudt said OPLC comes across challenges where they will have applications where they must perform some kind of criminal background check but there is no board to bring that in front of. He said the understanding was that if the medical technician license piece was erased, then individuals would be covered by their other licenses or their employer, putting the onus on their employer for oversight.
- Mr. Osterhoudt stated that even if OPLC received a complaint, currently there is no one to hear that complaint. He explained that in his time at OPLC, there has only been one board member.
- Mr. Osterhoudt stressed this bill was not requested by OPLC.
- Mr. Osterhoudt stated the bill’s language is primarily clean up. He said this policy is being amended in this bill because OPLC is trying to not put multiple boards in multiple bills. He explained many of the changes come in either this bill or HB 1095.
- Sen. Pearl asked if lines 15-20 are clean up language.
  - Mr. Osterhoudt said that is correct; the language is in line with what the study committee recommended.
- Sen. Pearl noted the medical technician board serves in adjudicatory functions. He asked if, without the board, it puts more onus on OPLC. He asked, if there is a complaint, what does OPLC do.
Mr. Osterhoudt said that is a challenging question. He explained he found a case where, essentially, in situations where there are not enough members of the board, members appointed to that board can be considered a quorum for adjudication of complaints. He said OPLC, as the agency that reviews and issues those licenses in the first place, has a sound legal argument that they can hold a hearing on their own. He noted this is a gap in rules. He recommended contacting the Department of Justice regarding this matter.

- Sen. Pearl said there is a real possibility this bill puts OPLC in a bad spot. He asked if there is some provision that should be considered. He noted this bill blurs the lines between OPLC and boards.
  - Mr. Osterhoudt said that OPLC is the judge, and the boards are the juries. He said there is no jury in the case of medical technicians.

- Mr. Osterhoudt said that some of the individuals who are dual licensed do fall under the Board of Nursing. He said that if the committee decides they are not comfortable with a strict repeal of the medical technician board, they can move the profession to the Board of Nursing. He said the current system is not working and something needs to be done.

- Sen. Pearl asked if the Board of Nursing’s recommendation is to move medical technicians into the Board of Nursing.
  - Mr. Osterhoudt said that is correct.

- Sen. Carson asked for a list of professions under the medical technician board. She noted many different professions are included, with various levels of education. She said there are national organizations that must have an exam, and if someone passes the exam, they are certified. She said part of the problem might be that the definition of what a medical technician is might be too broadly defined. She stated her belief there is a way to make the board work. She noted that if medical technicians are given to the Board of Nursing, that board would have to be expanded. She said she would like to work on the issue and see what can be done to make the medical technician board work. She stated everything done surround patients is extremely important, and there must be a way to pull the profession back to their board.
  - Mr. Osterhoudt said he will investigate that.

Samantha O’Neill, Chair of the New Hampshire Board of Nursing

- Ms. O’Neill said she agrees with Sen. Carson that this is a bigger issue. She said many positions are associated with the medical technician professional.
- Ms. O’Neill noted that medical assistants do not fall under a board either.
- Ms. O’Neill stated this is a bigger discussion, and the Board of Nursing is open to having those discussions.
- Sen. Pearl asked how Ms. O’Neill would feel about medical technicians coming under the Board of Nursing. He said it seems the definition of medical technician is wrong. He asked if there were current members of the board who would count as representing medical technicians.
Ms. O’Neill said not all positions would be counted as represented.

- Sen. Pearl asked if the Board of Nursing would have to be expanded if medical technicians were added.
  
  - Ms. O’Neill said that is probably the case. She said she would want to sit down with the board and find gaps and figure out how to fill them.

- Sen. Pearl asked if that is something the Board of Nursing could look at quickly and provide the committee guidance. He noted there are two weeks before action must be taken on fiscal note bills.
  
  - Ms. O’Neill said they have a board meeting. She said she cannot speak on behalf of the board as a whole without their input and dialogue.

KC
Date Hearing Report completed: April 23, 2024
HOUSE BILL 1451-FN

AN ACT relative to mandatory overtime and the calculation of base rate of compensation.


COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill provides that mandatory overtime shall be reported as part of the full base rate of compensation.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to mandatory overtime and the calculation of base rate of compensation.

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

1 New Hampshire Retirement System; Definition of Eligible Compensation; Mandatory Overtime. Amend RSA 100-A:1, XVII(b)(1) to read as follows:

   (b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any non-mandatory overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers’ compensation and teacher development pay that is not part of the contracted annual salary. Notwithstanding any other reference to overtime in this section, mandatory overtime, as defined by the employer, shall be reported as part of the full base rate of compensation.

2 Effective Date. This act shall take effect July 1, 2024.
AN ACT relative to mandatory overtime and the calculation of base rate of compensation.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

*Does this bill provide sufficient funding to cover estimated expenditures? [X] No
*Does this bill authorize new positions to implement this bill? [X] N/A

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
</tbody>
</table>

*The New Hampshire Retirement System states it is not able to separate the fiscal impact of this legislation between county and local government, therefore the fiscal impact is shown together as political subdivisions.

METHODOLOGY:

The New Hampshire Retirement System (NHRS) states this bill provides mandatory overtime be reported as part of the full base rate of compensation, however, it does not define what constitutes mandatory overtime. The change in mandatory overtime provisions may lead to increased pension benefits compared to the current law. Although the exact cost remains unknown, the NHRS was able to work with their actuary to project a fiscal impact assuming all overtime service would be considered mandatory. Additionally, it was assumed the designation of overtime pay would not affect the teacher group, therefore they were not included in the analysis.
The New Hampshire Retirement System’s actuary provided valuations based upon data used in the annual actuarial valuation as of June 30, 2021. The valuation assumes an annual rate of interest of 6.75 percent, wage inflation of 2.75 percent per year and uses the entry-age actuarial cost valuation method. Contribution rates for fiscal years 2024 and 2025 are certified and will remain unchanged. However, actual FY 2026-2027 employer rates will be based on the actuarial valuation of June 30, 2023 and are currently unknown at this time, so only the net impact of the estimated allocation of this benefit is shown below.

### Estimate State Impact

<table>
<thead>
<tr>
<th>Increase (Decrease) in Employer Pension Rates as a Percent of Payroll</th>
<th>Net Impact of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>0.94%</td>
</tr>
<tr>
<td>Police</td>
<td>1.72%</td>
</tr>
<tr>
<td>Fire</td>
<td>1.78%</td>
</tr>
</tbody>
</table>

### Expected Employer Dollar Increase (Decrease) Due to Proposal

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>-</td>
<td>-</td>
<td>$6,290,000</td>
<td>$6,470,000</td>
</tr>
<tr>
<td>Police</td>
<td>-</td>
<td>-</td>
<td>$1,810,000</td>
<td>$1,860,000</td>
</tr>
<tr>
<td>Fire</td>
<td>-</td>
<td>-</td>
<td>$80,000</td>
<td>$90,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$0</td>
<td>$0</td>
<td>$8,180,000</td>
<td>$8,420,000</td>
</tr>
</tbody>
</table>

### Estimated Political Subdivision Impact

<table>
<thead>
<tr>
<th>Increase (Decrease) in Employer Pension Rates as a Percent of Payroll</th>
<th>Net Impact of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>0.94%</td>
</tr>
<tr>
<td>Teachers</td>
<td>0.00%</td>
</tr>
<tr>
<td>Police</td>
<td>1.72%</td>
</tr>
<tr>
<td>Fire</td>
<td>1.78%</td>
</tr>
</tbody>
</table>

### Expected Employer Dollar Increase (Decrease) Due to Proposal

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>-</td>
<td>-</td>
<td>$7,710,000</td>
<td>$7,920,000</td>
</tr>
<tr>
<td>Teachers</td>
<td>-</td>
<td>-</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Police</td>
<td>-</td>
<td>-</td>
<td>$4,640,000</td>
<td>$4,770,000</td>
</tr>
<tr>
<td>Fire</td>
<td>-</td>
<td>-</td>
<td>$2,900,000</td>
<td>$2,980,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$0</td>
<td>$0</td>
<td>$15,250,000</td>
<td>$15,670,000</td>
</tr>
</tbody>
</table>

The NHRS actuary projects an increase in the actuarial accrued liability of $176.2 million based on the provisions in the bill which will be amortized over a fixed period of no longer than 20-years.
Lastly, the NHRS states there will be an indeterminable increase in expenditures in FY 2025 due to administrative costs relating to the reprogramming of the pension administrative system.

AGENCIES CONTACTED:

New Hampshire Retirement System
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>==CANCELLED== Public Hearing: 02/01/2024 02:30 pm LOB 306-308</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 02:30 pm LOB 210-211</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/30/2024 (Vote 12-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4 P. 10</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Executive Departments and Administration; SJ 6</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Hearing: 03/20/2024, Room 103, SH, 09:00 am; SC 11</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Executive Departments and Administration Committee  
Kevin Condict 271-7875

HB 1451-FN, relative to mandatory overtime and the calculation of base rate of compensation.

Hearing Date: March 20, 2024

Time Opened: 9:02 a.m. Time Closed: 9:16 a.m.

Members of the Committee Present: Senators Pearl, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill provides that mandatory overtime shall be reported as part of the full base rate of compensation.

Sponsors:

Who supports the bill: In total, 26 individuals signed in in support of HB 1451-FN. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@leg.state.nh.us).

Who opposes the bill: Daniel Richardson.

Who is neutral on the bill: Marty Karlon (NHRS).

Summary of testimony presented:

Representative Carol McGuire, Merrimack 27

- The bill includes mandatory overtime pay in base pay. She said the reason for this change is that some employees, most notably employees working in the prisons, work vast amounts of mandatory overtime. The overtime is required because the prisons need to maintain a minimum staff level.
- Since the pension system was reformed in 2011, overtime has only been included at the same percentage it was over the course of an entire career. Rep
McGuire explained that mandatory overtime has grown drastically over the last five years.
- The bill makes it so mandatory overtime, as defined by the employer, is counted as base pay for pension purposes. This means the employees will be paid for the time and it will be included in their pension as base pay. Rep. McGuire said these employees are already paying toward the pension system on their total pay including the overtime, so this bill makes more of it to be counted toward their pension.
- Sen. Pearl asked if the current practice is for overtime to not be counted in the pension.
  - Rep. McGuire said it is included as a percentage. Some people work overtime throughout their career while others do not. She said if overtime is not restricted in the last few years of employment, then it is easily subject to manipulation. She knows that some have taken advantage of the current system and have boosted their pensions up to fifteen percent.
  - Sen. Pearl noted this is practice is called “spiking.”
  - Rep. McGuire said there are people in the prisons who are working sixty to eighty hours per week, not of their own choice.

**Marty Karlon, New Hampshire Retirement System**
- Mr. Karlon stated the New Hampshire Retirement System (NHRS) has no position on the bill because it is a policy choice, which are left to the legislature.
- Mr. Karlon explained some of the changes made in 2011. Prior to those changes, all earnable compensations were defined as base pay; employers reported one amount of what they paid people every month which was used to calculate average final compensation.
- The 2011 legislation created a category of base pay and compensation over base pay. Since then, employers have been reporting base pay, defined by the employer, and anything else, including overtime. Due to this, there are two entries for each member of the retirement system.
- Mr. Karlon explained when someone goes to retire, there is a formula in statute where NHRS looks at the percentage of compensation over base as a percentage of total compensation in the high years that are used for the pension versus the percentage in all their career. The law says to take the lower percentage, so if someone does not consistently work overtime until their final years it will reduce the amount they would get in retirement.
- Mr. Karlon explained the 2011 changes were an attempt to tamp down overtime working for employees nearing the end of their career.
- This bill would allow employers to designate overtime as mandatory. There is no current definition of mandatory, so it will be up to the employer’s consent to define that term.
- Mr. Karlon noted the amount of overtime worked by correctional workers has been making headlines.
- Mr. Karlon stated it is unknown how many employers would define overtime as mandatory.
- Mr. Karlon explained there are many variables, so the proposal is difficult to value actuarially, and it would take a few years to know the value. The cost of the bill is indeterminable, and the House Finance Committee chose not to review this bill. He voiced concern that there should be a range given.
- He stated the NHRS had an actuary estimate if all overtime was designated as mandatory for police, fire, and EMS services, the top bound was up to five million dollars for the state and fifteen million for locals. He said this is unlikely, because all employers would have to designate all overtime as mandatory.
- Mr. Karlon explained there was a bill killed in the House that would have made all overtime base pay for group II workers in tier B. The unfunded portion of that bill was about twenty-seven million dollars. He stated he does not want to throw too many numbers at the committee, but wanted to give a range on what the bill could cost.
- Mr. Karlon stated that if there is a rate impact on the employer contribution rates, the cost would be shared evenly between those who define overtime as mandatory and those who do not because the rates are the same for everyone.

**John McAllister, Professional Fire Fighters of New Hampshire**

- Mr. McAllister stated PFFNH’s support of the bill.
- Mr. McAllister explained the Retirement Benefits Commission heard many times that recruitment and retention of employees is down. One of the factors working against recruitment and retention is mandatory overtime. He said that is time employees cannot go home to their families and mandatory overtime is not being calculated within base rate of pay when it comes to pensions.
- Mr. McAllister said the bill is a bipartisan agreement from the commission. He said a large coalition agreed this bill would be a significant benefit.
- Mr. McAllister stated the bill is important because the members who are being ordered to work these long hours are currently not getting a benefit at the end.
- Mr. McAllister said the bill will not bring back “spiking,” and that the employees the affected by this bill do not have the option of refusing to work the overtime hours.
AN ACT relative to a conditional veterinary license for veterinarians educated in other countries.


COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill enables the board of veterinary medicine to issue a conditional veterinary license for veterinarians who are educated in other countries.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to a conditional veterinary license for veterinarians educated in other countries.

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

1 New Paragraph; Conditional Licensure; Foreign-Educated Veterinarians. Amend RSA 332-B:11 by inserting after paragraph III the following new paragraph:

IV. The board may issue a conditional license to a foreign-educated veterinarian currently in the process of obtaining an ECFVG certificate who has completed all steps of the ECFVG except the clinical proficiency examination (CPE), on the conditions that the veterinarian has legal immigration status in the United States and verifiable status information as maintained by the United States Citizenship and Immigration Services, has applied to take (or retake) and is in the queue for the CPE, or has taken the CPE and is awaiting results, or has passed the CPE and has applied to write the New Hampshire examination, and providing such person is employed by and practices the profession under the supervision of a duly licensed veterinarian practicing in the state. A conditional license may be summarily revoked by a majority vote of the board.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to a conditional veterinary license for veterinarians educated in other countries.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>Office of Professional Licensure and Certification Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill enables the board of veterinary medicine to issue a conditional veterinary license for veterinarians who are educated in other countries. The Office of Professional Licensure and Certification (OPLC) states they are unable to determine how many new applicants would apply for the new license type. However, assuming the new license type would adhere to the $155 licensing fee specified in Administrative Rule Plc 1002, then any additional licenses would increase revenue to the OPLC fund by an indeterminable amount. The OPLC did state that the administrative cost could be absorbed into their budget.

It is assumed the fiscal impact will not occur until FY 2025.

AGENCIES CONTACTED:

Office of Professional License and Certification
Amendment to HB 1526-FN

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

AN ACT relative to a conditional veterinary license for graduates of non-AVMA-accredited colleges of veterinary medicine.

Amend the bill by replacing section 1 with the following:

1 Veterinary Practice; Conditional License. RSA 332-B:11 is repealed and reenacted to read as follows:

332-B:11 Conditional License.

I. A graduate of a non-AVMA-accredited college of veterinary medicine who is enrolled in the ECFVG certificate program having completed all but the clinical practice examination (CPE), may be granted a conditional license. The applicant shall have successfully passed the New Hampshire veterinary jurisprudence examination.

II. The holder of a conditional license issued under these provisions shall practice under the direct supervision of a New Hampshire licensed veterinarian. If the applicant is not a United States citizen, the supervising veterinarian shall verify the legal immigration status of the applicant prior to employment and shall not employ the applicant if the applicant lacks legal immigration status.

III. The conditional license shall be valid for 2 years from the date of issuance in accordance with RSA 310:8, or until the ECFVG candidate obtains ECFVG certification and receives a New Hampshire veterinary medical license. An ECFVG candidate that does not pass a CPE examination may apply to renew their conditional license, however, a candidate may not renew or reinstate a conditional license more than one time, nor may they apply for a second conditional license.
AMENDED ANALYSIS

This bill enables the board of veterinary medicine to issue a conditional veterinary license for graduates of non-AVMA-accredited colleges of veterinary medicine who are enrolled in the ECFVG certificate program and have completed all but the clinical practice examination (CPE).
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 01:45 pm LOB 210-211</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/13/2024 (Vote 20-0; CC) HC 12 P. 16</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration; SJ 8</td>
</tr>
<tr>
<td>04/23/2024</td>
<td>S</td>
<td>Hearing: 05/01/2024, Room 103, SH, 09:30 am; SC 17</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1848s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1526-FN, relative to a conditional veterinary license for veterinarians educated in other countries.

Hearing Date: May 1, 2024

Time Opened: 9:44 a.m.  
Time Closed: 10:09 a.m.

Members of the Committee Present: Senators Pearl, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill enables the board of veterinary medicine to issue a conditional veterinary license for veterinarians who are educated in other countries.

Sponsors:
Rep. Aron  
Rep. Bixby  
Sen. Avard  
Sen. Ward  
Rep. Creighton  
Rep. Comtois  
Sen. Watters  
Rep. Rollins  
Rep. Schamberg  
Sen. Pearl


Who opposes the bill: None.

Who is neutral on the bill: Douglas Osterhoudt (OPLC).

Summary of testimony presented:

Representative Judy Aron, Sullivan 4

- Rep. Aron introduced House Bill 1526-FN.
- Rep. Aron explained work is being done on an amendment which replaces this bill that accomplishes the same thing but better comports with how OPLC deals with conditional licensure. The bill also includes licensed veterinarian supervision and a time limit for the conditional licensure.
- This bill would authorize the Board of Veterinary Medicine (BVM) to issue a conditional license to a foreign educated veterinarian currently in the process of obtaining an educational commission for foreign veterinary graduates (ECFVG) certificate. These people must have completed all the steps of the ECFVG except the Clinical Proficiency Examination (CPE).

- Rep. Aron said this applies if a veterinarian has proof of legal immigration, applies to and passes the CPE, has applied for the New Hampshire exam, and has employment with supervision by a New Hampshire veterinarian.

- Rep. Aron highlighted the vet shortage in New Hampshire. She noted there are 920 licensed vets whose workload is increasing. She said veterinary appointments are booking months in advance.

- Rep. Aron said she imagines if a new license is created that it would follow the $150 fee for that licensure, which would be the same as current vet licensure fees.

- Rep. Aron stated the administrative cost of the bill could be absorbed into OPLC’s budget.

- Rep. Aron stated proper care and humane treatment during care are important.

- Sen. Pearl asked if the language Rep. Aron mentioned is what she had handed into the committee or if there is other language being worked on.

  - Rep. Aron said that she handed in the language. She said it has the same effective date, but the language better clarifies the process for non-American Veterinary Medical Association (AVMA) accredited veterinarians.

**Representative Sherry Gould, Merrimack 8**

- Rep. Gould said that, as a farmer with large farm animals, she has seen that the shortage of veterinarians is a serious issue.

- Rep. Gould stated the New Hampshire Farm Federation urges the passage of this bill.

**Dr. Clair Lindo, Charlestown Animal Hospital**

- Dr. Lindo explained she has been practicing in New Hampshire since 1998. She said there has been a huge decrease in the number of practicing veterinarians in her area. She said there is no respite in sight because there is not enough help.

- Dr. Lindo said a major problem is that the graduation rate of US veterinary colleges is low. She said this is a nationwide problem, and there have been attempts to try to fix the issue.

- Dr. Lindo stated that ten hospitals are projected to not meet their staffing needs.

- Dr. Lindo noted that new veterinary graduates’ careers have about a five-year lifespan before they quit and go to work in another field. She said this is due to burnout.
- Dr. Lindo stated there are not enough vets to supply the needs of clients and patients; appointments are being booked three to four months out when that time frame used to be within two weeks.

- She said there is a pool of additional veterinarians: foreign trained vets who have graduated from non-AVMA accredited vet schools. She said there is a period where those people are waiting on the last step: the CPE. She said not many are passing this exam because there is a year long waiting period to take the CPE and a seventy-five percent failure rate for first time applicants.

- Dr. Lindo explained this bill will allow vets to take the exam and be mentored in veterinary hospitals. She said in the meantime, they would be allowed to do a limited number of professional duties to alleviate the state’s need.

- Dr. Lindo said there are requirements that an individual can only have this license a maximum of four years. She said this is to incentivize them to become fully licensed.

- Sen. Perkins Kwoka pointed to line 9. She asked about the difference between someone under this bill being employed and being directly supervised and asked if the bill could read “or”. She asked if those situations would ever arise separately.
  
  - Dr. Lindo said that is correct. She said there are corporate practices whose goal is money. She said those would be places where they would exploit loopholes if they could.

- Sen. Perkins Kwoka pointed to line 3. She asked if this bill’s intent is to issue conditional licenses while they wait to take the CPE or if the CPE is wrapped up in all domestic veterinary graduation programs.
  
  - Dr. Lindo said the CPE is an alternative to a supervised fourth year clinical rotations that all AVMA accredited veterinarians pass through during their process.

- Sen. Altschiller asked about the fourth year being optional.
  
  - Dr. Lindo explained there is a different Program for the Assessment of Veterinary Education Equivalence (PAVE), but there are not many seats for that program.

- Sen. Altschiller asked about the difference between ECFVG and PAVE.
  
  - Dr. Lindo explained PAVE participants have their license once they complete their program. She said there is a huge delay for people in the ECFVG program. She said this bill is trying to help bring in those ECFVG people, the ones who are appropriately qualified, and allow them to do what they are competent to do. She said their best chance is to pass the CPE, which is a $1,400 test that has over a year wait time. She said there are only two hundred seats per year in the US for this.

- Sen. Altschiller asked if Dr. Lindo had read the amendment.
  
  - Dr. Lindo said she had.

- Sen. Altschiller said if someone was granted one of these licenses it would be an on-ramp into the industry. She asked if the intention is for New Hampshire licensed vets to sponsor someone for a provisional license. She asked if those people would have attained a provisional license already. She asked if the license would be person-specific or location-specific.
Dr. Lindo said that is a good question, and that she had not thought of that. She said she is personally fine with the license going with a person, but that it is a good question for legal counsel.

Elizabeth Eaton, Board of Veterinary Medicine

- Ms. Eaton explained she is the general counsel of the Board of Veterinary Medicine.
- Ms. Eaton said she had one note regarding supervision. She explained the BVM has provisions for direct supervision. She stated a licensed NH veterinarians must be in the facility and available for consultation.
- Sen. Altschiller asked if that direct supervisor is tied to a person’s provisional license.
  - Ms. Eaton said it is left general in statute so that the BVM can write rules and decide what is best.
- Sen. Pearl asked if the BVM has the rulemaking authority to do so.
  - Ms. Eaton said that is covered in another statute.

Dr. Wini Krogman, Board of Veterinary Medicine

- Dr. Krogman stated these licenses would be on an immediate basis and would be a key piece to address the statewide issue. She stated the vet shortage is well known and the underlying problems were exacerbated by the pandemic.

Douglas Osterhoudt, Office of Professional Licensure and Certification

- Mr. Osterhoudt stated OPLC has no position on the bill.
- Mr. Osterhoudt said the last paragraph of the amendment requires two applications for a license. He said OPLC can do one application and a renewal. He this might make it easier to link a license number to an individual.
HOUSE BILL 1548-FN

AN ACT relative to recommendations of the joint committee on employee classification.


COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill revises salaries for certain unclassified state employees. This bill is a request of the joint committee on employee classification.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to recommendations of the joint committee on employee classification.

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

1 State Officers; Compensation; Positions Deleted. Amend RSA 94:1-a, I (b) by deleting:

2 DD Department of health and human services financial data administrator
3 EE Department of health and human services Sununu youth services center administrator
4 EE Department of insurance assistant commissioner
5 FF Department of health and human services deputy director, information services
6 FF Department of health and human services community relations manager
7 GG Department of health and human services chief financial officer New Hampshire hospital
8 GG Department of health and human services deputy medicaid director,
9 NN Department of health and human services state epidemiologist
10 PP Department of health and human services physician in charge

2 State Officers; Compensation; Positions Added. Amend RSA 94:1-a, I (b) by inserting:

12 BB Department of justice assistant deputy medical examiner
13 CC Department of justice chief forensic investigator
14 DD Department of military affairs director, community division of
15 & veterans services community based military programs
16 DD Department of military affairs director, New Hampshire state veterans
17 & veterans services cemetery
18 EE Department of health and human services senior attorney
19 FF Department of health and human services bureau chief, drug & alcohol services
20 FF Department of health and human services director, medicaid policy & clinical programs
21 GG Department of state right-to-know ombudsperson
22 GG Department of state right-to-know ombudsperson
23 GG Department of health and human services director, Sununu youth services center
24 GG Department of health and human services chief quality improvement and compliance
25 officer
26 GG Department of health and human services contract manager, Hampstead hospital and
27 residential treatment facility
28 GG Department of health and human services deputy director, information services
29 GG Department of health and human services deputy director, division of behavioral health
30 GG Department of health and human services executive director, prescription drug
31 affordability board
3 New Subparagraphs; Salary Adjustment for Recruitment or Retention Amend RSA 94:3-b, II by inserting after subparagraph (g) the following new subparagraphs:

(h) State epidemiologist, Department of health and human services, $190,958.90-$237,600.00.

(i) Chief pharmacy board compliance investigator/inspector, Office of professional licensure and certification, $115,500-$165,000.

(j) Pharmacy inspector, Office of professional licensure and certification, $104,500-$148,500.

4 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to recommendations of the joint committee on employee classification.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill revises salaries for certain state employees as well as deletes certain positions. The bill is a request of the joint committee on employee classification (JCEC). The bill will amend RSA 94:1-a to update it with the position classifications approved by the JCEC. To the extent the position classifications approved by the JCEC results in higher salaries, there will be an increase in state expenditures in the current and future operating budgets. Any increased expenditures in the current biennium will be funded by funds available due to positions eliminated, vacancies within the agency or with funds from the salary adjustment fund. Any increased expenditures in future biennia will be included in the agency operating budget requests.

AGENCIES CONTACTED:

None
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/31/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>H</td>
<td>Executive Session: 01/31/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/13/2024 (Vote 17-0; CC) HC 9 P. 8</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Executive Departments and Administration SJ 7</td>
</tr>
<tr>
<td>03/25/2024</td>
<td>S</td>
<td>Hearing: 03/27/2024, Room 103, SH, 09:00 am; SC 12</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

HB 1548-FN, relative to recommendations of the joint committee on employee classification.

Hearing Date: March 27, 2024

Time Opened: 9:01 a.m. Time Closed: 9:06 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill revises salaries for certain unclassified state employees. This bill is a request of the joint committee on employee classification.

Sponsors:
Sen. Innis Sen. Rosenwald


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented:

Rep. Tony Lekas, Hillsborough 38

- Rep. Lekas introduced House Bill 1548-FN.
- Rep. Lekas explained he is the chair of the Joint Committee on Employee Classification. The setting of salaries is up to the legislature, but developments come up regularly throughout the year.
- Rep. Lekas stated the RSA that created the committee enables them to temporarily assign salaries. Then the committee is required to submit legislation to confirm those salaries.
- He said there are unclassified employees who are essentially like salaried employees. The state has salary ranges, and if a new position is created or if a
department wants to change salaries, they send the information to consultant group. The consultants do not recommend a specific salary. Instead, they classify the level of complexity and other aspects of the job compared to others. The classification is done with a two-letter code which correspond to a salary range as specified in RSA 94:1-a.

- This bill asks the legislature for confirmation of changes approved by the Joint Committee on Employee Classification over the last year.
- Rep. Lekas stated the bill renames positions that were added.
- Rep. Lekas explained there are exceptions from the normal salary ranges because there are some positions that are special and cannot be easily compared to others. He said this year those positions include state epidemiologist, chief of pharmacy board, compliance investigator, and pharmacy inspector. He noted the chief medical examiner, the highest paid position in the state, is also one of these special positions, but the position was not included in this year’s legislation. He stated the joint committee can recommend specific salaries for those positions.
- Rep. Lekas noted that RSA 94:1-a has two parts. The first part is effective through July 12, 2024, and the second part is effective afterward. This is due to the salary increases that were passed in HB 2 last year.

KC
Date Hearing Report completed: April 2, 2024
HOUSE BILL 1622-FN

AN ACT

relative to administrative rulemaking and license renewals by the office of professional licensure and certification.

SPONSORS: Rep. C. McGuire, Merr. 27; Sen. Lang, Dist 2; Sen. Pearl, Dist 17; Sen. Carson, Dist 14; Sen. Murphy, Dist 16

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill requires rulemaking relative to the recordkeeping of the executive director of the office of professional licensure and certification and expands categories included in license renewal time frames. This bill also updates several provisions regarding public comments, reports and expired rules.

Explanation:

Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to administrative rulemaking and license renewals by the office of professional licensure and certification.

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

1. Duties of the Executive Director; Office of Professional Licensure and Certification. Amend RSA 310:4, I(e) to read as follows:

   (e) Maintenance of the official record of the office and the boards in accordance with the retention policy established by the office in administrative rules adopted in accordance with RSA 541-A.

2. OPLC; License Renewals; Lapse. Amend RSA 310:8, II to read as follows:

   II. [Licensees] Notwithstanding any other state law to the contrary, initial licenses, registrations, certifications, and renewals shall be valid for 2 years from the date of issuance, except that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application.

3. Director of Legislative Services; Publishing. Amend RSA 541-A:15, I to read as follows:

   I. The director of legislative services shall compile, index, and 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 which the director shall publish online. [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 director shall within 180 days send to the agency a draft certified rule in an edited format as determined by the director. The agency shall then have [420] 60 days to certify that the edited rule is the same in substance as originally filed [published rule is accurate]. If editorial changes not affecting the substance of the rule are needed, or an error in the publishing or editing process is identified, then the agency shall notify the director, who shall make [and] such changes [shall be made by the director] and the rule shall be certified by the agency that it is the same in substance as originally filed. If the agency does not notify the director within the [420] 60-day deadline, then it will be presumed that the agency has reviewed the published edited language and agreed that it is the certified version [and shall] which 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.
4 Interim Rules. Amend RSA 541-A:19, X to read as follows:

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule or conditionally approve the proposed interim rule, provided that the committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b). An adopted interim rule and any new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or the requirements for which are set forth in the rule pursuant to RSA 541-A:19, shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval or in the case of a board or commission, 7 days following its next regularly scheduled meeting after committee approval or conditional approval after receipt of the written confirmation pursuant to RSA 541-A:19, VIII(b) for a committee conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval or, in the case of a board or commission, within 7 days following its next regularly scheduled meeting after receipt of the written confirmation pursuant to RSA 541-A:19, VIII(b). Interim rules shall be effective for a period not to exceed 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

5 New Paragraph; Rulemaking; Public Comments; Requirement for Online Availability. Amend RSA 541-A:11 by inserting after paragraph VIII the following new paragraph:

IX. (a) Every public comment on a proposed rule that the agency receives electronically shall be promptly uploaded to a web page maintained by the agency. Each proposed rule shall have a separate location for all public comments received for that rule.

(b) Public comments received via regular mail shall, to the extent agency resources permit, be scanned and added to the web page as electronic documents.

6 Rulemaking; Filing Final Proposal Public Comments; Report. Amend RSA 541-A:12, II(e) to read as follows:

(e) A report of public comments received on the rule shall be created. [and an explanation of how they were addressed in the final rule.] The report shall indicate how the comment was incorporated into the final rule. If the comment was not incorporated into the final rule, a substantive explanation of the adopting authority overrule relevant arguments and considerations made in the comment shall be included.

7 Final Adoption. Amend RSA 541-A:14, I(a) to read as follows:

(a) The passage of 60 days from filing of a final proposal under RSA 541-A:12, I[-or-60 days from filing under RSA 541-A:12, I-a] without receiving notice of objection from the committee;
8 Declaratory Judgment on Validity or Applicability of Rules. Amend RSA 541-A:24 to read as follows:

541-A:24 Declaratory Judgment on Validity or Applicability of Rules. The validity or applicability of a rule, including the enforcement of an expired rule by an agency, may be determined in an action for declaratory judgment in the Merrimack county superior court if it is alleged that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff, or if the agency is enforcing an expired rule contrary to RSA 541-A:22, I and II, including the levying of fines or assessment of fees. The agency shall be made a party to the action. The plaintiff shall give notice of the action to the office of legislative services, division of administrative rules, at the time of filing. A declaratory judgment may be rendered whether or not the plaintiff has requested the agency to pass upon the validity or applicability of the rule in question. The court shall have the authority to levy a financial penalty upon the agency, including the payment of plaintiff's attorney's fees and, if the agency enforced an expired rule, the reimbursement of fines or fees collected by the agency from the plaintiff under that expired rule. Upon receiving a declaratory judgment, the respondent agency or department shall also file a copy of that judgment with the office of legislative services, division of administrative rules.

9 Validity of Rules. Amend RSA 541-A:22, I to read as follows:

I. No agency rule, including a form, is valid or effective against any person or party, nor may it be enforced by the state for any purpose, until it has been filed as required in this chapter and has not expired. If an agency levied fines due to violation of an expired rule or assessed fees only established in an expired rule, then the agency shall refund all fines and fees it collected during the rule’s expiration since the effective date of this paragraph.

10 New Subparagraph; Filing Final Proposal. Amend RSA 541-A:12, II by inserting after subparagraph (e) the following new subparagraph:

(f) If the proposed rule is expired, a report that outlines any agency action or implementation of the statute without any necessary administrative rules, including whether any fines or fees were levied or assessed by the agency and whether the fines or fees have been refunded.

11 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to administrative rulemaking and license renewals by the office of professional licensure and certification.

FISCAL IMPACT:  [X] State  [ ] County  [ ] Local  [ ] None

| Estimated State Impact - Increase / (Decrease) |
|-----------------|----------|----------|----------|
| FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| Revenue | $0 | Indeterminable Decrease | Indeterminable Decrease | Indeterminable Decrease |
| Revenue Fund(s) | None | | | |
| Expenditures | $0 | Indeterminable Increase $10,000+ | Indeterminable Increase $10,000+ | Indeterminable Increase $10,000+ |
| Funding Source(s) | General Fund, Office of Professional Licensure and Certification Fund, and Various Agency Funds | | | |
| Appropriations | $0 | $0 | $0 | $0 |
| Funding Source(s) | None | | | |

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill makes changes to licensing and administrative procedures impacting various state agencies. It aims to change how the Office of Professional Licensure and Certification (OPLC) handles retention policies and license terms. This proposal includes adjustments to the Administrative Procedure Act, modifying rule review timings and agency responsibilities. Additionally, it imposes financial penalties on agencies enforcing expired rules as well as requires any state agency to refund any fines or fees collected on expired rules.

This bill will have an indeterminable decrease to revenues to the extent any fines or fees were collected by agencies on an expired rule as those fines or fees would be required to be refunded back to the entity who paid them. Additionally, agencies could see an indeterminable increase in expenditures to the extent an agency is enforcing an expired rule and a court levies a financial penalty upon the agency.

The Office of Professional Licensure and Certification states the fiscal impact is uncertain. The proposed changes could result in expenditures exceeding $10,000. The language allows courts to impose "financial penalties" on agencies for enforcing expired rules, but the specific parameters
for these penalties are not defined. These penalties seem to be additional to the payment of attorney's fees and any eligible reimbursements.

The Judicial Branch states it is not possible to estimate how this change in law would impact the number or complexity of filings in the courts.

The Department of Administrative Services states this bill will not have a fiscal impact on the Department.

AGENCIES CONTACTED:
Office of Professional Licensure and Certification, Judicial Branch, and Department of Administrative Services
Amendment to HB 1622-FN

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

1. OPLC; License Renewals; Lapse. RSA 310:8, II is repealed and reenacted to read as follows:

   II. Licenses issued by the office shall be valid for 2 years from the date of issuance except for those apprentices licensed for one year in accordance with rules adopted pursuant to RSA 541-A. The validity of issued licenses shall be in accordance with RSA 541-A:30 and subject to restrictions imposed through disciplinary and non-disciplinary remedial proceedings. The licensing terms established in this section shall supersede any conflicting terms established in a statute administered by a board listed in RSA 310:2.

2. Director of Legislative Services; Publishing. Amend RSA 541-A:15, I to read as follows:

   I. The director of legislative services shall compile, index, and 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 which the director shall publish online. 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 director shall within 180 days send to the agency a draft certified rule in an edited format as determined by the director. The agency shall then have [120] 60 days to certify that the edited rule is the same in substance as originally filed [published rule is accurate]. If editorial changes not affecting the substance of the rule are needed, or an error in the publishing or editing process is identified, then the agency shall notify the director, who shall make [and] such changes [shall be made by the director] and the rule shall be 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] 60-day deadline, then it will be presumed that the agency has reviewed the [published edited] language and agreed that it is the certified version [and shall which] 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.

3. Interim Rules. Amend RSA 541-A:19, X to read as follows:

   X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule or conditionally approve the proposed interim rule, provided that the
committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b). An adopted interim rule and any new or amended form, or screenshot, mock-up, or prototype of an electronic-only form, which the rule incorporates by reference or the requirements for which are set forth in the rule pursuant to RSA 541-A:19, shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval or in the case of a board or commission, 7 days following its next regularly scheduled meeting after committee approval or [conditional approval] after receipt of the written confirmation pursuant to RSA 541-A:19, VIII(b) for a committee conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval or, in the case of a board or commission, within 7 days following its next regularly scheduled meeting after receipt of the written confirmation pursuant to RSA 541-A:19, VIII(b). Interim rules shall be effective for a period not to exceed 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

4 New Paragraph; Rulemaking; Public Comments; Requirement for Online Availability. Amend RSA 541-A:11 by inserting after paragraph VIII the following new paragraph:

IX.(a) Every public comment on a proposed rule that the agency receives electronically shall be promptly uploaded to a web page maintained by the agency. Each proposed rule shall have a separate location for all public comments received for that rule.

(b) Public comments received via regular mail shall, to the extent agency resources permit, be scanned and added to the web page as electronic documents.

5 Rulemaking; Filing Final Proposal Public Comments; Report. Amend RSA 541-A:12, II(e) to read as follows:

(e) A report of public comments received on the rule shall be created. [and an explanation of how they were addressed in the final rule.] The report shall indicate how the comment influenced the final rule. If the comment did not influence the final rule, a substantive explanation of the adopting authority overruled relevant arguments and considerations made in the comment shall be included.

6 Final Adoption. Amend RSA 541-A:14, I(a) to read as follows:

(a) The passage of 60 days from filing of a final proposal under RSA 541-A:12, I[a], without receiving notice of objection from the committee;

7 Declaratory Judgment on Validity or Applicability of Rules. Amend RSA 541-A:24 to read as follows:

541-A:24 Declaratory Judgment on Validity or Applicability of Rules. The validity or applicability of a rule, including the enforcement of an expired rule by an agency, may be
determined in an action for declaratory judgment in the Merrimack county superior court if it is
alleged that the rule, or its threatened application, interferes with or impairs, or threatens to
interfere with or impair, the legal rights or privileges of the plaintiff, or if the agency is enforcing
an expired rule contrary to RSA 541-A:22, I and II, including the levying of fines or
assessment of fees. The agency shall be made a party to the action. The plaintiff shall give notice
of the action to the office of legislative services, division of administrative rules, at the time of filing.
A declaratory judgment may be rendered whether or not the plaintiff has requested the agency to
pass upon the validity or applicability of the rule in question. The court shall have the authority
to levy a financial penalty upon the agency, including the payment of plaintiff’s attorney’s
fees and, if the agency enforced an expired rule, the reimbursement of fines or fees collected
by the agency from the plaintiff under that expired rule. Upon receiving a declaratory
judgment, the respondent agency or department shall also file a copy of that judgment with the office
of legislative services, division of administrative rules.

8 Validity of Rules. Amend RSA 541-A:22, I to read as follows:

I. No agency rule, including a form, is valid or effective against any person or party, nor may
it be enforced by the state for any purpose, until it has been filed as required in this chapter and has
not expired. If an agency levied fines due to violation of an expired rule or assessed fees only
established in an expired rule, then the agency shall refund all fines and fees it collected
during the rule’s expiration since the effective date of this paragraph.

9 New Subparagraph; Filing Final Proposal. Amend RSA 541-A:12, II by inserting after
subparagraph (e) the following new subparagraph:

(f) If the proposed rule is expired, a report that outlines any agency action or
implementation of the statute without any necessary administrative rules, including whether any
fines or fees were levied or assessed by the agency and whether the fines or fees have been refunded.

10 Effective Date. This act shall take effect 60 days after its passage.
This bill expands categories included in license renewal time frames and updates several provisions regarding public comments, reports, and expired rules.
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Public Hearing: 02/21/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/13/2024 09:30 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Executive Session: 03/20/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1226h 03/20/2024</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Vote 20-0; CC) HC 12 P. 16</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1226h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1226h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Executive Departments and Administration: SJ 8</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>S</td>
<td>Hearing: 04/10/2024, Room 103, SH, 09:15 am; SC 14</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1724s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Executive Departments and Administration Committee
Kevin Condict 271-7875

HB 1622-FN, relative to administrative rulemaking and license renewals by the office of professional licensure and certification.

Hearing Date: April 10, 2024

Time Opened: 10:31 a.m.  
Time Closed: 11:04 a.m.

Members of the Committee Present: Senators Pearl, Gendreau and Perkins Kwoka

Members of the Committee Absent: Senators Carson and Altschiller

Bill Analysis: This bill requires rulemaking relative to the recordkeeping of the executive director of the office of professional licensure and certification and expands categories included in license renewal time frames. This bill also updates several provisions regarding public comments, reports and expired rules.

Sponsors:
Sen. Carson       Sen. Murphy


Who opposes the bill: Janet Lucas.

Who is neutral on the bill: Allyson Raadmae (DHHS), J.D. Lavallee (NHDOJ), and Doug Osterhoudt (OPLC).

Summary of testimony presented:

Representative Carol McGuire, Merrimack 27

- Rep. McGuire said the bill is a collection of odds and ends about the rulemaking process.
- Rep. McGuire said that Section 1 requires the OPLC to have administrative rules on record retention. At the moment, the OPLC is negotiating with the
Secretary of State and State Archives on whose rules those should be and who it should contain. She asked the committee to do some work to delete Section I, because there should not be a mandate on what they are negotiating. She explained the bill was passed at the crossover deadline and the inclusion of that section was an oversight.

- Rep. McGuire explained that Section 2 sets that a license is good for two years. She said this is mostly the case, but the bill changes that time frame to begin at the date of issuance.
- Rep. McGuire asked that if the committee amends the bill, it allow an exemption for apprentice licenses. She said many apprenticeships are only one year in length.
- Rep. McGuire said Section 5 was taken from HB 541 and requires public comments to be public.
- Rep. McGuire explained Section 6 requires a more specific analysis of comments in a final proposal. She said this is so an agency cannot just ignore public comments and must provide a substantive explanation.
- Rep. McGuire said that since rules are valid for ten years, it is nice to have the legislative record of the rule.
- Rep. McGuire said Section 8 deals with expired rules. She said expired rules cannot be enforced, and there are a significant number of them. She said some are being enforced by inertia or confusion. Section 8 adds that there can be a financial penalty and enforcement of fines for enforcing an expired rule.
- Rep. McGuire explained that Section 9 deals with the levy of fines or fees. She said that from now on, if fees are collected on expired rules, that money must be given back.
- Rep. McGuire said Section 10 requires a report on what actions taken and discussions of rules, which is always asked of from JLCAR.
- Sen. Pearl asked if Rep. McGuire was asking for the removal of Section 1 and the allowance of an exemption for apprentice licenses.
  - Rep. McGuire said that is correct.

**Representative Dianne Schuett, Merrimack 12**

- Rep. Schuett explained that there were two proposed amendments, #2024-1064h and #2024-1226h. She said the House committee did not combine the amendments and unfortunately only the latter was adopted.

**Representative Kelley Potenza, Strafford 19**

- Rep. Potenza explained HB 1622 is the combination of two bills. She said she is speaking to the public comment portion of the bill.
- Rep. Potenza said people are not able to see their public comments, so it felt like sending comments into a black hole. She explained that many experts provide
information via public comments, particularly when it comes to NHDES business. She said she wanted this bill for DHHS, the largest agency in the state.

- Rep. Potenza said there are minor changes to be made with the public comment section. She said the bill asks agencies to put public comments online and allows them to combine repeat comments as opposed to posting the same comments hundreds of times.

- Rep. Potenza said there is a line that was missed in the amendment. She said she would like for further explanation of the public comment sharing process.

- Rep. Potenza said the House has a wonderful system for public comments. She said this bill can help the public create their own testimony and hopefully reduce the amount of redundancy in public comment.

- She explained that if someone gives substantial testimony, they are always asked to email it in. She said it is the agency’s discretion on if they would like to scan and upload the testimony.

J.D. Lavallee, New Hampshire Department of Justice

- Mr. Lavallee said the NHDOJ is neutral on the bill but wanted to address technical concerns.

- Mr. Lavallee pointed to Section 2 where it says, “notwithstanding to any other state law to the contrary.” He said that is legally powerful language, which could call into question the ability to ever restrict, rescind, revoke, or suspend a license. He said that language has been discussed with the OPLC.

- Sen. Pearl asked if the NHDOJ will provide alternative language.
  - Mr. Lavallee said they would.

- Mr. Lavallee said in Sections 5 and 6, the NHDOJ is neutral on the policy but wanted to raise concerns about ambiguity as to whether duplicative, obscene, or vulgar comments were considered. He asked whether posting personally identifiable information was considered.

- Mr. Lavallee said that the wording of the bill leaves ambiguity as to whether verbal testimony would have to be recorded.

- Mr. Lavallee highlighted the use of the word “incorporated” in Section 6. He said the Administrative Procedures Act uses the word by reference throughout the act; it means making the terms or text of one document part of another by specific reference. He said that public comments are not incorporated to address them in rule. The rulemaking process is already time and resource consuming.

- Mr. Lavallee pointed to Section 8, dealing with the court’s ability to enforce a penalty, such as fines or payment of attorney fees. If adopted, it is creating another cause of action against the state and potentially adding to state liabilities. He said the NHDOJ does not support the enforcement of expired rules, but he wanted to flag that unknown cost.

- Sen. Pearl asked if Mr. Lavallee would work with Mr. Osterhoudt of the OPLC to work on language concerns.
Mr. Lavallee said that he would. He said it seems the OPLC is most concerned with Section 2, because that bill is an OPLC statute. He said the other sections deal statewide, so the NHDOJ is happy to work with other agencies.

Michael Morrell, Office of Legislative Services

- Mr. Morrell is the Director of the Administrative Rules Division within OLS. He said much of this bill is at their request.
- Mr. Morrell explained that his division is constantly looking at the Administrative Procedures Act, listening to comments from the agencies, and looking at things that can be tweaked.
- Mr. Morrell said OLS is strongly pushing for the portion of the bill dealing with the certification process of rules. Once an agency goes through the rulemaking process and files the adopted rule, it becomes effective the next day. After that it is like a post-bill process; OLS does a certification process.
- Mr. Morrell said the problem is that the certification process takes a long time, sometimes over a year. He said OLS must frequently create source notes and revision notes for when an agency is making so many changes in the rule and restructuring so that a note must be attached for the public. He said this can take a long time on the agency’s end too.
- Mr. Morrell said the delay in the rulemaking certification process can lead to changes in rules that have not been published online, since OLS only publishes those that have been certified.
- Mr. Morrell stated this bill would allow OLS to start the certification and revision notes as soon as possible after a rule is adopted. At the same time, the rule is sent to the agency, it will be posted online so the public can see the new rules. He said this would help agencies as well. He explained there have been times when an agency proposes a rule change, but they amended the old rule because that was what was available online.
- Mr. Morrell explained that if the agency has no further changes to an updated rule, then, after 60 days, what is on the website will stay up there.
- Sen. Pearl asked if the 60 days to certify, which was cut down from 120, is ok with Mr. Morrell.
  - Mr. Morrell said that is correct; OLS should be able to comply with that new time frame.
- Mr. Morrell raised the issue of statements from agencies on what changes are made to rules regarding public comment. He explained that NHDES began doing the process outlined in this bill a few years ago.
- Mr. Morrell said the public has always been able to challenge a rule. He said JLCAR has taken the enforcement of expired rules seriously. He explained there was a time when twenty percent of the rules in the state were expired. He asserted that after something is expired, it is not there anymore. This bill clarifies statutes to say that expired rules cannot be enforced, particularly with licensing. He said the OPLC has been good at avoiding such circumstances, and
then have refunded fees and fines after discovering an enforced rule was expired.

- Mr. Morrell said there are few suits brought dealing with rules.
- Sen. Pearl noted the NHDOJ’s testimony regarding Section 6. He asked if Mr. Morrell had any feedback on the use of the word “incorporating.”
  - Mr. Morrell said he agrees with their assessment; a change would help with clarity.

**Doug Osterhoudt, Office of Professional Licensure and Certification**

- Mr. Osterhoudt said the issue with Section 1 will be resolved.
- Mr. Osterhoudt said that he sent drafted language to OLS regarding Section 2. He said he will circulate that language to the committee.
- Mr. Osterhoudt raised the concern that Section 2 amends RSA 310:8, II. He said that language is also in HB 518. He said to make sure the language matches or to remove it from one of the bills.
- Sen. Pearl asked if the language being circulated will be different than is what is in HB 518.
  - Mr. Osterhoudt said it will be new language. He said the language will also address apprenticeships.
HOUSE BILL 1666-FN

AN ACT relative to income reporting requirements for lobbyists.


COMMITTEE: Legislative Administration

ANALYSIS

This bill requires lobbyists to identify clients and income received from lobbying activity. The bill also authorizes the secretary of state to enforce lobbyist statement requirements.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to income reporting requirements for lobbyists.

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

1 State Government; Lobbyists; Registration. Amend RSA 15:1, I to read as follows:

   I. Any person who is employed for a consideration by any other person, except the state of New Hampshire, in a representative capacity for the purposes specified in paragraph II of this section shall first register as a lobbyist with the secretary of state through the secretary of state's online lobbyist filing system. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as lobbyist.

2 Lobbyist Statements; Filing Dates. Amend RSA 15:6, II to read as follows:

   II. Lobbyists shall electronically file statements no later than January 31, May 31, and September 30, covering all fees received and expenditures, contributions, honorariums, or expense reimbursements made since the last required filing, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

3 Lobbyist Statements; Electronic Filing Requirement. Amend the introductory paragraph of RSA 15:6, V to read as follows:

   V. The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and filed electronically with the secretary of state in a format that enables the secretary of state to link all information regarding income and expenses, political contributions, and honorariums or expense reimbursements submitted by an individual lobbyist under this section.

4 Effective Date. This act shall take effect January 1, 2027.
AN ACT relative to income reporting requirements for lobbyists.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill changes the filing requirements for lobbyists reducing the annual filings from four statements a year to three statements a year. Furthermore, starting January 1, 2027, all lobbyist registrations and filings must be conducted online. The designated effective date allows the Secretary of State enough time to develop, contract, test, and implement the online system. It is anticipated that the upcoming campaign finance system, set to be launched soon, can be adapted with some modifications to meet the legislative requirements. The estimated fiscal impact for the one-time system modifications range from $50,000 to $150,000, however, the Department is unable to determine when the expense will occur.

There is no appropriation in this bill to cover the estimated costs to implement this bill.

AGENCIES CONTACTED:

Department of State
<table>
<thead>
<tr>
<th>Date</th>
<th>Format</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Legislative Administration</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/10/2024 09:30 am LOB 301-303</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>==CANCELLED== Executive Session: 01/25/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==RESCHEDULED== Executive Session: 01/31/2024 01:30 pm LOB 203</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0380h</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>(Vote 14-0; CC)</td>
<td>HC 6  P. 8</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Amendment # 2024-0380h: AA VV 02/15/2024 HJ 5  P. 14</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0380h: MA VV 02/15/2024 HJ 5  P. 14</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Referred to Finance 02/15/2024 HJ 5  P. 14</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/13/2024 02:00 pm LOB 212</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Division Work Session: 03/20/2024 10:10 am LOB 212</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Executive Session: 03/26/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/28/2024 (Vote 23-0; RC) HC 14  P. 16</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Executive Departments</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Hearing: 05/08/2024, Room 103, SH, 09:45 am; SC 18</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1666-FN, relative to income reporting requirements for lobbyists.

Hearing Date: May 8, 2024

Time Opened: 10:15 a.m. Time Closed: 10:25 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill requires lobbyists to identify clients and income received from lobbying activity. The bill also authorizes the secretary of state to enforce lobbyist statement requirements.

Sponsors:
Rep. Terry


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Kelley Potenza, Strafford 19

- Rep. Potenza introduced House Bill 1666-FN.
- Rep. Potenza said this bill was crafted by a group of bipartisan legislators because of the difficulty in finding information on lobbyists. She said lobbyists have voiced that it is hard to completely fill in their information.
- Rep. Potenza explained there are separate forms lobbyists must fill out, and they must repeatedly fill in the same information. She said it would be easy to
have these forms as fillable PDFs online. She explained that elected officials report online.
- Rep. Potenza stated the current process of looking up lobbyist information is difficult to find, and the forms are not connected to each other.
- Rep. Potenza explained that lobbyists are currently reporting four times per year. This bill changes reporting times to the 31st of January and May, as well as the 30th of September.
- Rep. Potenza said the only change is showing where money streams are coming from.
- Rep. Potenza stated the effective date of the bill is a mistake. She said it should be January 1, 2025, instead of January 1, 2027.
- Rep. Potenza said that after talking with the Secretary of State’s Office, the enforcement mechanism of the bill is what the fiscal note is for. She said it is important that fines and fees are involved if people are not properly reporting. She said the state could generate revenue from this.
- She said she understands the Secretary of State’s Office may need a part-time position for this. She suggested that employee could be utilized to track elected officials’ reporting as well.
- Rep. Potenza explained that when she was first elected, the process of reporting was hard to follow. She stated that process has been streamlined and said the streamlined process should be offered to lobbyists as well.
- Rep. Potenza said that transparency is key.
- Sen. Carson said the Secretary of State’s Office would need time to develop and implement and online system. She asked if Rep. Potenza still wants the Committee to consider moving up the effective date.
  o Rep. Potenza said that the bill is talking about online PDFs. She noted that lobbyists currently must write the same information four times. She said she does not want the State to spend a lot of money and time on something that is simple. She stated this bill does not reinvent the wheel.
- Sen. Pearl noted that it was the deadline for fiscal note bills. He said the Committee could accept the 2027 date or randomly make a change without consultation with the Secretary of State’s Office. He asked if Rep. Potenza could live with the 2027 date.
  o Rep. Potenza said that was fine if there is the possibility the Secretary of State’s Office could implement this policy before that date.
- Sen. Pearl noted that the bill’s language only states that the bill must be implemented before that date; there is nothing saying the Office could not do so beforehand.

KC
Date Hearing Report completed: May 10, 2024
HOUSE BILL 1688-FN

AN ACT relative to the use of artificial intelligence by state agencies.


COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill prohibits state agencies from using artificial intelligence to manipulate, discriminate, or surveil members of the public.

Explanation: Matter added to current law appears in **bold italics.**

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the use of artificial intelligence by state agencies.

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

1 New Chapter; Use of Artificial Intelligence by State Agencies. Amend RSA by inserting after chapter 5-C the following new chapter:

CHAPTER 5-D

USE OF ARTIFICIAL INTELLIGENCE BY STATE AGENCIES

5-D:1 Definitions. In this chapter:

I. "Artificial intelligence" or "AI" is the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

II. "Generative AI" is AI that can generate text, images, or other media in response to prompts.

III. "Deepfake" means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

IV. "State agency" means any department, commission, board, institution, bureau, office, law enforcement, or other entity, by whatever name called, including the legislative and judicial branches of state government, established in the state constitution, statutes, session laws or executive orders.

5-D:2 Applicability. This chapter shall apply to all computer systems operated by any state agency as defined in RSA 5-D:1, IV. Excepted are systems used in research by state-funded institutions of higher learning. Also excepted are installed consumer systems in common personal use, including, but not limited to facial recognition used to unlock a smartphone.

5-D:3 Prohibition. The following uses of AI by state agencies shall be prohibited:

I. Classifying persons based on behavior, socio-economic status, or personal characteristics resulting in unlawful discrimination against any individual person or group of persons.

II. Real-time and remote biometric identification systems used for surveillance in public spaces, such as facial recognition, except by law enforcement with a warrant.

III. Deepfakes when used for any deceptive or malicious purpose.

5-D:4 Permitted Uses and Restrictions. Use of AI by state agencies shall be allowed under the following circumstances and with the following restrictions:
I. If an AI system produces a recommendation or a decision, and this recommendation or decision once implemented or executed cannot be reversed, then the recommendation or decision must be reviewed by a human who is in an appropriate responsible position and is aware of the limitations of the AI system before the recommendation or decision takes effect.

II. Such recommendations and decisions pertain to, but are not limited to, the following:

(a) Situations in which limitations on rights and freedoms of an individual person or group of persons are determined.
(b) Biometric identification to verify the identity of an individual person.
(c) Management and operation of critical infrastructure.
(d) Actions taken by law enforcement at the state and local levels.
(e) Interpreting and applying the laws of the state, including sentencing.

III. Any material produced by generative AI and that has not been reviewed, and possibly edited by a human in an appropriate responsible position, must be accompanied by disclosure that the content was generated by AI.

IV. In all other circumstances in which a human user is interacting with an AI system, either directly or indirectly, the user must be informed that they are interacting with an AI system.

5-D:5 Compliance.

I. All state agencies shall take the following actions no later than 9 months after the effective date of this chapter and report their compliance with the department of information technology:

(a) Review the use of AI in their computer systems to verify, to the best of their knowledge, that they comply with the provisions of this chapter and the department of information technology code of ethics for AI systems. Any AI system that is prohibited shall be removed.
(b) Modify all procedures relative to any use of AI that are inconsistent with this chapter so that these procedures are consistent with the requirements in this chapter.

II. Any AI systems newly deployed by a state agency after the effective date of this chapter shall comply with the provisions of this chapter and the department of information technology code of ethics for AI systems. All newly implemented procedures relative to any use of AI that are implemented by a state agency after the effective date of this chapter shall be consistent with the requirements in this chapter.

III. One year after the effective date of this chapter, the department of information technology shall provide to the governor, the speaker of the house of representatives, and the president of the senate a report summarizing AI systems identified by state agencies recording which of those systems were prohibited and removed in compliance with this chapter, which systems are allowed according to this chapter, and what procedures have been implemented to ensure that the procurement and use of these systems will be in compliance with this chapter. This report shall
be updated annually to include new systems that state agencies have purchased. All such reports shall also be posted on the department of information technology's website.

5-D:6 Severability.

The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

2 Effective Date. This act shall take effect July 1, 2024.
AN ACT relative to the use of artificial intelligence by state agencies.

FISCAL IMPACT:
The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Information Technology. The Department was originally contacted on 11/07/23 and most recently contacted on 12/04/23 for a fiscal note worksheet. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:
Department of Information Technology
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
</table>
| 12/15/2023 | H        | Introduced 01/03/2024 and referred to Executive Departments and Administration  
                          | HJ 1                                                        |
| 02/06/2024 | H        | Public Hearing: 02/14/2024 11:30 am LOB 306-308                        |
| 03/12/2024 | H        | Subcommittee Work Session: 03/15/2024 11:00 am LOB 306-308              |
| 03/11/2024 | H        | Executive Session: 03/20/2024 10:30 am LOB 306-308                      |
| 03/20/2024 | H        | Committee Report: Ought to Pass with Amendment # 2024-1254h            
                          | 03/20/2024 (Vote 20-0; CC) HC 12 P. 16                          |
| 03/28/2024 | H        | Amendment # 2024-1254h: AA VV 03/28/2024 HJ 10                           |
| 03/28/2024 | H        | Ought to Pass with Amendment 2024-1254h: MA VV 03/28/2024 HJ 10          |
| 04/02/2024 | S        | Introduced 03/21/2024 and Referred to Executive Departments and Administration;  
                          | SJ 8                                                        |
| 04/23/2024 | S        | Hearing: 05/01/2024, Room 103, SH, 09:45 am; SC 17                      |
| 05/09/2024 | S        | Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19        |
HB 1688-FN, relative to the use of artificial intelligence by state agencies.

Hearing Date: May 1, 2024

Time Opened: 10:10 a.m.  Time Closed: 10:32 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill prohibits state agencies from using artificial intelligence to manipulate, discriminate, or surveil members of the public.

Sponsors:
Sen. Watters  Sen. Prentiss


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Thomas Cormen, Grafton 15

- Rep. Cormen introduced House Bill 1688-FN.
- Rep. Cormen explained that he is a computer scientist with years of experience. He said artificial intelligence (AI) is not his area of research, but he has kept up with developments in the field.
- Rep. Cormen explained that AI seemed dead in the water in the 1980s. He stated new technology has been progressing exponentially. He said the big concern is about bias in AI systems. A large part of the bias is in the data used to train AI.
- Rep. Cormen stated the concern is that AI is infringing on citizens’ rights.
- Rep. Cormen noted that AI makes mistakes.
- Rep. Cormen explained he drafted this bill to protect the rights of Granite Staters from AI systems used by state agencies. He noted that the bill's cosponsors represent a broad spectrum of political thought.
- Rep. Cormen stated the bill exempts systems in common or personal use.
- Rep. Cormen explained this bill is part of a set of three House bills on AI along with HB 1596-FN and HB 1599-FN. He said the bills were developed independently but all deal with AI and deepfake. He explained that the sponsors and House members came together to coordinate definitions in the bills.
- He said the bill defines AI, generative AI, and deepfakes. He said if the committee does anything, they should leave the definitions the same so that definitions in all the bills match.
- Rep. Cormen explained the bill prohibits the use of AI in classifying people based on behavior, socioeconomics, or other features to discriminate. The bill also prohibits real time and remote biometric identification for public surveillance, such as facial recognition, except by law enforcement with a warrant.
- Rep. Cormen said the bill prohibits the use of deepfakes. He said he does not expect state agencies to use deepfakes but wanted to be sure.
- Rep. Cormen stated if AI makes a decision that once executed cannot be undone, then it is important for an appropriate human to be in the loop. He provided an example of a hostage situation. If a robot is sent in and shoots someone and makes a mistake, you cannot take that back.
- Rep. Cormen said another thing that is permitted but with restrictions is when rights and freedoms of an individual are determined. He stated the AI has proven elsewhere to be biased when sentencing.
- Rep. Cormen said the bill requires material from a generative AI without the assistance of a human must be disclosed. He stated humans must be told when they are interacting with AI.
- The bill requires state agencies to verify compliance with the Department of Information Technology (DOIT) within nine months of the effective date. He said agencies must check their AI systems and ensure compliance with the DOIT, which has a code of ethics for AI systems. Any new AI systems would need to comply with this bill.
- Rep. Cormen said this is being addressed in legislation instead of rules because the DOIT code of AI ethics is the only rule on the books. He said this bill is about rights, and rights should be enshrined in statute. He stated that rules can change, but this statute should be solid.
- Rep. Cormen said because there are so many agencies, it seems unlikely that each agency will do their own AI rulemaking.
- Sen. Altschiller pointed to page 2, section 1. She asked if there are any other examples of times when AI must make a decision that cannot be reversed.
  - Rep. Cormen provided the example that if someone is trying to get approval from the State for something with a timeline and AI disapproves the request, that could create a problem.
- Sen. Altschiller asked if Rep. Cormen had given thought to third-party contracts using AI for screening purposes. She asked about a situation in which a screening process for reporting suspected child abuse could possibly be modeled into an AI program. She said that given challenges with recruitment and retention in those areas, that could be a prime place for AI to fit in. She said that could be incredibly dangerous and pointed to the specific language on line 11. She said this is leaving out a lot of human discretion.
  o Rep. Cormen stated that humans are needed in the loop. He said humans come with their own biases, but things should not be left to AI when they affect human lives.
- Sen. Altschiller asked if Rep. Cormen is amendable to including a section F that would encompass child protection.
  o Rep. Cormen said he would be, depending on how it is worded.

Representative Carol McGuire, Merrimack 27

- Rep. McGuire reiterated to make sure that the definitions included in the bill are the same as those in the other AI bills. She stated the bill only applies to state agencies.
- Rep. McGuire explained the House ED&A Committee worked on the parts of the bill that clarify prohibitions. She said the bill makes it so that the State cannot use facial recognition in public spaces, but it is allowed in non-public spaces. She said prisons should probably be using AI to identify visitors.
- Rep. McGuire noted that travel and tourism organizations receive requests for recommendations and that AI can help with these.
- Rep. McGuire said the compliance portion of the bill was worked out with the DOIT director. She said they agreed it should not be burdensome, and that there is a space to add updates.
- Rep. McGuire said that since the bill only applies to state agencies, this does not need to go through rulemaking.
- Rep. McGuire noted that DOIT does not think this policy would cost much.
- Sen. Altschiller asked about discussions around agencies that are contracted around the state.
  o Rep. McGuire explained that the other AI bills went to different House committees. She said the House ED&A Committee did not explicitly talk about state contracts. She stated if an agency is contracting with the State, they must confirm they are complaint with this statute. She pointed to line 21 on page 2, which deals with the review of use of AI to comply with this statute. She said conversations should be had with contracted agencies.
- Sen. Carson pointed to line 24, dealing with prohibitions and classifying persons. She noted there are people who have restraining orders at various departments. She asked if the bill says that agencies cannot use AI to enforce restraining orders.
  o Rep. McGuire said that is incorrect.
- Sen. Carson asked if a prohibition of AI cameras would kick in in the event of a protest outside a state office.
  - Rep. McGuire explained that state agencies cannot use biometric identification systems in public spaces. She said this is prohibited by number II in the bill.

KC
Date Hearing Report completed: May 6, 2024
HOUSE BILL 1131

AN ACT relative to mental health practice.


COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill expands the persons exempted list to include any organization which provides clinical mental health services, employs licensed mental health practitioners, provides clinical supervision of its staff, and which assumes professional, ethical, and legal responsibility for such mental health services.

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

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

1 Mental Health Practice; Persons Exempted. Amend RSA 330-A:34, I(d) to read as follows:

(d) The psychotherapy activities and services of any other person providing mental health services as an employee of or consultant of an institution, facility, or nonprofit organization which provides clinical mental health services, employs licensed mental health practitioners, and which provides clinical supervision of its staff, and which assumes professional, ethical, and legal responsibility for such mental health services.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Vacated and Referred to Executive Departments and Administration (Rep. Osborne): MA VV (in recess of) 01/04/2024 HJ 2</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/08/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/13/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1071h 03/13/2024 (Vote 20-0; CC) HC 12 P. 15</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1071h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1071h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8</td>
</tr>
<tr>
<td>04/25/2024</td>
<td>S</td>
<td>Hearing: 05/01/2024, Room 101, LOB, 09:00 am; SC 17</td>
</tr>
<tr>
<td>05/06/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1131, relative to mental health practice.

Hearing Date: May 1, 2024

Time Opened: 9:00 a.m.  Time Closed: 9:06 a.m.

Members of the Committee Present: Senators Avard, Whitley and Prentiss

Members of the Committee Absent: Senators Birdsell and Bradley

Bill Analysis: This bill expands the persons exempted list to include any organization which provides clinical mental health services, employs licensed mental health practitioners, provides clinical supervision of its staff, and which assumes professional, ethical, and legal responsibility for such mental health services.

Sponsors:

Who supports the bill: Representative Alicia Gregg (Hillsborough – District 7), John DeJoie (National Assoc of SW), and Janet Lucas.

Who opposes the bill: Julie Smith.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Alicia Gregg
Hillsborough – District 7

- Representative Gregg said that she looked at mental health care and the lack of it in the state. She said it is good to look at existing laws and to see if there were any bottlenecks within the system.
- Rep. Gregg said there were two glaring bottlenecks as far as being able to get individuals from a student status onto being able to work. HB 1131 and HB 1413 are efforts to relieve those bottlenecks.
- Rep. Gregg said HB 1131 expands the persons exempted list to include for-profit organizations that provide clinical mental health services.
- Rep. Gregg said the laws, RSA 330-A:34, were written in the early 1980s. She said the existing laws are not clear about for-profits having the exemption.
- Rep. Gregg said, in private practice, students are able to see patients. As soon as students graduate, however, they have to leave the private practice and go to a state institution while waiting for full licensure.
• Rep. Gregg said HB 1131 would make it fair for everyone, not just non-profits, but also for-profits.
• Rep. Gregg said the providers see many patients while they are students. She said when they have 20 to 100 individuals going to a particular person, if they are not able to continue practicing while waiting for their license, they do not have a continuum of care.
• Rep. Gregg said the bill helps clean up language.
• Rep. Gregg said the House Executive Departments and Administration Committee cleared up the language.

Representative Matthew Simon

Grafton – District 1

• Representative Simon chaired the subcommittee on HB 1131.
• Rep. Simon said there was a situation of vagueness in the bill and the original RSA. He said the Board was inadvertently making a decision that was not there. There were no definitions so the Board probably had the ability to do it all along but no one looked into it.
• Rep. Simon said HB 1131 cleans up the language.
• Rep Simon said it did not seem to be reasonable that one group could practice and the other could not.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HOUSE BILL 1194

AN ACT relative to the definition of noncommunicable disease.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill removes the word infectious from the definition of noncommunicable disease.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the definition of noncommunicable disease.

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

1 1 Immunization; Definition of Noncommunicable Disease. Amend RSA 141-C:20-a, III to read as follows:

   III. Nothing in this section shall require an immunization/vaccination requirement for diseases that are noncommunicable, other than tetanus. Noncommunicable disease means a disease that is not [infectious or] transmissible from person-to-person.

2 2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>Public Hearing: 01/25/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>Executive Session: 02/21/2024 11:00 am LOB 203</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>Majority Committee Report: Ought to Pass with Amendment #2024-0809h 02/21/2024 (Vote 11-8; RC) HC 9 P. 21</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>Amendment # 2024-0809h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>Ought to Pass with Amendment 2024-0809h: MA DV 191-171 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>Reconsider HB1194 (Rep. Sweeney): MF DV 171-192 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>Hearing: 04/17/2024, Room 100, SH, 09:15 am; SC 15</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1194, relative to the definition of noncommunicable disease.

Hearing Date: April 17, 2024

Time Opened: 9:58 a.m. Time Closed: 10:28 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley and Prentiss

Members of the Committee Absent: Senator Whitley

Bill Analysis: This bill removes the word infectious from the definition of noncommunicable disease.

Sponsors:

Who supports the bill: In total, 205 individuals signed in in support of HB 1194. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who opposes the bill: In total, 37 individuals signed in as opposed to HB 1194. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Erica Layon

Rockingham – District 13

- Representative Layon said HB 1194 was a simple bill. Vaccinations for public health are to prevent the spread of communicable diseases. In order to have precise language, the word “infectious” should be removed. If something is both infectious and communicable, it would already be fully covered by statute.
- Rep. Layon said there are noncommunicable diseases such as heart disease and cervical cancer that are fully related to an infection.
- Rep. Layon said if a disease is communicable, there is a case for having a vaccination requirement. If it is infectious but not communicable, there is not.
- Rep. Layon said there is a focus on rebuilding trust that was stretched over the last several years. There is no argument for bringing in new therapies if there is not a public health benefit.
Senator Avard asked if there was an exception of tetanus.
  - Rep. Layon said there was.
  - Sen. Avard asked why.
  - Rep. Layon said tetanus is not something you get from another person, its something you get from stepping on a rusty nail. It is an accepted vaccine that a lot of people agree with. Excluding tetanus would have made HB 1194 dead on arrival.

Laura Condon
NH Director of Advocacy, National Vaccine Information Center

- Ms. Condon said HB 1194 is a simple bill. It was an error in the original bill to include noninfectious and it should be corrected.
- Ms. Condon said Jacobson v. Massachusetts (1905) held that the state must have a compelling interest for public safety in requiring vaccinations. That case was focused on smallpox. If a disease is non-transmissible, there is no compelling state interest.
- Ms. Condon said there are many mRNA shots in the pipeline.
- Ms. Condon said tetanus is everywhere and illness from it is very rare, with a high survival rate. There is not an individual vaccine for tetanus, it is part of a vaccine cocktail.
- Ms. Condon said malaria and Lyme are not transmissible from human-to-human and the state cannot impose a vaccine when there is not a human vector.
- Ms. Condon said there is an aggressive push to bring vaccines to the market.

Representative Yury Polozov
Merrimack – District 10

- Representative Polozov said HB 1194 was a good compromise in the House.
- Rep. Polozov said there needs to be more precision with definitions.
- Rep. Polozov said there is no need to require vaccinations if a disease can’t be spread person-to-person.

Terese Bastarache

- Ms. Bastarache said the public goes to their doctor to see what is required or not.
- Ms. Bastarache said in 2021 there were 17 cases of tetanus. It is treatable and rare. Everyone goes and gets the tetanus shot because they are trusting the government and clinicians, doing what is recommended or required.
- Ms. Bastarache said people are looking at the side effects of vaccines. People are having diseases and complications that were not seen a hundred years ago because people are putting more chemicals into their bodies.
- Ms. Bastarache urged the Committee to look at the money involved with vaccines and compare it to the number of deaths and illnesses from tetanus.
Representative Kelley Potenza

Strafford – District 19

- Representative Potenza said HB 1194 was not a controversial bill. It is a simple definitional change that is long overdue.
- Rep. Potenza said the government should not require vaccines for illnesses that are not transmissible.
- Rep. Potenza said when there is risk, there needs to be choice.

Summary of testimony presented in opposition:

Dr. Benjamin Chan

State Epidemiologist, Department of Health and Human Services (DHHS)

- Dr. Chan said DHHS has concerns about HB 1194. There was a concern with HB 1194 As Introduced because there was not an exception for tetanus, which would prevent combination vaccines that include tetanus.
- Dr. Chan said HB 1194 creates potential confusion and conflict with other areas of RSA 141-C and the definition of what a communicable disease is in RSA 141-C:2. The definition is “an illness that may be transmitted directly or indirectly to any person from an infected person, animal or arthropod or through the vehicle of an intermediate host, vector, or inanimate environment”.
- Dr. Chan said the impacts of HB 1194 would be unclear, given the conflicting definitions. The bill is unnecessary because there isn’t a vaccine requirement for non-transmittable diseases other than tetanus. There is a concern about new combination vaccines that may emerge.
- Dr. Chan said there is no discussion about adding new vaccines to the list of required vaccines.
- Senator Prentiss asked if HB 1194 was unnecessary.
  - Dr. Chan said that was correct. The current statute is more clear and more consistent.
- Sen. Avard asked if the reference to an inanimate environment meant a rusty nail.
  - Dr. Chan said that was correct.

Kate Frey

Vice President of Advocacy, New Futures

- Ms. Frey said HB 1194 is unnecessary. It creates confusion and conflict within statute. She urged the Committee not to create more confusion.
Representative Tim Horrigan

Strafford – District 10

- Representative Horrigan said adding tetanus was probably not a bad idea. He said he did not see the purpose of removing the language. He said the statute should stay the same but add tetanus.
- Rep. Horrigan said many infectious diseases are not shared person-to-person.
- Rep. Horrigan said COVID-19 is still a matter of concern. The downsides of vaccines are nothing compared to the impact of the COVID-19 respiratory illness.

Dr. Jerry Knirk

Former Representative

- Dr. Knirk said HB 1194 conflicts with other statutory language. The definition of noncommunicable disease in the bill is itself vague and scientifically incomplete.
- Dr. Knirk said the best example of a disease that is truly transmitted person-to-person is gonorrhea. He suggested a situation where someone has a respiratory disease and coughs on their hand and then touches a buffet handle.
- Dr. Knirk said surgeons sterilize their instruments because bacteria and disease can be transmitted through them.
- Dr. Knirk said there are signs that people have to wash their hands after using a bathroom because of fecal transmission of diseases like norovirus and E.coli.
- Dr. Knirk said swimming pools used to close because of the fear of polio being spread.
- Dr. Knirk said there is not a reason to change the existing definitions.

Jennifer Smith, MD

- Dr. Smith said there is a lot of misinformation. Removing the language would be a mistake.
- Dr. Smith said the General Court would need to add new vaccines to the required list anyway.
- Dr. Smith said cervical cancer is a transmissible virus but the state does not require the HPV vaccine.
- Dr. Smith said malaria does not come from animals, but from people. Animals have their own malaria parasites.
- Dr. Smith said there are a lot of infectious things that are not immunized against. There may be a need in the future. There is not a reason to change the language in statute.

Neutral Information Presented: None.
HB 1278-FN - AS INTRODUCED
2024 SESSION

HOUSE BILL 1278-FN

AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill adds debilitating or terminal medical conditions to the qualifying medical conditions for therapeutic cannabis if a health care provider certifies the potential benefit to the patient. The bill also removes certain limitations on a qualifying visiting patient's access to cannabis.

Explanation:

Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis.

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

1 New Subparagraph; Qualifying Medical Conditions for Purposes of Therapeutic Cannabis; Debilitating or Terminal Medical Conditions. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (6) the following new subparagraph:

(7) For adults 21 years of age or older, any debilitating or terminal medical condition or symptom for which the potential benefits of using therapeutic cannabis would, in the provider’s clinical opinion, likely outweigh the potential health risks for the patient. In order to certify a patient under this category, a certifying provider shall include on the written certification the patient’s specific condition or symptom and attest to their clinical opinion.

2 Repeal. RSA 126-X:2, V(a), relative to limitations for a visiting qualifying patient, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

Funding Source(s) None

• Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill changes the definition of "qualifying medical condition" under RSA 126-X, the state's therapeutic cannabis law, by adding any debilitating or terminal medical condition for which therapeutic cannabis is recommended by a clinical provider. The Department of Health and Human Services indicates that this change may result in more patients eligible for the therapeutic cannabis program. To the extent that additional patients apply to the program, there will be an increase in application fee revenue received by the Department. Though indeterminable, the Department estimates the bill may result in up to 10 percent growth, increasing revenue by up to $70,000 per year. Under the statutorily mandated self-funding structure of the therapeutic cannabis program in RSA 126-X and the fee structure established in administrative rule, any increase in application fee revenue will result in lower annual registration fees for the alternative treatment centers. There will be an increase in the number of applications processed by the Department, however it is not expected that the increase will necessitate additional staff.

AGENCIES CONTACTED:

Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs (HJ 1)</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/18/2024 09:30 am LOB 210-211</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/18/2024 (Vote 20-0; CC) HC 4 P. 4</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/01/2024 HJ 3 P. 7</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Referred to Ways and Means 02/01/2024 HJ 3</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 10:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 01:00 pm LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 01:30 pm LOB 202-204</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/20/2024 (Vote 19-0; CC) HC 9 P. 16</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 101, LOB, 01:15 pm; SC 15</td>
</tr>
<tr>
<td>05/06/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1278-FN, relative to qualifying medical conditions for purposes of therapeutic cannabis.

**Hearing Date:** April 18, 2024

**Members of the Committee Present:** Senators Birdsell, Bradley and Prentiss

**Members of the Committee Absent:** Senators Avard and Whitley

**Bill Analysis:** This bill adds debilitating or terminal medical conditions to the qualifying medical conditions for therapeutic cannabis if a health care provider certifies the potential benefit to the patient. The bill also removes certain limitations on a qualifying visiting patient’s access to cannabis.

**Sponsors:**

**Who supports the bill:** Dr. Jerry Knirk (Therapeutic Cannabis Medical Oversight Board), Rep. Heath Howard, Rep. Erica Layon, Rep. Wendy Thomas, Matt Simon (Granite Leaf Cannabis), Dr. Joe Hannon, Hayden Smith, Curtis Howland, Janet Lucas, Brian homer, Martha Jaquith, Ryan Donnelly (Granite State Independent Living), Rachel Valladares, James Riddle, Karen O'Keefe, Timothy Egan (NHCANN)

**Who opposes the bill:** Laura Condon, Daniel Richardson

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**
**Rep. Wendy Thomas**
- Rep. Thomas said the legislature keeps identifying conditions allowed under the NH therapeutic cannabis program and has tackled insomnia, opioid use, and anxiety. New conditions are added as they become known.
- She started in the therapeutic cannabis program 5 years ago due to chronic pain. She was in a car vs. bike accident when she was a child. Since being in the program, she has also used cannabis for insomnia, eating issues, gut issues, PTSD, and anxiety. Some of those conditions are not covered in the program, however, she found relief for all of them from cannabis.
- Many people would like to get into the program to see if cannabis helps them.
- No one uses cannabis to get high in the therapeutic program. If you are getting high on therapeutic cannabis, you are using it wrong.
The biggest concern people have is whether or not they will qualify for the program if they don’t fit the current patient model.

Rep. Thomas provided examples of cases that would not qualify but should in her opinion: having surgery, having IBS but not Crohn’s or ulcerative colitis, long Covid, having a procedure done regularly that causes anxiety, getting older, being sore after workouts, and period cramps.

This bill would provide two avenues for qualifying for the program. It would allow a physician who is not familiar with program to go through the list identified on the application and check off what they feel the patient would qualify for. It would also allow for a physician who is cannabis literate to refer a patient to the program for any condition they think would fit.

The recent HHS report on de-scheduling cannabis identifies additional uses for which cannabis has been found helpful such as ALS, Autism, muscle wasting, cancer, chronic pain, Chron’s disease, epilepsy or conditions causing seizures, glaucoma, HIV, AIDS, MS, Parkinson’s, and several others.

Rep. Thomas said chronically ill patients are not interested in being zoned out on the couch.

She questioned why we deny NH patients relief because we haven’t put their conditions in law yet.

The medical oversight board voted 7-1 to support this bill.

Rep. Thomas said the legislature needs to let physicians treat patients as they see fit.

Sen. Birdsell asked if this bill would get rid of the list.

Rep. Thomas said no. More conditions will not be added to the list, but the list will continue to exist for physicians who are not familiar with the conditions that cannabis can treat. The list will exist to provide guidelines. The other avenue is for physicians who are knowledgeable about cannabis that could refer patients for anything they think is appropriate.

Sen. Birdsell asked about what happens when one has a doctor who isn’t familiar with what conditions cannabis can treat.

Rep. Thomas said there is a push to reschedule cannabis to schedule 3.

Rep. Heath Howard

- Rep. Howard is a member of the therapeutic cannabis program. When he first looked into joining, chronic pain patients had to be prescribed other medications before pursuing the program. We have since made changes.
- People may have a condition not on the list designated by the legislature as acceptable for the therapeutic cannabis program. People have to come to the legislature every time they want to make a change. This bill would eliminate that by allowing doctors to decide.
- Rep. Howard believes this is best way forward.

Dr. Jerry Knirk

- Dr. Knirk is the Chair of the Therapeutic Cannabis Medical Oversight Board.
- You cannot prescribe cannabis as it is a schedule 1 drug. You have to be certified. This requires having a qualifying condition and symptom.
- This bill offers an alternative process for certifying by allowing more provider discretion, but it has safeguards. Without strictly following the statutory list, a provider can certify if they think cannabis will be helpful for a person.
- There has been discussion about eliminating the list but the issue with that is that a lot of providers don’t have enough knowledge to decide what might work.
This creates a two-tiered system for certification. Providers with limited knowledge can use the standard approach of consulting the list. The new tier is available for those providers with more knowledge. This is not dissimilar to what providers do for off label drugs.

Dr. Knirk said that in a way the therapeutic cannabis medical oversight board works like the FDA in terms of reviewing new conditions that could potentially be added to the list.

He said it is possible that the board might still add conditions. He said there is some question about the board’s role going forward if this bill passes. They may still look at conditions and continue to maintain a list.

On lines 4 and 5 the word “or” is used rather than “and”. It is often difficult to clearly link a condition and symptom in someone. Medical prescribing is often driven by symptoms. This will allow symptom driven treatment for the qualifying group. This bill does not change the use of the word “and” in the regular certification process.

The safeguards include a requirement that one be 21 years of age or older, and limiting provider discretion to certifying debilitating or terminal conditions.

Matt Simon – Granite Leaf Cannabis

- Granite Leaf Cannabis is a nonprofit therapeutic alternative treatment center with dispensaries in Chichester and Merrimack and a production facility in Peterborough. They serve patients certified in the NH therapeutic cannabis program.
- He was involved in passing the therapeutic cannabis bill.
- If a doctor thinks one can benefit from cannabis why would the state stand in the way.
- This is an opportunity to empower medical professionals to use their judgement.

Dr. Joe Hannon

- Dr. Hannon was on the original cannabis study commission in 2018 and is a retired foot and ankle surgeon in long-term recovery from substance use.
- Terminal illnesses, debilitating conditions, and symptoms not currently on the list would be covered by this bill.
- Cannabis is a safer alternative to opioids for someone in recovery.
- He believes doctors will become more education about the therapeutic cannabis program and that eventually the list will become obsolete, but in the meantime, it is important to give patients options for safer alternatives to opioids.
- Cannabis can be lifesaving or life-changing for many people.
- He urged the committee to leave doctors in charge of what might help their patients.
HOUSE BILL 1300

AN ACT relative to terminal patients' right to try act.


COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill renames RSA 126-Z as the right to try act; revises eligibility criteria and definitions, and replaces the term biological products with biologics.

Explanation: Matter added to current law appears in **bold italics**. Matter removed from current law appears [in brackets and struckthrough]. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1300 - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to terminal patients' right to try act.

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

1 Terminal Patients' Right to Try Act. Amend RSA 126-Z to read as follows:

CHAPTER 126-Z

[TERMINAL PATIENTS'] RIGHT TO TRY ACT

126-Z:1 Definitions.

In this chapter:

I. "Eligible patient" means a person to whom all of the following apply:

(a) The person has [a terminal illness as determined by the person's physician and a consulting physician] been diagnosed by the person's physician with a life-threatening disease or condition.

(b) The [person's physician has determined that the person has no comparable or satisfactory] person has already tried or is not a candidate for eligible United States Food and Drug Administration (FDA) approved treatment options [available to diagnose, monitor, or treat the disease or condition involved and that the probable risk to the person from the investigational drug, biological product, or device is not greater than the probable risk from the] for their disease or condition.

(c) The person [has received a prescription or recommendation from the person's physician for an investigational drug, biological product, or device] is unable to participate in a clinical trial involving the eligible investigational drug, biologic or device.

(d) The person has given written informed consent for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient's behalf.

(e) The [person has documentation from the person's physician that the person has met the requirements of this paragraph] physician providing access to an investigational drug, biologic, or device will not be compensated directly by the manufacturer for providing access to this therapy.

II. "Investigational drug, [biological product] biologic, or device" means a drug, [biological product] biologic, or device that has successfully completed phase one of a clinical trial, but has not been approved for general use by the FDA and remains under investigation in a clinical trial.

II-a. “Life-threatening disease” means:
HB 1300 - AS AMENDED BY THE HOUSE
- Page 2 -

(a) Diseases or conditions where the likelihood of death is high unless the
    course of the disease is interrupted; and

(b) Diseases or conditions with potentially fatal outcomes, where the end point
    of clinical trial analysis for new drugs, biologics, or devices for that disease or condition is
    survival.

II-b. “Other protected access” includes:

(a) “Expanded access” whereby the treating physician requests access to an
    investigational drug, biologic, or device from the FDA and is subject to oversight from an
    Institutional Review Board; and

(b) “Off-label use” means prescribing an FDA approved drug, biologic, or device
    for a use not approved for that specific indication consistent with RSA 329:17, VI-b.

III. "Physician" means the licensed physician who is providing medical care or treatment to
    the eligible patient for the terminal illness.

[IV. "Terminal illness" means a disease that, without life-sustaining procedures, will result
    in death in the near future or a state of permanent unconsciousness from which recovery is
    unlikely.]

126-Z:2 Availability of Investigational Drugs, [Biological Products] Biologics, or Devices; Costs;
Coverage.

I. A manufacturer of an investigational drug, [biological product] biologic, or device may
    make available an investigational drug, [biological product] biologic, or device to eligible patients
    pursuant to this chapter. A manufacturer may:

(a) Provide an investigational drug, [biological product] biologic, or device to an eligible
    patient without receiving compensation.

(b) Require an eligible patient to pay the costs of or associated with the manufacture of
    the investigational drug, [biological product] biologic, or device.

(c) Require an eligible patient to participate in data collection relating to the use of the
    investigational drug, [biological product] biologic, or device.

II. This chapter shall not require a health care insurer or any state agency to provide
    coverage for the cost of any investigational drug, [biological product] biologic, or device.

III. Nothing in this chapter shall require the manufacturer of an investigational drug, [biological product] biologic, or device to include an eligible patient in a particular clinical trial or
study.

126-Z:3 Liability of Physician; Facility.

I. Notwithstanding any provision of law to the contrary, the board of medicine shall not
   revoke, fail to renew, or take any other action against a physician's license issued pursuant to RSA
   329 based [solely] primarily on a physician's recommendation to an eligible patient regarding or
   prescription for or treatment with an investigational drug, [biological product] biologic, or device.
II. Notwithstanding any provision of law to the contrary, the department of health and human services shall not take action against a facility licensed under RSA 151 based primarily on the institution's participation in the treatment or use of an investigational drug, [biological product] biologic, or device under this chapter.

126-Z:4 Private Cause of Action. Nothing in this chapter shall be construed to create a private cause of action against a manufacturer of an investigational drug, [biological product] biologic, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, [biological product] biologic, or device for any harm done to the eligible patient resulting from the investigational drug, [biological product] biologic, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care.

126-Z:5 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the chapter which can be given effect without the invalid provisions or applications and to this end the provisions of this chapter are severable.

2 Effective Date. This act shall take effect January 1, 2025.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs  HJ 1</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 10:15 am LOB 206-208</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/06/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/20/2024 09:30 am LOB 203</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1223h 03/20/2024 (Vote 20-0; CC) HC 12 P. 17</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1223h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1223h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>==ROOM CHANGE== Hearing: 04/24/2024, Room 103, SH, 09:45 am; SC 16</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1300, relative to terminal patients' right to try act.

Hearing Date: April 24, 2024

Time Opened: 10:24 a.m.                               Time Closed: 10:34 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Whitley and Prentiss

Members of the Committee Absent: Senator Bradley

Bill Analysis: This bill renames RSA 126-Z as the right to try act; revises eligibility criteria and definitions, and replaces the term biological products with biologics.

Sponsors:
Sen. Avard

Who supports the bill: Representative John Lewicke (Hillsborough – District 36), Representative Erica Layon (Rockingham – District 13), John DeJoie (Nat. Assoc. of Social Workers), John DeJoie (NH Psychological Assoc.), Mo Baxley (GSIL), Julie Smith, Eric Pauer, Ryan Donnelly (Granite State Independent Living), and Bill Alleman.

Who opposes the bill: Laura Condon.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative John Lewicke

Hillsborough – District 36

• Representative Lewicke said HB 1300 will increase the ability of patients with incurable illnesses to access treatments. He compared it to HB 1283-FN (2024) and said people should be able to try things if they are dying.
• Rep. Lewicke said he has incurable cancer but is mostly healthy thanks to a number of unapproved treatments every three to six months. He said he goes to another jurisdiction to receive treatments because physicians are worried about losing their licenses.
• Rep. Lewicke said there’s no incentive to try other potential treatments, such as off-label or off-patent treatments.
• Rep. Lewicke said if no one tries anything different nothing will change. Progress has been slow because no one is trying.
• Rep. Lewicke said there is nothing to lose for him.
• Rep. Lewicke said HB 1300 will increase the standard for informed consent.

Representative Erica Layon

Rockingham – District 13

• Representative Layon said New Hampshire had passed a right to try law prior to federal authorization. When the federal right to try law was passed, the language was not consistent with New Hampshire’s statute, which may be a reason why people don’t have access to more treatment options. HB 1300 As Amended by the House removes some of the conflicting sections.
• Rep. Layon said HB 1300 expands off-label usage with informed consent and expands access through FDA trials. It also creates a right to try for products not yet on the market if, for example, there were a clinical trial taking place in Boston with a provider who practices in both New Hampshire and Massachusetts.
• Rep. Layon said the flood gates should not be opened, but the language should be standardized. Everyone should be given a chance.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HOUSE BILL 1318

AN ACT relative to the duties of the opioid abatement advisory commission.


COMMITTEE: Health, Human Services and Elderly Affairs

__________________________________________________________

ANALYSIS

This bill defines integrated pain management and adds duties to the New Hampshire opioid abatement advisory commission involving support for pain management services.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1318 - AS AMENDED BY THE HOUSE

7Mar2024... 0424h 24-2378 05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the duties of the opioid abatement advisory commission.

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

1 New Paragraph; Controlled Drug Prescription Health and Safety Program. Amend RSA 126-A:89 by inserting after paragraph VI the following new paragraph:

VI-a. "Integrative pain management" means the systematic combination of a variety of allopathic and non-allopathic services that address the biological, psychological, social, and spiritual needs of the patient. It is person-centered and focuses on maximizing function and wellness. Care plans are developed through a shared decision-making model that reflects the available evidence regarding optimal clinical practice and the person’s goals and values.

2 Opioid Abatement Advisory Commission; Duties. Amend RSA 126-A:86, I(b)(16) and (17) to read as follows:

(16) Support for public and non-public school programs and services for students with OUD and any co-occurring SUD/MH issues or who have been affected by OUD and any co-occurring SUD/MH issues within their family; [and]

(17) Support secondary and tertiary prevention through harm reduction programs;

18 Support medication assisted treatment (MAT) type services which support the pharmaceutical and non-pharmaceutical needs of patients with chronic pain, and/or those with pain who are in hospice and/or palliative care who have responded well to opioid therapy as defined in RSA 318-B:41, II(d)(7), yet have been subject to non-consensual dose reduction, detoxification, and/or abandonment by their providers; and

(19) Support services which increase access to comprehensive, integrative pain management services as an alternative to opioid therapy for those with acute and/or chronic pain and/or those with pain who are in hospice and/or palliative care.

3 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/10/2024 10:15 am LOB 210-211</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Executive Session: 01/10/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 11:00 am LOB 203</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0424h 02/21/2024 (Vote 19-0; CC) HC 9 P. 9</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment # 2024-0424h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0424h: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>S</td>
<td>Hearing: 03/27/2024, Room 101, LOB, 09:40 am; SC 12</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Health and Human Services Committee
Cameron Lapine  271-2104

HB 1318, relative to the duties of the opioid abatement advisory commission.

Hearing Date:  March 27, 2024

Time Opened:  9:40 a.m.         Time Closed:  10:00 a.m.

Members of the Committee Present:  Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent:  None

Bill Analysis:  This bill defines integrated pain management and adds duties to the New Hampshire opioid abatement advisory commission involving support for pain management services.

Sponsors:

Who supports the bill:  Lara McIntyre (Granite State Home Health & Hospice Association), Rep. David Nagel (Belknap – District 6), Daniel Richardson, and Janet Lucas.

Who opposes the bill:  None.

Who is neutral on the bill:  None.

Summary of testimony presented in support:

Representative David Nagel
Belknap – District 6

- Representative Nagel said that 66 million Americans suffer from chronic pain, 1.5 million are in hospice or receive palliative care, and 50 million undergo surgery each year.
- Rep. Nagel said his goal in life is to create public policy that balances caring for people in pain with people in addiction. The opioid crisis swung the pendulum in one direction.
- Rep. Nagel said the Opioid Abatement Fund has redistributed billions of dollars from people in pain to people with addiction.
- Rep. Nagel said surveys show 85% of people feel that their care has been compromised due to pressure on providers not to treat pain with prescriptions.
- Rep. Nagel discussed the death by suicide of Doug Hale, who took his own life after suffering with chronic pain for decades and being sent to a six-day detox program after his provider ceased prescribing him methadone for pain.
- Rep. Nagel said HB 1318 proposes that the Opioid Abatement Fund can be used to help people adversely affected by the response to the opioid crisis.
- Rep. Nagel said anyone who received money from an opioid producer was threatened with legal action if they prescribed an opioid to someone in pain. Many organizations active in pain management went bankrupt due to these legal costs.
- Rep. Nagel said the related federal regulations allow the usage of opioid settlement funds as outlined in HB 1318. Lines 14 through 18 create novel programs to address opioid refugees. He said opioid refugees are people who were well cared for but then abandoned by the sudden shift away from pain management. He said, historically, 40% of the people who received care at methadone clinics were doing so for chronic pain treatment. Today they cannot do so at all.
- Rep. Nagel said HB 1318 is evidence-based and passed the House with unanimous support.
- Senator Prentiss discussed her work as a deputy medical examiner. She shared the story of a man she investigated who died by overdose after his prescription medication for pain was no longer being prescribed to him so he sought out medication on the street.
  - Rep. Nagel said that he hears stories like that every day.
- Senator Birdsell asked who was pressuring Mr. Hale’s provider to take him off of his medication.
  - Rep. Nagel said the larger medical center that his provider worked for pressured the providers to move away from prescribing opioids for pain. He said Mr. Hale’s record was not perfectly clean but there was not enough to warrant cutting him off and going through a six-day detox program.
- Senator Bradley said that pain killers were over-prescribed. He said that the lawyers writing policies for doctors about prescriptions was also an overreaction. He asked if Rep. Nagel thought that the legal status of allowing expert physicians who manage pain had been brough back into balance since the peak of the opioid crisis.
  - Rep. Nagel said he did not believe the system was in balance at all.
- Sen. Bradley asked if there was an opportunity to do more than was being proposed in HB 1318.
  - Rep. Nagel agreed. He said he was trying to deal with the remnants of a public policy disaster that ostracized an entire group of people. He said that it is a travesty that the medical system promotes pills and procedures but not access to alternative treatments like acupuncture.

Summary of testimony presented in opposition: None.
Neutral Information Presented: None.

cml
Date Hearing Report completed: March 28, 2024
HOUSE BILL 1413

AN ACT relative to mental health supervision agreements.


COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill revises the requirements for the written agreement that must be on record with the board of mental health practice concerning a supervisor's responsibilities with respect to a candidate for mental health licensure.

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

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

1 Mental Health Practice; Candidates for Mental Health Licensure. Amend RSA 330-A:22, II(b)

to read as follows:

(b) The supervisor shall assume professional, ethical, and legal responsibility for mental health services provided by the candidate in a written agreement on record with the board. [The supervisor must assume both professional and legal responsibility in the agreement.]

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>H/S</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/08/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/13/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1076h 03/13/2024 (Vote 20-0; CC) HC 12 P. 15</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1076h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1076h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8</td>
</tr>
<tr>
<td>04/25/2024</td>
<td>S</td>
<td>Hearing: 05/01/2024, Room 101, LOB, 09:15 am; SC 17</td>
</tr>
<tr>
<td>05/06/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1413, relative to mental health supervision agreements.

Hearing Date: May 1, 2024

Time Opened: 9:15 a.m.  
Time Closed: 9:21 a.m.

Members of the Committee Present: Senators Avard, Whitley and Prentiss

Members of the Committee Absent: Senators Birdsell and Bradley

Bill Analysis: This bill revises the requirements for the written agreement that must be on record with the board of mental health practice concerning a supervisor's responsibilities with respect to a candidate for mental health licensure.

Sponsors:
Rep. Gregg  
Rep. Kuttab  
Rep. Grossman  
Rep. Nutter-Upham  
Rep. Devine

Who supports the bill: Representative Alicia Gregg (Hillsborough – District 7), James G. Cline, Sr., John DeJoie (National Assoc. of Social Workers), and Janet Lucas.

Who opposes the bill: Julie Smith.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Alicia Gregg
Hillsborough – District 7

- Representative Gregg said HB 1413 has the same goal of HB 1131 – looking at bottlenecks within the system.
- Rep. Gregg said one issue was getting enough candidates through school.
- Rep. Gregg said one of the problems was found within RSA 330-A:32 in (b) that says a supervisor must assume professional and legal responsibilities. She said litigants took issue with saying “legally responsible” without specifying it was only within the workplace.
- Rep. Gregg said the bill is cleaning up the problem, opening up the ability to get supervisors to see students.
James Cline, Sr.

- Mr. Cline is a forensic social worker and a combat veteran.
- Mr. Cline said it could be two weeks to four months of waiting for the Board to approve a supervision contract. Most states do not require supervision contracts. New Hampshire state schools are also not responsive to in-state students.
- Mr. Cline said this situation ends up hurting New Hampshire’s economy by making prospective employees wait two to four months to get a license while not accumulating hours under a supervision contract.
- Mr. Cline said veterans want to work with and talk to other veterans and peers. He said if individuals are waiting two to four months, they cannot accumulate their 3,000 hours.
- Mr. Cline said it took him three months to obtain his supervision contract, during which he lost over 500 hours.
- Mr. Cline said this practice hurts people who are looking for therapy. It takes ten years to ask for therapy, which then has to be put on hold because they are waiting for a provider to get a supervision contract. He said patients either find another provider or wait and could end up spiraling out of control.
- Mr. Cline said it is difficult to get people to come forward and ask for help.
- Mr. Cline said small businesses are trying to hire employees but lose hours waiting for a supervision contract. This delays the recovery process for people seeking therapy.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HOUSE BILL 1568-FN

AN ACT relative to Medicaid reimbursement for non-transport emergency medical services calls.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires Medicaid reimbursement for non-transport emergency medical services calls.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to Medicaid reimbursement for non-transport emergency medical services calls.

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

1 New Section; Emergency Medical and Trauma Services; Medicaid Reimbursement for Non-transport Emergency Medical Services Calls. Amend RSA 153-A by inserting after section 20-a the following new section:

153-A:20-b Non-transport Emergency Medical Services Calls. The state Medicaid plan shall include coverage for non-transport emergency medical services calls. Reimbursement for such services shall not be denied solely because the patient did not require transport or refused to be transported by ambulance or other emergency medical services vehicle.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to Medicaid reimbursement for non-transport emergency medical services calls.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill requires the state Medicaid program to reimburse for non-transport emergency medical services calls. The Department states that it does not maintain data on ambulance calls which do not result in transportation, and is therefore unable to provide a cost estimate based on actual data. However, the Department notes that in recent years it has expended approximately $11.2 million (total funds) annually on all ambulance services, with approximately $4.2 million (total funds) being attributed to services involving basic life support with either emergency or non-emergency transport. Subtracting the costs of transportation, the Department anticipates that the bill will result in an additional increase of at least $2 million in total funds, of which $1 million will be state general funds and $1 million will be matching federal funds.

As the bill's effective date is 60 days after passage, it is assumed there will be no impact until FY25.

AGENCIES CONTACTED:

Department of Health and Human Services
Amendment to HB 1568-FN

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

AN ACT relative to reimbursement for ambulance services under the state Medicaid plan.

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

1 New Paragraph; Commissioner of the Department of Health and Human Services; State Medicaid Plan Amendment Regarding Ambulance Services. Amend RSA 126-A:5 by inserting after paragraph XXXIV the following new paragraph:

XXXV. The commissioner shall submit to the Centers for Medicare and Medicaid Services (CMS) an amendment to the state Medicaid plan to provide reimbursement for ambulance services when care is provided in response to an emergency call to a member's home or on a scene, when an ambulance is dispatched, and treatment is provided to the patient without the patient being transported to another site. Providers shall be eligible for Medicaid reimbursement under this paragraph only when all the following requirements are met:

(a) The response originated through a 9-1-1 call.
(b) The patient consents to evaluation and treatment.
(c) After the evaluation, and when indicated, treatment, the licensed paramedic or emergency medical technician (EMT) and the patient agree there is not a need for transportation by ambulance; this shall include when resuscitation efforts are terminated.
(d) The patient does not request and actively refuses transport to an emergency department for evaluation.
(e) The patient is stable for referral to the patient's physician, other community resource or is deceased.
(f) The patient has the ability, including mental capacity and transportation resources, to obtain assistance and medically indicated follow-up.

2 Contingency. Section 1 of this act shall take effect on the date the Centers for Medicare and Medicaid Services certifies the approval of the amendment to the state Medicaid plan to the director of legislative services and the secretary of state.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.
II. The remainder of this act shall take effect upon its passage.
This bill directs the department of health and human services to submit an amendment to the state Medicaid plan regarding reimbursement for ambulance services.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Public Hearing: 01/31/2024 02:00 pm LOB 210-211</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/14/2024 09:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/06/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/20/2024 09:30 am LOB 203</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 03/20/2024 (Vote 10-10; RC) HC 12 P. 33</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass: MA DV 237-136 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8</td>
</tr>
<tr>
<td>04/04/2024</td>
<td>S</td>
<td>Hearing: 04/10/2024, Room 101, LOB, 09:30 am; SC 14</td>
</tr>
<tr>
<td>05/06/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1727s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1568-FN, relative to Medicaid reimbursement for non-transport emergency medical services calls.

Hearing Date: April 10, 2024

Time Opened: 10:09 a.m. Time Closed: 10:18 a.m.

Members of the Committee Present: Senators Birdsell and Whitley

Members of the Committee Absent: Senators Avard, Bradley and Prentiss

Bill Analysis: This bill requires Medicaid reimbursement for non-transport emergency medical services calls.

Sponsors:


Who opposes the bill: None.
Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative John Sellers

Grafton – District 18

- Representative Sellers said that a constituent approached him to file HB 1568-FN. Every town responds to service calls without knowing if they are going to transport the patient. If the patient is not transported, the town picks up the full cost of responding to the call.
- Rep. Sellers said this practice is costing every property tax taxpayer.
- Rep. Sellers said HB 1568-FN is similar to SB 409-FN (2024).
- Rep. Sellers said this is offset by using Medicaid, meaning that the state only pays 10% of the cost and the federal government picks up the balance. This takes the burden off of the property tax taxpayers.
- Rep. Sellers said up to 55% of all calls do not result in transportation.
Representative Tim McGough

Hillsborough – District 12

- Representative McGough said HB 1568-FN is a simpler version of SB 409-FN and passed the House with a 101-vote margin.
- Rep. McGough said keeping patients at home when it is clinically appropriate benefits both parties, as it does not overcrowd emergency departments.
- Rep. McGough gave the example of a semi-conscious diabetic patient who receives an elaborate advanced life support treatment but recovers and does not need to be transported. There would be significant time and expense but no reimbursement.
- Rep. McGough said ambulances are currently incentivized to transport patients just to ensure they are reimbursed.

Representative Mark Proulx

Hillsborough – District 15

- Representative Proulx echoed previous testimony.

Rob Berry

General Counsel, Medicaid Services, Department of Health and Human Services (DHHS)

- Mr. Berry said DHHS supports HB 1568-FN and testified in the House that it should be aligned with SB 409-FN. He said the parameters in SB 409-FN are important from a Centers for Medicare and Medicaid Services perspective.
- Mr. Berry said that there needs to be an appropriation in order to implement these provisions. He said it is a worthwhile policy to pursue.
- Senator Birdsell asked if there was an appropriation on SB 409-FN.
  - Mr. Berry said there was not.
- Sen. Birdsell asked if there would be an appropriation on SB 409-FN by the time it passed the House.
  - Mr. Berry said he was unsure, given that the House hearing on SB 409-FN was taking place simultaneously.

Chris Stawasz

NH Ambulance Association

- Mr. Stawasz said he supports SB 409-FN a little bit more, as it provides a better outline for reimbursement.
- Mr. Stawasz said it is wise to take away the incentive to transport a person who does not need it.
Summary of testimony presented in opposition: None.
Neutral Information Presented: None.

cml
Date Hearing Report completed: April 12, 2024
HB 1581 - AS INTRODUCED

2024 SESSION

HOUSE BILL 1581

AN ACT relative to cultivation locations for alternative treatment centers.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill allows a second cultivation center to be considered for alternative treatment centers.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1581 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to cultivation locations for alternative treatment centers.

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Cultivation Location. Amend RSA 126-X:7 by inserting after paragraph X the following new paragraph:

   XI. The department may authorize an alternative treatment center to operate additional cultivation locations, which may be a greenhouse, and which shall be subject to rules adopted by the department under RSA 126-X:6, III, and all applicable provisions of this chapter, including, but not limited to, compliance with local zoning laws. The department shall, in conjunction with the local governing body of the town or city where the additional cultivation location would be located, solicit input from qualifying patients, designated caregivers, and residents of the town or city in which the additional cultivation location would be located.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/18/2024 01:30 pm LOB 210-211</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/14/2024 09:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/14/2024 (Vote 18-2; CC) HC 9 P. 10</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 101, LOB, 02:00 pm; SC 15</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1581, relative to cultivation locations for alternative treatment centers.

Hearing Date: April 18, 2024

Members of the Committee Present: Senators Birdsell, Bradley and Prentiss

Members of the Committee Absent: Senators Avard and Whitley

Bill Analysis: This bill allows a second cultivation center to be considered for alternative treatment centers.

Sponsors:
Rep. Vail
Rep. W. Thomas
Rep. Seibert
Rep. Newell


Who opposes the bill: Laura Condon, Daniel Richardson

Who is neutral on the bill: No one

Summary of testimony presented in support:
Rep. Suzanne Vail

- HB1581 aims to permit alternative treatment centers (ATCs) to utilize additional cultivation locations, which can be greenhouses.
- Using greenhouses for cultivation will decrease electricity and cultivation costs.
- This is another way to reduce costs for patients.
- Cannabis cultivation currently occurs in an enclosed grow house with artificial lighting and climate control systems that draw a huge amount of energy for heating and cooling.
- The bill only applies to cultivation locations. It does not include dispensaries or a facility where cannabis is concentrated and made into products.
- The bill ensures regulatory compliance with existing departmental rules and local regulations, which include community engagement and local zoning compliance. Citizens will have a say about having a greenhouse in their town.
- With regard to efforts to educate legislators about the program and about the cultivation process, there is an opportunity for legislators to visit and get a tour. This is a program that has been evolving continuously.
- This bill is another way to reduce cost and help ATCs.
• Rep. Vail said she wants to make sure this program doesn’t go away. People depend on it. The program is complex, and it is very detailed and regulated.

**Sen. Birdsell** said if we increase the product, based on what the committee has heard, that will therefore reduce the price. **Rep. Vail** said yes. She added that the amount of energy needed would decrease so less money would be spent on energy costs with a greenhouse. **Sen. Birdsell** asked where they get products currently and if they grow them themselves. **Rep. Vail** said yes, they do.

**Rep. Thomas**
• Rep. Thomas said this bill could be considered a green initiative.
• She toured the grow facility for Granite Leaf. It is all inside and enclosed. It uses a massive amount of electricity.
• Allowing a greenhouse would allow access to sunshine. They could also use solar panels if desired to offset energy consumption, which could bring down costs.
• At some point we will get recreational cannabis passed in NH and this would prepare us.

**Dr. Jerry Knirk**
• Dr. Knirk said he was testifying on behalf of himself, not the Therapeutic Cannabis Medical Oversight Board.
• The increased product will not result in decreased cost by itself. Dr. Knirk said it has to do with the free market and an elastic vs. inelastic demand. He said the therapeutic cannabis market is not an elastic market; it is an inelastic market because demand is limited to those patients who are certified. As a result, increasing product alone will not decrease cost. Increased patients could do that.
• Allowing a second cultivation site will allow more product to be made to meet future needs. There has been gradual, slow growth over the years.
• This will increase product diversity. With more space, more product can be grown.
• Enclosed facilities are very expensive to operate due to electricity needs. Greenhouse growing will lessen that.
• As the program slowly grows, this bill will allow us to meet the needs of patients, increase strain availability, and it will decrease cost by decreasing the cost of production.

**Sen. Bradley** said that the bill allows for additional cultivation locations that may be a greenhouse. He asked if that meant that the location could be outdoors and not a greenhouse. **Dr. Knirk** said it currently has to be enclosed. A greenhouse is enclosed and can be secured. It is not going to be an open field.

**Sen. Bradley** asked if the location authorized by this bill would still have to comply with all existing security requirements. **Dr. Knirk** said yes.

**Matt Simon – Granite Leaf Cannabis**
• They are only allowed to grow indoors and that is the most expensive way to grow cannabis.
• Neighboring states have allowed outdoor and greenhouse cultivation.
• This has been a major disadvantage to NH ATCs.
• This bill will enable them to use a greenhouse.
Mr. Simon said the goal for them is not to grow more. They hosted legislators recently at their production facility. They have room to expand indoor cultivation, but they want to grow differently. They want to grow outside to lower costs.

To grow indoors you have to simulate an entire outdoor growing season inside under high intensity lights, which is very expensive.

Sen. Birdsell said she works at a nursery, which has a greenhouse that they still have to heat. She asked if they would still have to heat the greenhouse, particularly in the winter and what makes it so much less expensive.

Mr. Simon said he was not an expert on greenhouse cultivation. Their team says greenhouse cultivation enables cheaper production.

Dr. Jerry Knirk said he does greenhouse growing of vegetables. In mid-February he has to start ventilation because it gets over 100 degrees. That’s how intense it can be. The period between mid-November to February is when the sun is so intense you have to ventilate to keep from getting too hot. He said he doesn’t have to use air conditioning in the greenhouse, only ventilation.
HOUSE BILL 1598-FN-A

AN ACT relative to the department of health and human services management of social security payments and veterans benefits for children in foster care.


COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill requires the department of health and human services to prepare a report for the legislature and governor regarding budget requirements associated with management of social security and veterans benefits for children in placement through the department. The bill makes an appropriation to the department to hire a consultant to assist with the report and its implementation.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the department of health and human services management of social security payments and veterans benefits for children in foster care.

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

1 Reporting; Management of Social Security and Veteran's Benefits for Children in Placement Through the Department of Health and Human Services; Appropriation.

   I. The department of health and human services shall provide a report relative to management of social security and veterans' benefits for children in placement to the speaker of the house of representatives, the president of the senate, the chairpersons of the house children and family law committee, the house finance committee, the senate judiciary committee, the senate finance committee, the house clerk, the senate clerk, the governor, and the state library. This report shall contain a budget proposal for the biennium ending June 30, 2027 for the purposes of implementing and managing social security payments and veteran's benefits for children in placement through the department of health and human services, and shall be submitted on or before December 31, 2024. To assist in the preparation of this report, and to assist the department with implementation of the report’s recommendations, including the budget proposal for the biennium ending June 30, 2027, the department shall hire a consultant with knowledge of other states' efforts to manage such payments and benefits for children in placement.

   II. There is hereby appropriated to the department of health and human services the sum of $150,000 for the biennium ending June 30, 2025, for the purpose of hiring the consultant required by paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.
AN ACT relative to the department of health and human services management of social security payments and veterans benefits for children in foster care.

FISCAL IMPACT:  [ X ] State       [ ] County       [ ] Local       [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$1,433,000</td>
<td>$2,870,000</td>
<td>$2,899,000</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$1</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill requires the Department of Health and Human Services to ensure that social security payments and veterans benefits for children in the care of the Department are held securely until the child is no longer in the care of the Department. The Department states that the bill adds additional duties and responsibilities to its mandate, in that it will require a review of Social Security and Veterans Administration benefits eligibility for all children over whom the Department has custody or guardianship, as well as all children in a court-ordered or other placement. The Department states that this will require an annual accounting of benefits provided to certain individuals, among other responsibilities. The Department expects that six new positions will be needed, including two Supervisor IVs, two Program Specialist IIIIs, one attorney, and one paralegal, at a total cost of $761,000 in FY25, $766,000 in FY26, and $795,000 in FY27.

In addition to the impacts above, the Department states that, by finding additional children eligible for Supplemental Security Income, the bill will result in a loss of Title IV-E federal revenue collected by the State. The Department estimates this loss in federal revenue at $704,000 per year. Finally, the Department assumes the bill will result in a further annual loss of $1,400,000 in federal SSI revenue paid directly to the State. The Department assumes state
general funds will be needed to make up for the lost federal revenue, resulting in an increased general fund expenditure of approximately $2,104,000 per year.

This bill has an effective date of January 1, 2025. It is therefore assumed that the first year's costs will be 50 percent of the full-year cost of implementation. The bill contains an appropriation of $1 in FY25.

AGENCIES CONTACTED:
Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Children and Family Law</td>
</tr>
<tr>
<td></td>
<td>H</td>
<td>HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 01:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Executive Session: 01/09/2024 01:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass 01/09/2024 (Vote 12-1; RC) HC 4 P. 12</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/01/2024 HJ 3 P. 13</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Referred to Finance 02/01/2024 HJ 3 P. 13</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/06/2024 01:30 pm LOB 210-211</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/11/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/18/2024 02:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/22/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Executive Session: 04/02/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1308h 04/02/2024 (Vote 25-0; RC) HC 14 P. 14</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1308h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1308h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Health and Human Services: SJ 10</td>
</tr>
<tr>
<td>04/25/2024</td>
<td>S</td>
<td>Hearing: 05/01/2024, Room 101, LOB, 09:45 am; SC 17</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1598-FN-A, relative to the department of health and human services management of social security payments and veterans benefits for children in foster care.

Hearing Date: May 1, 2024

Time Opened: 9:45 a.m. Time Closed: 10:07 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill requires the department of health and human services to prepare a report for the legislature and governor regarding budget requirements associated with management of social security and veterans benefits for children in placement through the department. The bill makes an appropriation to the department to hire a consultant to assist with the report and its implementation.


Who supports the bill: John Williams and Laurie Young (DHHS), John DeJoie (Nat. Assoc. of SW), NH Psychological Assoc., Dawn McKinney (NH Legal Assistance), Representative Mary Jane Wallner (Merrimack – District 19), Dawson Hayes, Carolyn Mallon, Megan Dillon (NH Legal Assistance), Karen Rosenberg (Disability Rights Center – NH), Emily Lawrence, Janet Lucas, Senator Cindy Rosenwald (Senate District 13), Lissa Mascio (NH Office of the Child Advocate), Representative Maureen Mooney (Hillsborough – District 12), Emma Sevigny (New Futures), and Patrick Shea.

Who opposes the bill: Julie Smith.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Mary Jane Wallner
Merrimack – District 19

- Representative Wallner said NPR ran a story in September of 2023 titled “Kids get the bill for their own foster care”. 5% of children in foster care qualify for Social Security benefits because either they have a disability or their parent is either deceased or has a
disability. States have retained these benefits while the child is in social care; states are now passing bills to preserve the benefits for the child.

- Rep. Wallner said the federal Department of Health and Human Services and the Social Security Administration (SSA) have sent letters to states urging them to make this change.
- Rep. Wallner said NPR found that 49 states, including New Hampshire, retain a child’s benefits and use them to reimburse the state for the cost of foster care. The state has an obligation to pay for their care. This policy means the neediest children are paying for their own care.
- Rep. Wallner said, as introduced, HB 1598-FN-A would have had the Department of Health and Human Services (DHHS) make an account to preserve the benefits until the child leaves foster care. Many youth have no family and become homeless after leaving foster care.
- Rep. Wallner said that DHHS voiced concerns about the administration of the policy. The decision in House Finance was to provide DHHS with $150,000 to hire a consultant to help the department develop the policy and determine how to administer it. The report would be due in December of 2024 so the General Court would have the information for the next budget.
- Senator Bradley said the bill appropriates $150,000 but the fiscal note includes six positions and $1,430,000, doubling in the next two years.
  - Rep. Wallner said the fiscal note is outdated, as the bill was amended to just be hiring a consultant, who would help figure out what the actual cost will be.

**Dawson Hayes**

- Mr. Hayes was part of the Division for Children, Youth, and Families (DCYF) system from when he was removed from his parents in August of 2021 until he was adopted in February of 2024. He was eligible for SSA benefits because of his parents’ disability. DCYF received $16,132 on his behalf.
- Mr. Hayes said this policy is unfair because DCYF already receives funding for caring for foster children. He asked why only SSA children have to pay for their own care. He said he did not receive $16,000 worth of extra care and services.
- Mr. Hayes said his money should have been saved for him because he would have invested it. He said he has an investing account and has a 10% ROI.
- Mr. Hayes said there were 1,142 children in the foster care system in 2023. He asked how many had their SSA benefits taken. He said probably most.
- Mr. Hayes said fewer than half of foster care children graduate high school, 3% go to college, and 22% are homeless within their first year out of care.

**John Williams and Laurie Young**

**Director, Legislative Affairs, and Litigation Counsel, DHHS**

- Mr. Williams said DHHS fully supports HB 1598-FN-A as passed by the House. DHHS supports the $150,000 appropriation to develop a roadmap forward and build it into the next budget.
Mr. Williams said HB 1598-FN-A is a good, thorough, and thoughtful bill.

Senator Avard asked if Mr. Hayes could get his SSA benefits back.

- Mr. Williams said no.

Megan Dillon

NH Legal Assistance, Public Benefits Project

- Ms. Dillon said the state does not have to be the payee for children in care, it is an election to do so. SSA has the onus to vet a payee; there may be an appropriate payee who is not a parent but perhaps a grandparent, cousin, or adult sibling who could manage the benefits. SSA regulations say the state is not the preferred payee and is actually 6th or 7th on the list.
- Ms. Dillon said SSA benefits are critical because children come out of care with nothing. They could go towards critical service needs, medical costs, or education costs.
- Ms. Dillon said SSA benefits are supposed to be used in the best interests of child.
- Sen. Avard asked if SSA benefits are not supposed to be used to balance the DCYF budget.
  - Ms. Dillon said that was correct.
- Senator Prentiss asked if the appropriate payee has to be a family member.
  - Ms. Dillon said that was incorrect. SSA regulation sets out a table of preferred payees. It is typically a family member but could be a friend or a coach, someone with a vested interest in the child, who does not have a criminal record or certain civil or legal claims against them.
- Sen. Prentiss asked if this was in federal law.
  - Ms. Dillon said that was correct.
- Sen. Prentiss asked if the state can remove itself and have federal law direct the payees for children’s SSA benefits.
  - Ms. Dillon said the state does not have to be the responsible payee, it chooses to be. The state could say that it isn’t going to be the payee and SSA will have to choose someone else.
- Sen. Avard asked what is going to stop SSA from using the benefit checks to balance their own budget.
  - Ms. Dillon said SSA cannot become the payee for a child, they have to assign someone.
- Sen. Prentiss asked if it was her position that this had already been taken care of and the state could cease being the payee, so the survey was not needed.
  - Ms. Dillon said that was not her position. She said she hoped that the report would review the proposals about staffing needs and costs. As part of the report, they should consider the state choosing to no longer be the payee for children and let SSA find a payee. The state does not have a vested interest in the child.
- Sen. Avard asked if she supported HB 1598-FN-A as amended.
  - Ms. Dillon said she did.
Karen Rosenberg
Policy Director, DRC

- Ms. Rosenberg referenced written testimony from Stacy Phillips. Stacy attempted to secure additional funding to provide care for children she was caring for but never received any. One child was homeless after he aged out of the foster care system and was pursued by SSA for overpayment on payments he never received, because DCYF messed up the reporting paperwork.
- Ms. Rosenberg said the lion’s share of children who are eligible for SSA benefits are eligible because they have a disability.
- Ms. Rosenberg said the foster care system is not providing additional services or funds to these children.
- Ms. Rosenberg said she hopes that the study will be able to look at how the state can maximize federal benefits to reduce the financial cost to the state and look at the best way to effectively manage the funds so that children with exceptional needs have those needs met.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.
HOUSE BILL 1669-FN

AN ACT relative to restricting data sharing through the state immunization registry.

SPONSORS: Rep. Layon, Rock. 13

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

The bill prohibits the department of health and human services from sharing data from the state immunization registry with other organizations unless the department can assure withdrawals from the registry will be honored by the organization. The bill also establishes a position in the department of health and human services to assist in implementation and makes appropriations to the department therefor.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to restricting data sharing through the state immunization registry.

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

1 New Paragraph; State Immunization Registry; Data Sharing. Amend RSA 141-C:20-f by inserting after paragraph I the following new paragraph:

I-a. Prior to entering into an agreement to share personally identifiable information with any other organization, including but not limited to, other state immunization information systems, the department shall ensure that withdrawals under paragraph III-a will be honored by that organization. This paragraph shall not apply to personally identified information extracted from the state immunization information system by health care providers who care for their patients.

2 Department of Health and Human Services; Division of Public Health Services, State Immunization Registry; Data Sharing; Classified Position Established; Appropriation.

I. A systems development specialist IV (Labor Grade 26, Step 3) position is established in the department of health and human services to support the department’s division of public health services to complete development, testing, implementation, and ongoing maintenance and quality assurance activities as a result of statutory changes made in this act.

II. The sum of $107,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding the position established in paragraph I, including related office and travel expenses. In addition to the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

III. Additionally, the non-lapsing sum of $80,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding the required one-time enhancement to the New Hampshire immunization information system (NHIIS) as a result of this act. In addition to the appropriation and notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for the general fund portion of said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.
AN ACT relative to restricting data sharing through the state immunization registry.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill prohibits the Department of Health and Human Services from sharing personally identifiable data from the NH Immunization Information System (NHIIS) with other organizations unless withdrawals will be honored by that organization. The bill states that this prohibition shall not apply to information extracted from the NHIIS by health care providers who care for their patients. The Department states that as amended, the bill will require a one-time enhancement to the NHIIS platform, costing $60,000 - $80,000 in FY25. In addition, the change will necessitate one ongoing Development Specialist IV position to complete development, testing, implementation, and ongoing maintenance and quality assurance activities. Salary and benefits for this position are expected to cost $101,000 in FY25, $102,000 in FY26, and $105,000 in FY27.

AGENCIES CONTACTED:

Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action Type</th>
<th>Action Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/25/2024 11:15 am LOB 210-211</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/07/2024 11:00 am LOB 206-208</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/14/2024 09:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0619h 02/14/2024 (Vote 19-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0619h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0619h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/06/2024 03:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/11/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/18/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/22/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Executive Session: 04/02/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1274h 04/03/2024 (Vote 25-0; RC) HC 14 P. 16</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1274h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1274h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Health and Human Services; SJ 10</td>
</tr>
<tr>
<td>04/25/2024</td>
<td>S</td>
<td>Hearing: 05/01/2024, Room 101, LOB, 10:00 am; SC 17</td>
</tr>
<tr>
<td>05/06/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Health and Human Services Committee
Cameron Lapine 271-2104

HB 1669-FN, relative to restricting data sharing through the state immunization registry.

Hearing Date: May 1, 2024

Time Opened: 10:07 a.m. Time Closed: 10:19 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: The bill prohibits the department of health and human services from sharing data from the state immunization registry with other organizations unless the department can assure withdrawals from the registry will be honored by the organization. The bill also establishes a position in the department of health and human services to assist in implementation and makes appropriations to the department therefor.

Sponsors: Rep. Layon

Who supports the bill: In total, 114 individuals signed in in support of HB 1669-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who opposes the bill: In total, 1 individual signed in as opposed to HB 1669-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who is neutral on the bill: In total, 1 individual signed in as neutral on HB 1669-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Summary of testimony presented in support:

Representative Erica Layon

Hillsborough – District 13

- Representative Layon said HB 1669-FN deals with the fact that when a withdrawal system was added for the State Immunization Information System (IIS), the General Court never gave the Department of Health and Human Services (DHHS) the money to
make sure that they'd be able to ensure that the information was withdrawn if it had been shared with any other interfaces. The initial bill was not appropriately funded.

- Rep. Layon said HB 1669-FN makes it clear that prior to entering an agreement to share personally identifiable information, DHHS has to be able to ensure that withdrawals will be honored. This doesn’t touch provider information; it is about other databases.
- Rep. Layon said HB 1669-FN creates a position to make sure the systems are compliant.
- Senator Avard asked if there were two amendments.
  - Rep. Layon said two amendments were adopted by the House. The first removed the $3,000,000 cost. The second added the position to DHHS.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

John Williams and Anne Marie Mercuri
Director, Legislative Affairs, and Chief, Immunization Section, DHHS

- Mr. Williams said the fiscal note for HB 1669-FN was outdated. It was close to being correct, but not 100%.
- Ms. Mercuri said the IIS is secure and compliant with the Health Insurance Portability and Accountability Act of 1996. It is an important effort to start sharing IIS data with other states in order to ensure a continuity of care for people who move into or out of the state. DHHS does not currently share IIS data with any other state.
- Ms. Mercuri said HB 1669-FN would require DHHS to make sure the memorandum of understanding with another state included language about withdrawals. They would also need to enhance the IIS system to have transactional logs to know where data went in order to be able to fulfill a withdrawal request.
- Ms. Mercuri said DHHS needs funds and resources in order to do this. The IIS is a voluntary system and only for people who voluntarily shared their information.
- Senator Bradley said the IIS is a voluntary, opt-in system. He asked why there would be a cost to upgrade the platform or why there would need to be more personnel.
  - Ms. Mercuri said DHHS would have additional tasks because of HB 1669-FN. If the IIS has the information, DHHS is able to withdraw it because right now it is only in the DHHS system. If other states are connected, there needs to be a reporting system to know where a record was sent.
  - Mr. Williams said IIS data is currently self-contained within New Hampshire and is not currently being shared.
- Sen. Bradley asked why DHHS would potentially be sharing IIS data with other states.
  - Ms. Mercuri said it would improve continuity of care. It would also be helpful for regional health care networks, where currently a provider might potentially be unable to review data for their own patient if they’re located in a different state.
Mr. Williams said HB 1669-FN was not a request of the Department. It was Rep. Layon’s idea in order to create some safeguards.

- Sen. Bradley asked, if the IIS is already a voluntary, opt-in system, if what was being proposed was asking for taxpayer dollars to prevent opted in data from going to other states.
  - Ms. Mercuri said it would allow them to change their mind once they’ve already opted in.
  - Sen. Bradley said he thought they already could.
  - Ms. Mercuri said they can in New Hampshire, but it would not currently be withdrawn from other states.

- Sen. Bradley asked if it would be a problem for the Department if HB 1669-FN died. He said it was a ridiculous expenditure.
  - Ms. Mercuri said it would not impact the Department.

- Sen. Bradley said if someone doesn’t want to opt-in, they won’t opt-in. If they want to opt-out, they can opt-out.
  - Ms. Mercuri said that was correct.

- Sen. Bradley said it made sense to share IIS data if a patient was, for example, going to the Dana-Farber Cancer Institute in Boston.
  - Mr. Williams said HB 1669-FN was not a Department request. DHHS hears Sen. Bradley’s concerns.

- Senator Prentiss asked if this was a downstream problem because New Hampshire changed its laws, because New Hampshire doesn’t participate in immunization information in the same way.
  - Ms. Mercuri said this is a New Hampshire-specific problem.

- Sen. Bradley asked if parents know the information could be shared with out-of-state vendors if they opted in.
  - Ms. Mercuri said that was true. The Department is working on their administrative rules about what information providers should be sharing about the IIS.
  - Mr. Williams said the IIS is not just for children.

- Sen. Bradley asked if the IIS was just for vaccines.
  - Mr. Williams said it was.
HOUSE BILL 1712

AN ACT renewing the committee to study non-pharmacological treatment options for patients with chronic pain.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill renews the committee to study non-pharmacological treatment options for patients with chronic pain.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT renewing the committee to study non-pharmacological treatment options for patients with chronic pain.

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

1 Findings. The general court finds that during 2023 meetings, the committee to study non-pharmacological treatment options for patients with chronic pain established that a patient-centric, integrated model of care is a credible and practical foundation upon which to build a pilot program. The committee recommends continuation of its work for another year to explore how to create an innovative method of payment necessary to support this new model.

2 Committee Established; Non-pharmacological Treatment Options for Chronic Pain.

I. There is established a committee to study non-pharmacological treatment options to treat patients with chronic pain and the creation of a pilot program that supports and encourages non-pharmacological treatment options.

II. The members of the committee shall consist of:

(a) Five members of the house of representatives, 2 of whom shall be from the house health, human services, and elderly affairs committee, one from the house commerce committee, and 2 at large, all appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The committee's study shall include, but not be limited to, the following:

(a) Design of a pilot program with goals that are patient-centric, provider-friendly, that uses existing provider networks, establishes standard reimbursement rates, and maximizes patient self-referrals with no or minimal cost increases.

(b) Research the creation of such a pilot program with the New Hampshire Medicaid program, the New Hampshire state employee self-funded health insurance program, or with other entities supported with state funds.

(c) Investigate overall cost of such a program, including eligibility status for National Institutes of Health-National Center for Complementary and Integrative Health supported grants or funding opportunities.

(d) Research ways to enhance awareness of non-pharmacological treatment options through educational programs for primary care providers to enhance collaboration and integration of care between all providers who collectively assist in treating chronic pain.
(e) Design a process to collect usable, meaningful data over 3 to 5 years to evaluate meeting the goals of the program design, specifically whether the pilot program helps patients to reduce pain while safely improving functional outcomes and quality of care for patients with chronic pain, increase use of non-pharmacological treatments options, while maintaining affordability by constraining cost or with minimal increases in overall costs to treat chronic pain.

IV. The committee may solicit input from any person or entity the committee deems relevant to its study.

V. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VI. The committee shall submit a report including its findings and any recommendations for proposed legislation on or before November 1, 2024 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor.

3 Effective Date. This act shall take effect upon its passage.
Amendment to HB 1712

Amend paragraph VI as inserted by section 2 of the bill by replacing it with the following:

VI. Notwithstanding RSA 14:49, on or before November 1, 2024, the committee shall submit an interim report including its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor. The committee shall submit a final report of its findings and any recommendations for proposed legislation to the same on or before November 1, 2025.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Introduced (in recess of) 02/08/2024 and referred to Health, Human Services and Elderly Affairs HJ 4 P. 47</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Late Drafting and Introduction Approved by House by the Necessary 2/3 MA 02/08/2024 HJ 4 P. 47</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Public Hearing: 03/06/2024 09:30 am LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Executive Session: 03/06/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/06/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>==ROOM CHANGE== Hearing: 04/24/2024, Room 103, SH, 09:15 am; SC 16</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1732s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Health and Human Services Committee
Cameron Lapine 271-2104

HB 1712, renewing the committee to study non-pharmacological treatment options for patients with chronic pain.

Hearing Date: April 24, 2024

Time Opened: 9:56 a.m. Time Closed: 10:04 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley and Prentiss

Members of the Committee Absent: Senator Whitley

Bill Analysis: This bill renews the committee to study non-pharmacological treatment options for patients with chronic pain.

Sponsors:

Who supports the bill: Representative David Nagel (Belknap – District 6), Mo Baxley (GSIL), Representative Gary Merchant (Sullivan – District 6), Lara McIntyre (Granite State Home Health & Hospice Association), Representative Heath Howard (Strafford – District 4), Louise Spencer, Carol McMahon, Andrew Jones, Gary Devore, Cathairne Newick, Kim Marie Fudge, Fred Portnoy, Lois Cote, Suan Moore, David Holt, Richard DeMark, Ruth Perencevich, Ann Rettew, Nancy Brennan, Francis Hayes, and Stephanie Thornton.

Who opposes the bill: None.
Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative David Nagel
Belknap – District 6

- Representative Nagel said he was the cofounder of the committee that was created last year by HB 66 (2023). He said the bill passed on consent calendar in both the House and the Senate.
- Rep. Nagel said HB 1712 extends the mission of the committee for another year.
- Rep. Nagel said there was a prescription opioid crisis several years ago and there is still a prescription drug problem. He said if access to alternatives to opioids are not given, people will resort to using opioids.
- Rep. Nagel said it was known that giving access to integrated care works a lot better, but no one has figured out how to do it.
• Rep. Nagel said there were programs in the 1980s but they were very costly and lost support from insurance companies.
• Rep. Nagel said the committee is trying to solve the problem. He said he is trying to figure out how to bring together community resources that already exist instead of reinventing the wheel.
• Rep. Nagel said Senator Chandley believed there was no way to accomplish the goals and proposal of the committee in only one year. The committee created a three-phase program, spending the first year in discovery. He said the committee interviewed people to figure out how to implement it in New Hampshire.
• Rep. Nagel said the most interesting presentation to the committee was from hospice and palliative care. Hospice care provides integrated pain care at the end of life in a bundled payment plan; however, palliative care is a fee for service system.
• Rep. Nagel said the committee is working on a pilot program. The committee is working in rural and urban areas. He said the health center the committee is working with already has an integrated model for primary care.
• Rep. Nagel said having to focus on one thing bothered him. He said that the committee had to pick one condition; lower back pain, which is common and easier to study.
• Rep. Nagel said there was a question of who would pay for it. He said there have been discussions with a commercial insurer who is interested.
• Rep. Nagel said the program already has data collection abilities.
• Rep. Nagel said the program is currently in the design phase and the committee is happy with where it is.
• Senator Birdsell asked if the deadline to submit a report on November 1st, 2024 was tight.
  o Rep. Nagel agreed with Sen. Birdsell. The process that would have been a five-year project bothers him. He said no one is doing what the committee is doing for pain. Statute requires the report to be done within a yearly process.
• Sen. Birdsell asked if the deadline should be extended.
  o Rep. Nagel said it would be much better if it was.

Representative Gary Merchant
Belknap – District 6

• Representative Merchant said going to 2025 makes a lot of sense to work on helping patients not use opioids to chronic pain and opioid issues.

Summary of testimony presented in opposition: None.
Neutral Information Presented: None.
HOUSE BILL 1282-FN

AN ACT relative to the duration of child support.


COMMITTEE: Children and Family Law

ANALYSIS

This bill alters the time at which a child support obligation terminates.

Explanation:
Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the duration of child support.

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

1 Parental Rights and Responsibilities; Support. Amend RSA 461-A:14, IV to read as follows:

IV. The amount of a child support obligation shall remain as stated in the order until the dependent child for whom support is ordered [completes his or her high school education or reaches the age of 18 years, whichever is later, or] marries, or becomes a member of the armed services, or is emancipated pursuant to an order of emancipation under RSA 461-B, or reaches the age of 18 years, unless the child is still a full-time student at a secondary or elementary school, charter school, or a home education program in conformity with RSA 193-a at the age of 18, then child support shall continue until the child graduates or until 2 months after the child reaches the age of 19, whichever is first, at which time the child support obligation, including all educational support obligations, terminates shall terminate without further legal action. If the parties have a child with disabilities, the court may initiate or continue the child support obligation after the child reaches the age of 18. No child support order for a child with disabilities which becomes effective after July 9, 2013 may continue after the child reaches age 21 or no longer qualifies as a child with a disability, as defined in RSA 186-C:2, I, who is receiving special education or special education and related services as identified by the child's school district.

2 Effective Date. This act shall take effect July 1, 2025.
AN ACT relative to the duration of child support.

FISCAL IMPACT: [ ] State  [ X ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$107,000 general funds; $208,000 federal funds</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td>Federal funds</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appropriations</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill alters the time at which a child support order terminates. The bill stipulates the following: the amount shall remain as stated in an order until the dependent reaches the age of 18; unless the child is still a full-time student at a secondary or elementary school, in which case benefits will continue until the child graduates or until two months after the child becomes age 19, whichever is first. When the applicable condition is met, all child support obligations shall terminate without further legal action. Currently, RSA 461-A:14, IV states that a child support order shall remain in place until a dependent child completes his or her high school education or reaches age 18, whichever is later.

In addition to the changes identified above, the bill amends the portion of statute that requires support when a child is disabled, by specifying that support may terminate once the child no longer qualifies as a child with a disability, as defined in RSA 186-C:2, I.

The Department of Health and Human Services states that the above changes may necessitate modifications to the New England Child Support Enforcement System (NECSES). The Department estimates the one-time cost will be approximately $315,000, of which 34 percent ($107,100) will be paid for with state general funds and 66 percent ($207,900) will be paid for
with federal funds. The bill has an effective date of July 1, 2025. However, since the costs are for systems changes that will need to be ready prior to implementation, it is assumed that these costs will be incurred in FY 2025.

AGENCIES CONTACTED:

Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Children and Family Law HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 02:30 pm LOB 206-208</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Executive Session: 02/06/2024 10:35 am LOB 206-208</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0453h 02/06/2024 (Vote 13-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0453h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0453h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/06/2024 03:30 pm LOB 210-211</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/11/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/18/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/22/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Executive Session: 03/26/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1186h 03/28/2024 (Vote 23-0; RC) HC 14 P. 9</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1186h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1186h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Judiciary; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 01:00 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1282-FN, relative to the duration of child support.

Hearing Date: April 23, 2024

Time Opened: 1:07 p.m.  Time Closed: 1:19 p.m.

Members of the Committee Present: Senators Carson, Gannon and Whitley

Members of the Committee Absent: Senators Abbas and Chandley

Bill Analysis: This bill alters the time at which a child support obligation terminates.

Sponsors:


Who opposes the bill: Robert Tanguay.

Who is neutral on the bill: Matthew Hayes (BCCS).

Summary of testimony presented in support:

Representative Lori Ball said this was a housekeeping bill. The current law has a loophole in it where child support will end when a child turns 18 or they have graduated high school. She said a child can quit school and turn 18. If they never graduated, there are parents who could still be paying child support. The language for this bill came from the Social Security Survivor Benefits statute. Child support is provided as long as a child is a full-time student in high school or elementary school. If a child does not graduate high school, there is an end date of 19 years and 2 months. This bill would be in alignment with the statute that allowed special education to go to age 22.

Summary of testimony presented in opposition:

Robert Tanguay was opposed to HB 1282-FN. With certain stipulations in place, Title IV-D grant money is used to reimburse the management of child support. He said child support is tax free. By extending child support, it would be a burden on the other
parent. He noted people should be able to transition off of government assistance, so they do not need child support.

Neutral Information Presented:

Matthew Hayes, Bureau of Child Support Services, neutral on HB 1282-FN. If this bill were passed, the fiscal note outlined the system changes that would be needed to implement it as well as train staff.

Sen. Whitley asked if there are any other states that do it this way.

Mr. Hayes said he was not aware, but each state does it differently.
HB 1295-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1295-FN

AN ACT relative to penalties for criminal violations of the therapeutic use of cannabis.


COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the penalty for the unauthorized sale of cannabis by a qualifying patient or designated caregiver.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to penalties for criminal violations of the therapeutic use of cannabis.

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

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

VI. Any qualifying patient or designated caregiver who sells cannabis to another person who is not a qualifying patient or designated caregiver under this chapter shall be subject to the criminal penalties specified in RSA 318-B:26 IX-a, and shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26.

2 Repeal. RSA 318-B:26, IX-a, relative to penalties for the sale of cannabis to a person who is not a qualifying patient or designated caregiver, is repealed.

3 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to penalties for criminal violations of the therapeutic use of cannabis.

FISCAL IMPACT:

[ X ] State        [ X ] County        [ X ] Local        [   ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/FiscalNotes/JudicialCorrectionalCosts.pdf.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Criminal Justice and Public Safety HJ 1</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/12/2024</td>
<td>H</td>
<td>Executive Session: 02/07/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/07/2024 (Vote 16-0; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Judiciary; SJ 6</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 100, SH, 01:00 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1295-FN, relative to penalties for criminal violations of the therapeutic use of cannabis.

Hearing Date: April 25, 2024

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill amends the penalty for the unauthorized sale of cannabis by a qualifying patient or designated caregiver.

Sponsors:
Rep. Vail
Rep. Seibert
Rep. H. Howard

Rep. M. Perez
Rep. Newell
Rep. W. Thomas

Who supports the bill: Matt Simon (Granite Leaf Cannabis), Jim Riddle (NOFA-NH), Representative Heath Howard, Representative Jonah Wheeler, Louise Spencer, Daryl Eames (NHCANN), Representative Suzanne Vail, Hayden Smith, Janet Lucas.

Who opposes the bill: Julie Smith, Eric Pauer, Brian Homer, Fynn Stauber

Summary of testimony presented in support:

Representative Suzanne Vail

- Representative Suzanne Vail introduced HB 1295, which proposes two changes to the RSAs governing the Therapeutic Cannabis Program.

- Representative Vail emphasized that patients in the program currently face harsh penalties, including a felony charge, $300,000 fine, and up to seven years in prison for diverting their supply.

- Representative Vail noted that the penalties are disproportionate to the offense, particularly given the strict limit of two ounces of cannabis allowed per person.

- Representative Vail compared the penalties to those for more serious crimes, arguing that therapeutic cannabis patients should not face such harsh consequences.

- Senator Abbas asked Representative Vail how many patients have been prosecuted or convicted for this offense since the program’s implementation.
- Representative Vail stated that she was unaware of any cases where this has happened.
HOUSE BILL 1319-FN

AN ACT relative to prohibiting the nonconsensual dissemination of synthetic sexual images.


COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the crime of nonconsensual dissemination of private sexual images to include certain synthetic sexual images.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to prohibiting the nonconsensual dissemination of synthetic sexual images.

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

1. Criminal Code; Breaches of the Peace and Related Offenses; Nonconsensual Dissemination of Private Sexual Images. Amend RSA 644:9-a to read as follows:

   I. In this section:

   (a) "Disseminate" means to import, publish, produce, print, manufacture, post or share electronically, [distribute,] sell, lease, exhibit, [or] display, or otherwise distribute.

   (b) "Image" means a photograph, film, videotape, or digital image or recording.

   (c) "Intimate parts" means the fully unclothed, partially unclothed, or transparently clothed genitals, pubic area, or anus, or, if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing.

   (d) "Sexual act" means sexual penetration, masturbation, or sexual activity.

   (e) "Sexual activity" means any:

      (1) Knowing touching or fondling by any person, either directly or through clothing, of the sex organs, anus, or breast of that person, or another person, or animal; or

      (2) Any transfer or transmission of semen upon any part of the clothed or unclothed body of a person; or

      (3) An act of urination within a sexual context; or

      (4) Any bondage, fetter, or sadism masochism; or

      (5) Sadomasochism abuse in any sexual context.

   (f) "Synthetic image" means an image that has been altered or created depicting an individual's image in a realistic but false representation of the individual.

2. New Paragraph; Criminal Code; Breaches of the Peace and Related Offenses; Nonconsensual Dissemination of Private Sexual Images. Amend RSA 644:9-a by inserting after paragraph II the following new paragraph:

   II-a. A person also commits nonconsensual dissemination of private sexual images when he or she purposely, and with the intent to harass, intimidate, threaten, or coerce the depicted person, disseminates a synthetic image of such person that makes use of and intentionally manipulates or alters a recognizable individual's image or conduct to create a realistic but false image, recording, or digital visualization of the individual's intimate parts, sexual acts, or sexual activity without the consent of the individual.

3. Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to prohibiting the nonconsensual dissemination of synthetic sexual images.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ X ] Local  [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td></td>
<td></td>
<td>Indeterminable</td>
<td></td>
</tr>
<tr>
<td>Funding Source</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
<td></td>
<td></td>
<td>Indeterminable</td>
<td></td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td></td>
<td></td>
<td>Indeterminable</td>
<td></td>
</tr>
</tbody>
</table>

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>House/Senate</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Criminal Justice and Public Safety HJ 1</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/19/2024 11:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 02/23/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0209h 02/23/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Amendment # 2024-0209h: AA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0209h: MA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Judiciary; SJ 8</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 100, SH, 01:30 pm; SC 13</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1319-FN, relative to prohibiting the nonconsensual dissemination of synthetic sexual images.

Hearing Date: April 2, 2024

Time Opened: 1:42 p.m.            Time Closed: 1:50 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller, and Chandley

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill amends the crime of nonconsensual dissemination of private sexual images to include certain synthetic sexual images.

Sponsors:

Who supports the bill: Rep. Meuse, Pamela Keilig (NH Coalition Against Domestic and Sexual Violence), Hawley Rae (NH State Police), Rep. Howard, Elizabeth Sargent (NH Assoc. of Chiefs of Police), Janet Lucas, Lissa Mascio (NH Office of the Child Advocate), and Rep. N. Murphy.

Who opposes the bill: Julie Smith, and Daniel Richardson.

Who is neutral on the bill: Rick Fabrizio (BIA).

Summary of testimony presented in support:

Representative David Meuse said this bill is identical to SB 464, which passed the Senate. He said this bill was developed in collaboration with the Coalition Against Domestic and Sexual Violence. The impetus for this bill was the growing number of stories around young women who are being damaged by deepfake porn videos that hijack their images to make them available on porn sites and used for extortion. He said in 2016, New Hampshire criminalized image based sexual abuse, which is the revenge porn statute. He said this bill expands that statute in a very narrow way to cover synthetic images, which can be images generated with artificial intelligence that are merged with real images to create an illusion of someone performing an act they never performed.
He said the bill expands the definition of dissemination from printing, publishing and manufacturing to bring it into the virtual world to include words such as posting or sharing images electronically. He noted this small change would remove ambiguity in the law. He said these artificially generated images are happening to young women who get in bad relationships with guys where they don’t find out about these videos or images until they apply for jobs. These deepfakes are becoming a huge and growing business in this country, and he noted it’s tough to slow down, but the Legislature can criminalize the behavior and discourage those from engaging in this activity. He said these types of videos can be a lifelong sentence for people as they can discourage people from engaging not only in social media but relationships as well, which is having a detrimental effect on young people’s mental health.

**Hawley Rae**, New Hampshire State Police, supported HB 1319-FN. She noted this proposed bill amends and expands the scope of the current statute and will give law enforcement the clear ability to enforce the sharing of material in an online platform. She said it is as simple as a click of a button to generate and share these images where they can be circulated around the world. She said since New Hampshire statute was enacted; technology has changed rapidly. She noted revenge porn can be of children and adults. These images can have a crippling effect on an individual’s life and create a lasting stigma. It is very difficult to remove images from the internet. She said defendants are using a loophole where if they take an image of a victim and alter them in a computer-generated fashion, where it is no longer a real person, but visually appears to be a real individual, they cannot be charged. This bill seeks to fix that loophole.

**Summary of testimony presented in opposition**: None.

**Neutral Information Presented**: None.

mjs
Date Hearing Report completed: April 8, 2024
HOUSE BILL 1432-FN

AN ACT relative to prohibiting certain uses of deepfakes and creating a private claim of action.

SPONSORS: Rep. Greeson, Graf. 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill:

1. Establishes the crime of fraudulent use of deepfakes and sets penalties therefor;

2. Establishes a cause of action for fraudulent use of deepfakes; and

3. Prohibits registration of lobbyists who have been found to have fraudulently used deepfakes in certain cases.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1432-FN - AS AMENDED BY THE HOUSE

21Mar2024... 1100h
24-2152
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to prohibiting certain uses of deepfakes and creating a private claim of action.

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

1. New Section; Criminal Code; Fraud; Fraudulent Use of Deepfakes. Amend RSA 638 by inserting after section 26 the following new section:

   638:26-a Fraudulent Use of Deepfakes.

   I. In this section:

   (a) "Artificial intelligence" or "AI" means the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

   (b) "Deepfake" means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

   II. A person is guilty of a class B felony if the person knowingly creates, distributes, or presents any likeness in video, audio, or any other media of an identifiable individual that constitutes a deepfake for the purpose of embarrassing, harassing, entrapping, defaming, extorting, or otherwise causing any financial or reputational harm to the identifiable person.

   III. If a person violates paragraph II, and the violation results in an identifiable individual’s arrest based on the content of the deepfake, that person shall be guilty of a separate offense. The level of the offense shall be a class B felony. That person shall also be liable to the identifiable individual for his or her legal expenses and the costs of his or her defense, or to the state of New Hampshire for the same if the identifiable individual is indigent and the cost of defense has been borne by the state of New Hampshire.

   IV. This section shall not apply to any of the following:

   (a) An interactive computer service provider or user as defined in 47 U.S.C. section 230 unless such provider or user was the creator of the deepfake used for any of the purposes prohibited by paragraph II.

   (b) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite radio or television operator, programmer, or producer, Internet website or online platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar
undertaking in which the deepfake is a subject of the report and in which publication, distribution,
or broadcast there is contained a clear acknowledgment that there are questions about the
authenticity of the materials which are the subject of the report.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable
or satellite television operator, Internet website or online platform, or other periodical when such
entity is paid to publish, distribute or broadcast an election communication including a deepfake
prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer
provided by the creator or sponsor of the election communication.

(d) A video, audio or any other media that constitutes satire or parody or the production
of which is substantially dependent on the ability of one or more individuals to physically or verbally
impersonate another person without reliance on artificial intelligence.

V. The provisions of this section are severable. If any provision of this section or its
application is held invalid, that invalidity shall not affect other provisions or applications that can be
given effect without the invalid provision or application.

2 New Section; Actions; Other Actions and Limitations on Liability; Civil Actions for Fraudulent
Use of Deepfakes. Amend RSA 507 by inserting after section 8-i the following new section:
507:8-j Civil Actions for Fraudulent Use of Deepfakes.

I. In this section:

(a) "Artificial intelligence" or "AI" means the ability of a machine to display human-like
capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems
may adapt their behavior to a certain degree by analyzing the effects of previous actions and
operating under varying and unpredictable circumstances without significant human oversight.

(b) "Deepfake" means a video, audio, or any other media of a person in which his or her
face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she
appears to be saying something that he or she has never said, or he or she appears to be doing
something that he or she has never done.

II. A person may bring an action against any person who knowingly uses any likeness in
video, audio, or any other media of that person to create a deepfake for the purpose of embarrassing,
harassing, entrapping, defaming, extorting, or otherwise causing any financial or reputational harm
to that person for damages resulting from such use.

III. This section shall not apply to any of the following:

(a) An interactive computer service provider or user as defined in 47 U.S.C. section 230
unless such provider or user was the creator of the deepfake used for any of the purposes prohibited
by paragraph II.

(b) Any radio or television broadcasting station or network, newspaper, magazine, cable
or satellite radio or television operator, programmer, or producer, Internet website or online
platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by
paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite television operator, Internet website or online platform, or other periodical when such entity is paid to publish, distribute or broadcast an election communication including a deepfake prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer provided by the creator or sponsor of the election communication.

(d) A video, audio or any other media that constitutes satire or parody or the production of which is substantially dependent on the ability of one or more individuals to physically or verbally impersonate another person without reliance on artificial intelligence.

IV. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

3 New Paragraph; Lobbyists; Registration. Amend RSA 15:1 by inserting after paragraph V the following new paragraph:

VI. The secretary of state shall not accept the registration of any person, partnership, firm, or corporation that has been convicted of an offense under RSA 638:26-a or found liable under RSA 507:8-j related to the person's, partnership's, firm's, or corporation's lobbying.

4 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to prohibiting certain uses of deepfakes and creating a private claim of action.

FISCAL IMPACT:  [X] State    [X] County    [X] Local    [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Indeterminable</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>General Fund</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Indeterminable</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
<tr>
<td>Indeterminable</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Judicial Branch states it is not possible to estimate how this change in law would impact the number of filings in the courts. Because the bill establishes new offenses, it is expected that criminal litigation would increase. In addition to the criminal penalties the bill would establish a new cause of action and it is expected that civil litigation would increase. Common costs for civil cases include the following:
<table>
<thead>
<tr>
<th>Average Costs in Superior Court</th>
<th>FY 2024</th>
<th>FY 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complex Civil Case</td>
<td>$1,321</td>
<td>$1,347</td>
</tr>
<tr>
<td>Routine Civil Case</td>
<td>$494</td>
<td>$504</td>
</tr>
</tbody>
</table>

Fees

| Original Entry Fee               | $280    |
| Third-Party Claim                | $280    |
| Motion of Reopen                 | $160    |

The Department of State indicates this bill would require language changes to the lobbyist registration forms. The Department states this would have a de minimis fiscal impact.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections and State, New Hampshire Association of Counties, and New Hampshire Municipal Association
Amendment to HB 1432-FN

Amend RSA 638:26-a, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) An interactive computer service as defined in 47 U.S.C. section 230.

Amend RSA 507:8-j, III(a) as inserted by section 2 of the bill by replacing it with the following:

(a) An interactive computer service as defined in 47 U.S.C. section 230.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/23</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Judiciary HJ 1</td>
</tr>
<tr>
<td>01/17/24</td>
<td>H</td>
<td>Public Hearing: 01/31/2024 01:00 pm LOB 206-208</td>
</tr>
<tr>
<td>02/06/24</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/15/2024 10:00 am LOB 206-208</td>
</tr>
<tr>
<td>02/27/24</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/06/2024 10:00 am LOB 206-208</td>
</tr>
<tr>
<td>03/15/24</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1100h (NT) 03/13/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>03/21/24</td>
<td>H</td>
<td>Amendment # 2024-1100 (NT): AA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/21/24</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1100h: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/24</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Judiciary; SJ 8</td>
</tr>
<tr>
<td>03/27/24</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 100, SH, 01:15 pm; SC 13</td>
</tr>
<tr>
<td>05/09/24</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1871s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1432-FN, relative to prohibiting certain uses of deepfakes and creating a private claim of action.

**Hearing Date:** April 2, 2024

**Time Opened:** 1:25 p.m.  
**Time Closed:** 1:41 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Altschiller and Chandley

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill:

1. Establishes the crime of fraudulent use of deepfakes and sets penalties therefor;

2. Establishes a cause of action for fraudulent use of deepfakes; and

3. Prohibits registration of lobbyists who have been found to have fraudulently used deepfakes in certain cases.

**Sponsors:**  
Rep. Greeson

---


**Who opposes the bill:** Curtis Howland, and Christopher Gilrein (TechNet).

**Who is neutral on the bill:** Rick Fabrizio (BIA), and Hawley Rae (NH State Police).

**Summary of testimony presented in support:**

Representative Bob Lynn introduced the bill on behalf of the prime sponsor, Representative Greeson. He said this bill came out of House Judiciary and passed on the consent calendar. This piece of legislation was a consensus bill with bipartisan work done by multiple committee members. He said the amended version has a more detailed version of deepfake and artificial intelligence. Rep. Lynn said that multiple bills have made it out of the House regarding this issue and all are consistent in the definition used for artificial intelligence and deepfake.
He said this bill creates a criminal penalty and a civil right of action for deepfakes that are injurious because they cause either reputational or financial harm to a person. There are exceptions to the applicability of the statute such as satire, parody or circumstances where federal law would prohibit the application of the statute. He said there is an exception for 47 U.S.C Section 230 and an exception for if a deepfake is referenced in a story about the deepfake than that is not covered by the civil or criminal penalties. He said the other exception is for political advertising. He said under federal law even if something is known to be a deepfake, if it is in a political advertisement the broadcasting company has to run it.

**Senator Abbas** said if he broadcasted a video that he didn’t know was a deepfake would he be prosecuted for that.

**Rep. Lynn** said it would have to be proven you had known it was a deepfake.

**Representative Thomas Cormen** stated he has been in the computer science industry since 1974. He said artificial intelligence has made astounding progress in the last few years. However, he noted he is concerned about misuse of artificial intelligence. He said for all the good things it can do, it can be used for a lot of bad things. He said HB 1432-FN, HB 1688-FN, and HB 1596-FN all deal with artificial intelligence and deepfakes. He said these bills are coordinated and they agreed on common definitions of AI and deepfakes being used in these pieces of legislation. Each piece of legislation he referenced deals with a different aspect of AI and deepfakes. He asked the Committee not to amend the definitions in the bills.

**Sen. Abbas** said on page 2, lines 27-30, it talks of if there is an injury by the use of the deepfake, but he asked what if a deepfake is used to promote a product that takes the likeness of an athlete.

**Rep. Cormen** said it would be up to the person who has been deepfaked if they have been injured in any way.

**Sen. Abbas** said “embarrassing, harassing, entrapping, defaming, extorting, or otherwise causing any financial or reputational harm to the identifiable person” is the criteria, so he asked would an athlete be able to bring the claim if a deepfake was used to promote a product they didn’t support.

**Rep. Cormen** said it probably wouldn’t be criminal, but it could be a civil action.

**Senator Altschiller** asked how the three bills he referenced dovetail with the states current statutes around liable.

**Rep. Cormen** said he was not familiar with our liable statutes. He imagined HB 1492-FN would have some relation with liable, but he is not an expert in that area.

**Representative Zoe Manos** said this was a bipartisan bill from House Judiciary that came out on the consent calendar, and she urged the Committee not to amend the definitions.

**Sen. Altschiller** asked if there was consideration given to the crossover with RSA 644:11, the liable laws, because this bill provides in Section 2 what would be an
expansion of current liable laws, but only for the use of a deepfake video. She noted on page 1, lines 13-22, where it references a Class B felony if someone purposefully communicates any information they know to be false. She asked how a combination of the deepfake, speeches, writing or Youtube videos, talking about the deepfake interact with our liable laws.

**Rep. Manos** said the issue is whether or not the deepfake has created reputational harm to the person. She believed it would become a subset of liable law.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

mjs
Date Hearing Report completed: April 8, 2024
HOUSE BILL 1511

AN ACT relative to liability for children with disabilities in certain court ordered placements or episodes of treatment.

SPONSORS: Rep. Hobson, Rock. 14

COMMITTEE: Children and Family Law

ANALYSIS

This bill makes the department of health and human services financially responsible for children undergoing an episode of treatment.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to liability for children with disabilities in certain court ordered placements or episodes of treatment.

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

1 Liability for Children With Disabilities in Certain Court Ordered Placements. Amend RSA 186-C:19-b, I to read as follows:

   I.(a) As used in this section "children in placement for which the department of health and human services has financial responsibility" means all children receiving special education or special education and related services whose placements were made pursuant to RSA 169-B, 169-C, [æ] 169-D, or 193:27, VII, except children at the youth development center and children placed at the youth services center maintained by the department of health and human services while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13.

   (b) In the case of an out-of-district placement or placement for an episode of treatment, the appropriate court, or the department of health and human services, bureau for children's behavioral health, shall notify the department of education on the date that the court order is signed, or the need for an episode of treatment is determined, stating the initial length of time for which such placement is made. This subparagraph shall apply to the original order or determination and all subsequent modifications of that order or determination.

2 Effective Date. This act shall take effect July 1, 2024.
<table>
<thead>
<tr>
<th>Date</th>
<th>House/Senate</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Children and Family Law</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/16/2024 10:30 am LOB 206-208</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Executive Session: 02/06/2024 10:35 am LOB 206-208</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/06/2024 (Vote 13-0; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Judiciary; SJ 6</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 100, SH, 01:45 pm; SC 17</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1511, relative to liability for children with disabilities in certain court ordered placements or episodes of treatment.

**Hearing Date:** April 30, 2024

**Time Opened:** 2:24 p.m.  
**Time Closed:** 2:29 p.m.

**Members of the Committee Present:** Senators Carson, Gannon, Abbas, Whitley and Chandley

**Members of the Committee Absent:** None

**Bill Analysis:** This bill makes the department of health and human services financially responsible for children undergoing an episode of treatment.

**Sponsors:**  
Rep. Hobson

---

**Who supports the bill:** Rep. Hobson, Rep. Aures, Vanessa Blais (NHCDD), Melissa White (NHDOE), and Teresa Rosenberger.

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Representative Debra Hobson** said HB 1511 is a housekeeping measure. She filed this bill on behalf of the Department of Education (DoE). The bill corrects an inaccuracy in the law that was passed in HB 2, about how the DoE is notified of an episode of treatment. Currently, the law states the courts would notify the DoE about an episode of treatment; however, courts are not involved in an episode of treatment placement. Notification would come from either the Department of Health and Human Services or the local school district. She said this bill would simply clarify the language.

**Melissa White,** Department of Education, said this bill is a housekeeping measure. Currently, the episode of treatment does not go through a court ordered placement, so this bill simply clarifies that the DoE would be notified by DHHS or local school districts for episodes of treatment. This will help the DoE with tracking to provide reimbursements as needed for those placements and services.
Senator Whitley said she is glad to see that this notification is happening after a child is being placed for an episode of treatment by DHHS. She asked if there are some cases where part of the placement might be for an educational reasoning, so she was wondering how DHHS would be financially responsible for that.

Ms. White said for the episodes of treatment, any educational services that are in the students’ IEP, would be paid for by the school district up to three times the amount per pupil. She said the school district would be liable for around $60,000 dollars. Once, that is reached the state would pay for the services beyond that amount. She said anything beyond educational costs would be paid for by DHHS.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None
HB 1564-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1564-FN

AN ACT relative to the child support guidelines.


COMMITTEE: Children and Family Law

ANALYSIS

This bill revises criteria for adjustment of the child support guidelines based on the parenting schedule and increases the child support self-support reserve.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the child support guidelines.

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

1 New Paragraph; Child Support Guidelines; Definition of Eligible Child Care Costs Added. Amend RSA 458-C:2 by inserting after paragraph III the following new paragraph:

III-a. “Eligible child care costs” are the costs for child care incurred by either parent, necessitated by the parent’s employment, paid to a child care provider.

2 New Paragraphs; Child Support Guidelines; Definitions of Parenting Time and Parenting Schedule Added. Amend RSA 458-C:2 by inserting after paragraph VIII-a the following new paragraphs:

VIII-b. “Parenting time” is a period of time when a parent has physical responsibility for their children.

VIII-c. “Parenting schedule” is a schedule agreed to by the parents, or ordered by the court, which specifies the days of the week and hours of the day when each parent has parenting time with their children.

(a) An “approximately equal parenting schedule” is a parenting schedule where each parent has parenting time for greater than 40 percent of the annual parenting schedule.

(b) A “substantially shared parenting schedule” is a parenting schedule where each parent has parenting time for greater than 35 percent of the annual parenting schedule.

3 New Paragraph; Child Support Guidelines; Definition of Substantially Similar Incomes Added. Amend RSA 458-C:2 by inserting after paragraph X the following new paragraph:

X-a. “Substantially similar incomes” are cases where the difference between the gross monthly incomes of the parents is not greater than 10 percent.

4 Child Support; Self-Support Reserve. Amend RSA 458-C:2, X to read as follows:

X. "Self-support reserve" means [445] 130 percent of the federal poverty guideline for a single person living alone, as determined annually by the United States Department of Health and Human Services.

5 Child Care Guidelines; Adjustment for Special Circumstances. RSA 458-C:5, I(h) is repealed and reenacted to read as follows:

(h) Parenting schedule.

(1) In cases where the parties will each be financially responsible for 50 percent of all eligible child care costs, 50 percent of all uninsured medical expenses for the children, and 50 percent of any agreed-upon extracurricular activities in which the children may participate; and the parties:
(A) Have substantially similar incomes and an approximately equal parenting schedule, there is a rebuttable presumption that a $0 child support obligation is appropriate.

(B) Have substantially similar incomes and a substantially shared parenting schedule, there is a rebuttable presumption that a deviation from the child support guidelines is appropriate.

(C) Do not have substantially similar incomes and do not have an approximately equal or substantially shared parenting schedule, there is a rebuttable presumption that the child support guidelines calculation provides the appropriate child support obligation.

(D) Do not have substantially similar incomes but do have an approximately equal or substantially shared parenting schedule, the child support guidelines calculation may or may not provide the appropriate child support obligation. This determination shall be made in the best interest of the children, with the paramount consideration being whether, with any proposed adjustment to the guidelines, the income of the lower earning parent enables that parent to meet the costs of child rearing in a similar or approximately equal style to that of the other parent.

(E) Have a substantially shared or approximately equal parenting schedule and no extraordinary circumstances, a child support order should not result in the obligee parent having higher adjusted monthly income than the obligor parent, after adjusting for Federal Income Taxes and Social Security and Medicare expenses for each parent, as provided under the current child support guidelines table.

(2) Subparagraph (1) may not apply in cases where extraordinary circumstances are present, such as the care of a child with significant health issues, long distances between the parents' residences, or the parent's unusual or unpredictable work schedules, or in cases where there is evidence of abuse, as defined in RSA 173-B:1, I. Subparagraph (1) shall not apply when the application of the presumption is deemed not to be in the best interest of the children.

6 Parental Rights and Responsibilities; Definition of Parenting Schedule. Amend RSA 461-A:1, VII to read as follows:

VII. "Parenting schedule" means the schedule [of when the child is in the care of each parent] agreed to by the parents, or ordered by the court, which specifies the days of the week and hours of the day when each parent has parenting time with their children.

7 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to the child support guidelines.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$98,600</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Expenditure Fund(s)</td>
<td>General Fund, federal funds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Appropriation Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

### METHODOLOGY:

This bill revises criteria for adjustment of child support guidelines based on parenting schedule and increases the child self-support reserve. The Department of Health and Human Services expects that sections 1, 2, 3 and 6 of the bill will have no fiscal impact. Section 4 revises the definition of "self-support reserve" by increasing it from 115 percent to 130 percent of the federal poverty level. Since an obligor with income below the reserve will be liable for only the statutory minimum support order of $50 per month, the Department assumes that raising the reserve will result in less child support collected. By extension, the Department assumes that a reduction in child support collected will lead to additional families seeking aid through various state assistance programs. The Department does not attempt to quantify the extent of this impact.

Section 5 of the bill adjusts child support guidelines based on parenting schedule. The Department states that the proposed changes to the child support guidelines formula are significant and will require its Bureau of Child Support Services to perform systems updates to the New England Child Support Enforcement System (NECSES). Such IT changes will result in a one-time fiscal impact to State expenditures for FY 25. The Department estimates that the one-time cost for system changes will be approximately $290,000, of which 66 percent ($191,400) will be federal and 34 percent ($98,600) will be state general funds.
The Judicial Branch states the bill may increase costs by some indeterminable amount due to the need to train judges on the new guidelines.

AGENCIES CONTACTED:

   Judicial Branch and Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Children and Family Law HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/16/2024 03:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Executive Session: 02/06/2024 10:35 am LOB 206-208</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/06/2024 (Vote 13-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/06/2024 03:30 pm LOB 210-211</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/11/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/18/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/22/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Executive Session: 03/26/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/27/2024 (Vote 22-1; RC) HC 14 P. 12</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Judiciary; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 01:15 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1564-FN, relative to the child support guidelines.

Hearing Date: April 23, 2024

Time Opened: 1:19 p.m. Time Closed: 1:56 p.m.

Members of the Committee Present: Senators Carson, Whitley and Chandley

Members of the Committee Absent: Senators Gannon and Abbas

Bill Analysis: This bill revises criteria for adjustment of the child support guidelines based on the parenting schedule and increases the child support self-support reserve.

Sponsors:


Who opposes the bill: Christine Alberga, and Rebecca Hutchins.

Who is neutral on the bill: Matthew Hayes (BCCS), and Katrina Heinrich.

Summary of testimony presented in support:

Representative Lorie Ball introduced HB 1564-FN on behalf of Rep. Kuttab. She said the Special Committee on Family Court heard testimony as to how updates were needed to the Child Support statute because some parents are struggling to support their child during parenting time that is approximately equal. Under the current statute, no deviation from the support amount is allowed to offset the cost. She said no substantial changes have been made to the statute since 2009. She worked with Rep. Kuttab to carefully craft this amendment, with law attorney’s, the Court, and mediators.
She said it increases the self-support reserve from 115% to 130%. Secondly, it allows for deviations in child support cases in shared parenting time be rebuttable presumptions. Finally, it shares health care and childcare expenses between both parties. Under the current law, if a parent has equal parenting time and they make approximately equal, some parents are having to pay large amounts to the other parent.

Robert Tanguay said on page 2, it mentions RSA 173-B, which is unconstitutional. He said that needs to be removed. Instead, he said it needs to say, “or special circumstances such as RSA 546-A:5.” This will make sure the children have equal living situations.

Bill Woodbury, NHAJ, supported HB 1564-FN. He said this bill addresses when there is equal parenting time, but there is income disparity. He said this bill lays out a schedule where numerous situations are addressed, but with rebuttable presumptions that allow the other side to make an argument if there is to be a deviation in the child support formula. He said a concern is that you could have a situation with 50/50 parenting time and nearly equal income but the expense profile of one side could be vastly different, such as mortgages, loans, and others. He said this bill addresses situations where individuals believe a deviation is warranted.

Marissa Chase, Executive Director for NHAJ, supported HB 1564-FN. She said this is a small but important step, and thanked Rep. Kuttab for all the work she has put into this bill.

Summary of testimony presented in opposition:

Rebecca Hutchins was opposed to HB 1564-FN. She supported increasing the self-support reserve and the possibility that a zero-dollar order could be appropriate in specific instances. The Review of the Child Support Guidelines has specifically emphasized that New Hampshire is one of only 9 states that does not include parenting time adjustments in its child support calculation. She said the child support deviation rate in New Hampshire is 48%, which is very high. The recommended changes have suggested changing the child support formula to include a parenting time adjustment to reduce the number of deviations. However, she believed this bill would likely increase deviations and add a lot of confusion. She said the bill inadvertently repeals the existing child support deviation provisions that many parents rely on. Page 1, line 25 through page 2, line 24 replaces RSA 458-C:5 where parents who have shared parenting are able to ask the court to grant deviations in a very specific way. She thought this needs to be preserved and reinstated. She noted she had a proposed amendment. She said even though this bill says deviations are possible it doesn’t say how they can be asked for in court.

Neutral Information Presented:

Matthew Hayes, Bureau of Child Support Services, neutral on HB 1564-FN. He said there are good recommendations in the four-year child support guidelines review. He
said the less deviations from the child support formula, the more successful the formula is. He said this bill will provide guidance on some of these situations where the parenting time is equal and the parties incomes are similar. However, it doesn’t provide guidance if parenting time is not equal or parties incomes are not similar. He said the bill does take the recommendation of increasing the self-support reserve.

**Katrina Heinrich** neutral on HB 1564-FN. She said there are no provisions in this legislation that mandates the family courts be accountable to the language in this bill. She said if the language could be enforced, then it would have a positive impact on timely and fair case management. She said we are missing the fact of what is in the best interest of the children. She said without due process applied and absent from the bill, the family court will continue to simulate termination causing harm to the family, while fulfilling Title IV-D requirements of an absent parent. She said the family court should be closed.

mjs
Date Hearing Report completed: April 29, 2024
HOUSE BILL 1573-FN

AN ACT making an appropriation to the department of health and human services to enhance oversight of children in residential placements.


COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill makes an appropriation to the department of health and human services to enhance oversight of children in court-ordered, residential placements. The bill also directs the department of health and human services to submit a quarterly report to the legislature and the office of the child advocate regarding implementation of the act and state oversight of children in residential placements.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1573-FN - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT making an appropriation to the department of health and human services to enhance oversight of children in residential placements.

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

1 Statement of Purpose and Findings. The general court makes the following findings regarding children in state care:

   I. Children in the care of the state have fundamental rights, as recognized by RSA 170-G:21.
   II. When a child is placed under the care and custody of the state pursuant to RSA 169-B, RSA 169-C or RSA 169-D, it is the responsibility of the state to ensure that a child receives appropriate housing, nutrition, medical and mental health care, education, and basic standards of care.

   III. Children who are removed from their homes must be placed in the least restrictive alternate setting. When removal and placement cannot be avoided, the disruption that the child may experience is minimized, and emotional trauma may be reduced, by placing the child in the most familiar, least restrictive setting. The first alternative considered is placement with a relative or a close friend, “kin” or “fictive kin”, to offer the child some degree of familiarity and continuity. When placement with a relative or a family friend is not possible, the least restrictive placement of choice is placement in a licensed foster home.

   IV. Residential facilities are appropriate only for children who cannot safely receive the clinically appropriate treatment in their own home or a community-based alternative; a shortage or lack of foster family homes or community-based resources shall not be an acceptable primary reason for placement in a residential facility. Residential facilities are congregate care placements, are considered the most restrictive settings for receiving treatment, and are generally not appropriate for children under 12 years of age. Therefore, placement in a residential setting is used only as a last alternative for children age 12 and older. Special consideration will be given to children under age 12, if deemed clinically appropriate due to a therapeutic or medical necessity.

   V. Placing children in facilities must be viewed as a time-limited and only for the purpose of treatment and services. The purpose is to stabilize the child’s behaviors, provide treatment and to prepare him or her for a less restrictive setting. The goal is to facilitate family/caregiver integration or another plan consistent with the agency’s policy of permanency planning.

   VI. To best meet the needs of the children placed in a residential setting, the department of health and human services (DHHS), in coordination with the office of child advocate (OCA), will expand and enhance certification requirements and oversight process. In addition to certification,
DHHS and OCA will coordinate to improve caseworker visits with children placed by the state in a residential setting. DHHS and OCA will continue this coordination through regular meetings and coordinated visits.

VII. It shall be the policy of DHHS that any placement of a child outside of New England shall require the approval of the division for children youth and families’ director prior to that placement, with specific findings of the need for that placement.

2. Appropriations; Department of Health and Human Services.

The sum of $1,000,000 for the fiscal year ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of enhancing oversight of residential facilities where New Hampshire children are, or will be, placed, as provided in the provisions of this act. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3. Oversight of Children in Residential Placements; Reporting Requirement. The commissioner of the department of health and human services shall submit 3 quarterly reports to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate fiscal committees, the oversight committee on health and human services, and the office of the child advocate regarding implementation of this act and state oversight of children in residential placements. The reporting period shall begin July 1, 2024, and reports shall be filed October 1, 2024, January 1, 2025, and April 1, 2025. Each report shall describe in detail, for the quarter:

I. How the department has spent the funds appropriated in section 2 of this act, by expenditure category, such as staffing (by position type) and travel expenses, both in-state and out-of-state.

II. The number of children visited, both in-state and out-of-state.

III. The number of facilities visited, both in-state and out-of-state.

IV. The number of children in placements outside of New England and whether the director of the division for children, youth, and families approved any new placements outside of New England during the last quarter.

V. Actions, policies, and practices undertaken to expand and enhance certification requirements and the oversight of residential placements.

VI. Coordination between the department and the office of the child advocate to improve caseworker visits with children placed by the state in residential settings, including through regular meetings and coordinated visits.

VII. Any additional information regarding implementation and assessment of the policies in section 1 regarding oversight of children in residential placements.

4. Effective Date. This act shall take effect July 1, 2024.
AN ACT making an appropriation to the department of health and human services to enhance oversight of children in residential placements.

FISCAL IMPACT:  [ X ] State    [ ] County    [ ] Local    [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill appropriates $1 million in FY25 to the Department of Health and Human Services for the purpose of enhancing oversight of residential facilities where children are or will be placed. The bill requires the Department to submit three reports, which shall contain such information as how the funds have been spent, the number of children and facilities visited, and actions taken to enhance oversight of residential placements. The bill's statement of purpose establishes certain expectations for the Department's oversight of residential placements; it is unclear whether these provisions will have any fiscal impact beyond FY25.

AGENCIES CONTACTED:

None
Amendment to HB 1573-FN

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

AN ACT relative to state oversight of residential treatment programs for children and making an appropriation therefor.

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

1 Statement of Purpose and Findings. The general court makes the following findings regarding children in state care:

I. Children in the care of the state have fundamental rights, as recognized by RSA 170-G:21.

II. When a child is placed under the care and custody of the state pursuant to RSA 169-B, RSA 169-C, or RSA 169-D, it is the responsibility of the state to ensure that a child receives appropriate housing, nutrition, medical and mental health care, education, and basic standards of care.

III. Children who are removed from their homes must be placed in the least restrictive alternate setting. When removal and placement cannot be avoided, the disruption that the child may experience is minimized, and emotional trauma may be reduced, by placing the child in the most familiar, least restrictive setting. The first alternative considered is placement with a relative or a close friend, "kin" or "fictive kin", to offer the child some degree of familiarity and continuity. When placement with kin or fictive kin is not possible, the least restrictive placement of choice is placement in a licensed foster home.

IV. Residential facilities are appropriate only for children who cannot be safely maintained in their own home or a community-based alternative; a shortage or lack of foster family homes or community-based resources shall not be an acceptable reason for placement in a residential facility. Residential facilities are congregate care placements, are considered the most restrictive settings for receiving treatment, and are generally not appropriate for children under 12 years of age. Therefore, placement in a residential setting is used only as a last alternative for children age 12 and older. Special consideration will be given to children under age 12, if deemed clinically appropriate due to a therapeutic or medical necessity.

V. Placing children in facilities must be viewed as a time-limited and only for the purpose of treatment and services. The purpose is to stabilize the child, provide treatment, and to prepare him
or her for a less restrictive setting. The goal is to facilitate family/caregiver integration or another plan consistent with the agency's policy of permanency planning.

VI. To best meet the needs of the children placed in a residential setting, the department of health and human services (DHHS), in coordination with the office of child advocate (OCA), will expand and enhance certification requirements, visits and enforcement. DHHS and OCA will continue this coordination through regular meetings and coordinated visits.

2 Residential Care and Child-Placing Agency Licensing; Deemed Licensed. Amend RSA 170-E:31-a to read as follows:

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. Any childcare institution or childcare agency deemed licensed under this section shall be subject to the requirements of this chapter, RSA 169-F, and RSA 170-G:4, XVIII.

3 New Section; Court Ordered Placements; Residential Treatment Programs; Certification Required. Amend RSA 169-F by inserting after section 4 the following new section:

169-F:5 Residential Treatment Programs; Certification Required.

I. No child shall be placed by the department in a residential treatment program, including a psychiatric residential treatment program, unless the program has been licensed in accordance with RSA 170-E or the laws of the state in which they operate, and certified by the department under this chapter. Any program not certified by the department shall not be eligible to receive state funds or federal funds disbursed by the state of New Hampshire.

II. On or before January 2, 2025, the department shall establish a certification team, responsible for the certification, recertification, and oversight of all residential treatment programs utilized by the department, and certified for placements and payment by the department. Such assessments shall include an in-person visit of the facility and review of all appropriate records and certification criteria. The team shall give priority to all residential treatment programs where children are currently placed on the effective date of this section.

III. The team shall develop a standard operating procedure and form for assessment of the programs to be completed during each in-person visit, in consultation with the office of the child advocate.

IV. The department shall assess and certify every in-state and out-of-state program including residential treatment programs and psychiatric residential treatment programs prior to
entering into an agreement for payment, and prior to the placement of any child in that facility. To be certified by the department, the program shall demonstrate compliance with staff training and program requirements and offer an appropriate therapeutic milieu and culture centered in trauma-informed care, in accordance with standards adopted by the department, in consultation of the office of the child advocate.

V. The department shall make monitoring visits at least twice per year, including at least one unannounced visit, to all facilities where New Hampshire children are currently placed by the state in residential treatment. The department shall continue to make annual certification or technical assistance visits to all certified residential placement facilities; if a child is being placed at a residential facility that did not currently have a New Hampshire child placed, the department shall make a visit prior to the placement of that child unless a department visit has occurred within the past 120 days. Clear and comprehensive records shall be maintained by the department on each facility showing the dates and findings of each such visit. Such records shall be available to the facility and provided to the office of the child advocate, as well as included in the paperwork for the certification and/or re-certification process. If the facility is found not to be in compliance with the statute, the rules adopted by the commissioner, or the contract, if applicable, a corrective action plan shall be submitted to the department, and the department shall notify the licensing agency of that facility and the office of the child advocate. Failure to submit an acceptable plan or a failure to take the necessary corrective actions shall result in the immediate removal of all New Hampshire children from that facility, and/or revocation of the certification.

VI. Any placement of a child outside of New England shall require the approval of the division for children youth and families’ director prior to placement, with specific findings regarding the need for such placement.

4 Reallocation of Monies Saved. Any monies saved by the department of health and human services, including the division for children, youth and families and the bureau of children’s behavioral health, in preventing the out-of-home placement of children pursuant to this act shall be used by the department to provide services pursuant to RSA 135-F, the system of care for children’s mental health, and any other community-based intervention services.

5 Appropriation; Department of Health and Human Services; Staffing and Travel Costs Associated with Certification Team. The department of health and human services is authorized to establish and fill the positions necessary to implement the provisions of this act. The sum of $1,000,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of implementing the provisions of this act, including staffing and travel expenses. The governor is authorized to draw a warrant for said sum from any money in the treasury not otherwise appropriated.

6 Report. The department of health and human services shall provide an interim report on or before November 1, 2024, with an annual report thereafter, on the implementation of this act
including, but not limited to, progress on the implementation of this act, reports from certified out-of-state residential facilities, and the progress on the reduction of placement of New Hampshire youth in out-of-state residential facilities, to the chairs of the house children and family law committee and the senate judiciary committee, the oversight commission on children’s services, established by RSA 21-V:10, the health and human services oversight committee established by RSA 126-A:13, and the office of the child advocate.

7 Effective Date. This act shall take effect July 1, 2024.
AMENDED ANALYSIS

This bill requires court-ordered residential treatment programs for children to be licensed and certified by the department of health and human services. The bill directs the department to establish certification teams to make monitoring visits and ensure compliance with certification criteria. The bill makes an appropriation to the department of health and human services for this purpose and requires the department to submit a report regarding implementation.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Children and Family Law HJ 1</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 09:30 am LOB 206-208</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Executive Session: 02/06/2024 02:00 pm LOB 206-208</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0427h</td>
</tr>
<tr>
<td></td>
<td></td>
<td>02/06/2024 (Vote 15-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0427h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0427h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/06/2024 02:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/11/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Division Work Session: 03/13/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/18/2024 02:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/22/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Executive Session: 03/26/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-1309h</td>
</tr>
<tr>
<td></td>
<td></td>
<td>04/02/2024 (Vote 13-11; RC) HC 14 P. 12</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Minority Committee Report: Ought to Pass with Amendment # 2024-1313h</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1309h (NT): AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1309h and 2024-1472h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Judiciary; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 01:30 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1877s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1573-FN, making an appropriation to the department of health and human services to enhance oversight of children in residential placements.

Hearing Date: April 23, 2024

Time Opened: 1:57 p.m. Time Closed: 2:21 p.m.

Members of the Committee Present: Senators Carson, Gannon, Whitley and Chandley

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill makes an appropriation to the department of health and human services to enhance oversight of children in court-ordered, residential placements. The bill also directs the department of health and human services to submit a quarterly report to the legislature and the office of the child advocate regarding implementation of the act and state oversight of children in residential placements.

Sponsors:


Who opposes the bill: Keith Kuenning (Waypoint), Holly Stevens (NAMI), Cassandra Sanchez (OCA), Karen Rosenberg (Disability Rights Center), Robert Tanguay.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Mark Pearson said the impetus for this bill came out of how the state places children after the Bledsoe Youth Academy scandal. He said just from the process of creating this language the Department of Health and Human Services has already started implementing these changes. He encouraged the Committee against adding amendments that add small changes.
Krista Morris, DHHS, said HB 1573-FN provides the Department with $1 million, but it is not a blank check. It has parameters that the Department needs to look at the policies and procedures within the Department regarding out-of-state residential placement, and possible staff changes to bolster the program. She said the proposed amendment would bring back the certification team and the fiscal note that would be attached to a certification team would include establishing the team, travel costs and more. She said the fiscal note has been gone through carefully.

Senator Carson asked if it would take a million dollars to review existing policies.

Ms. Morris said it wouldn't be just to review but implement the changes that would be needed. She said it could be creating a new system or try out new systems for certification, but those would all be looked at. If they felt they needed to pilot the programs, they would have the funds available.

Sen. Carson asked if she could have the Department put together a sheet as to how and when the $1 million would be spent.

Summary of testimony presented in opposition:

Keith Kuenning, Waypoint, said initially he supported HB 1573-FN but when it came through House Finance too much was removed. He said $1 million was given to DHHS but gave it no specifications for use. He said there is a statement of findings that says the Commissioner of DHHS cannot put a child outside of New England without approval from the DCYF Director, but he said that needed to be codified in RSA 169-F. He said the bill as written should go back to its original form or be closer to SB 417-FN.

Sen. Carson said the big difference between this and SB 417 is the $1 million, but there is no direction for it.

Mr. Kuenning said they would like to see specific reasons as to why that money is there. He noted there needs to be more oversight of children placed out-of-state. He said keeping these children placed close to home is their upmost priority. He said it may make sense to place certain children in Vermont if the facility is closer to their home in New Hampshire than another facility, but the goal should be to keep children as close to their home as possible.

Robert Tanguay was opposed to HB 1573-FN. He was concerned with the $1 million given to DHHS with no specifics as to how the money should be used.

Lissa Mascio said they partially supported 1573-FN. She said all the policy has been stripped out of this bill and House Finance has given a $1 million blank check to DHHS. She said this bill was originally drafted in response to the Bledsoe Youth Academy scandal, to help protect children placed out-of-state. She said the original language had three parts, one was the certification process of out-of-state facilities. She said the second part was for DCYF monthly visits which is now in SB 417-FN. She noted the third part was a judicial oversight piece that is also in SB 417-FN. She said HB 1573-FN is really just a statement of findings with a million dollars given to
DHHS. She proposed the Committee reinstate the original language in the bill, but is still concerned with the $1 million that was allocated by the House.

Neutral Information Presented: None.
HB 1588-FN - AS AMENDED BY THE HOUSE

11Apr2024... 1391h

2024 SESSION

24-2263
02/05

HOUSE BILL 1588-FN

AN ACT relative to court jurisdiction over persons receiving special education.

SPONSORS: Rep. Long, Hills. 23

COMMITTEE: Children and Family Law

ANALYSIS

This bill updates statutes relating to court jurisdiction of children in need of services to reflect that special education is offered to students up to the age of 22 years if the student has not yet exited special education based on receipt of a high school diploma.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to court jurisdiction over persons receiving special education.

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

1 Jurisdiction Over Certain Persons. Amend RSA 169-B:4, II(c) to read as follows:
   (c) Who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma and is considered likely to receive such diploma, or who is receiving special education under RSA 186-C.

2 Jurisdiction Over Certain Persons. Amend RSA 169-B:4, IV(c)-(d) to read as follows:
   (c) The minor graduates from high school or receives a general equivalency diploma, or is still receiving special education under RSA 186-C despite receiving a general equivalency diploma;
   (d) The minor attains 21 years of age, unless the minor is still receiving special education under RSA 186-C, in which case the court may extend jurisdiction until the minor attains 22 years of age or exits special education, whichever occurs first; or

3 Jurisdiction, Continued Jurisdiction; Modification. Amend RSA 169-C:4, II to read as follows:
   II. The court may, with the consent of the child, retain jurisdiction over any child, who, prior to his or her eighteenth birthday, was found to be neglected or abused and who is attending school until such child completes high school or until his or her twenty-first birthday, whichever occurs first, unless the minor is still receiving special education under RSA 186-C, in which case the court may extend jurisdiction until the minor attains 22 years of age or exits special education, whichever occurs first; and the court is authorized to and shall make such orders relative to the support and maintenance of said child during the period after the child's eighteenth birthday as justice may require.

4 Children in Need of Services; Jurisdiction. Amend RSA 169-D:3, II-III to read as follows:
   II. The court may, with the consent of the child, retain jurisdiction over any child who, prior to his eighteenth birthday, was found to be a child in need of services, and who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma, or who is receiving special education under RSA 186-C. The court shall make orders relative to the support and maintenance of the child during the period after the child's eighteenth birthday as justice may require.
   III. The court shall close the case when the child reaches age 18, or if jurisdiction is retained, when the child ceases to be enrolled as a full-time student during sessions of the school, or graduates from such school, or upon reaching the age of 21, whichever shall first occur, unless the minor is still receiving special education under RSA 186-C, in which case the court may
extend jurisdiction until the minor attains 22 years of age or exits special education, whichever occurs first.

5 Appropriation; Department of Health and Human Services. The sum of $3,000,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2025, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to court jurisdiction over persons receiving special education.

FISCAL IMPACT:  [X] State    [ ] County    [ ] Local    [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$1,657,000 - $5,764,000</td>
<td>$1,623,000 - $5,778,000</td>
<td>$1,701,000 - $6,063,000</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$3,000,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill amends various child protection and juvenile justice statutes to extend jurisdiction up to age 22, if the student is still receiving special education services. The bill adds responsibilities to the Department of Health and Human Services, which the Department states cannot be absorbed within available resources. In particular, the Department assumes additional Child Protective Service Worker and Juvenile Probation and Parole Officer positions will be required as a result of the proposed legislation to provide case management to an increased number of children/youth whose cases extend to age 22. The Department further assumes contracts with residential treatment providers will need to be amended to expand the scope of services and price limitations to account for the added provision of services through age 22. Finally, the Department assumes changes to the Bridges electronic case management system will need to be made to allow for data collection of youth/young adults receiving services until age 22 and the new price limitations of residential treatment providers to allow for new billing. Additional updates may also be needed to the Department’s New Heights system.

The Department provides the following range of potential cost increases as a result of the bill. These ranges are based on the following assumptions: the Department will serve approximately 32 additional young adults annually receiving Child Protection (CPS) and Juvenile Justice (JJS) Services (21 CPS and 11 JJS). Of those, 10 are predicted to receive residential treatment or
utilize placement (eight in residential and two in other placement settings (Foster Care/Kinship) and 22 will receive additional community based services. As a result of the increased workloads, the Department will require two additional Child Protective Service Worker positions and one additional Juvenile Probation and Parole Officer.

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Lowest Paid Placement/Services</th>
<th>Highest Paid Placement/Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 25</td>
<td>FY 26</td>
</tr>
<tr>
<td>Residential*</td>
<td>$915,011</td>
<td>$960,762</td>
</tr>
<tr>
<td>Foster Care*</td>
<td>33,171</td>
<td>34,830</td>
</tr>
<tr>
<td>Community Based Services</td>
<td>315,418</td>
<td>331,189</td>
</tr>
<tr>
<td>System Changes (Bridges, New Heights)</td>
<td>100,000</td>
<td>0</td>
</tr>
<tr>
<td>Position Costs</td>
<td>294,000</td>
<td>297,000</td>
</tr>
<tr>
<td>Total Estimated Costs</td>
<td>$1,657,601</td>
<td>$1,623,781</td>
</tr>
</tbody>
</table>

*Note: Includes anticipated 5% rate increase in FY 26, FY 27

The Department anticipates the above costs will be 100 percent generally-funded.

The bill contains a $3 million general fund appropriation for the FY24/25 biennium. It is assumed the appropriation will not expended until after FY 2024 based on the Department’s estimated fiscal impact.

**AGENCIES CONTACTED:**
Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Children and Family Law</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 11:00 am LOB 206-208</td>
</tr>
<tr>
<td>01/16/2024</td>
<td>H</td>
<td>Executive Session: 01/09/2024 02:30 pm 206-208</td>
</tr>
<tr>
<td>01/16/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/09/2024 (Vote 12-0; RC) HC 4 P. 12</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/01/2024 HJ 3 P. 12</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Referred to Finance 02/01/2024 HJ 3 P. 13</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/06/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/11/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/18/2024 02:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Division Work Session: 03/22/2024 12:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Executive Session: 04/02/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1391h 04/03/2024 (Vote 25-0; RC) HC 14 P. 13</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1391h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1391h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Judiciary; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 01:45 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1588-FN, relative to court jurisdiction over persons receiving special education.

Hearing Date: April 23, 2024

Time Opened: 2:23 p.m. Time Closed: 2:29 p.m.

Members of the Committee Present: Senators Carson, Gannon, Whitley and Chandley

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill updates statutes relating to court jurisdiction of children in need of services to reflect that special education is offered to students up to the age of 22 years if the student has not yet exited special education based on receipt of a high school diploma.

Sponsors:
Rep. Long


Who opposes the bill: Robert Tanguay.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Pat Long said this bill would amend the Juvenile Justice statute, specifically RSA 169-B through D, to align it with the new upper age limits for special education. Juvenile justice laws allow the juvenile court to retain jurisdiction over a child beyond their 18th birthday. Students involved in court cases often qualify for special education, and they require court ordered residential placement for non-educational reasons. The Legislature inadvertently overlooked RSA 169-B through D when they amended the special education statute, RSA 186-C, from 21 years of age to 22 years of age. This bill would allow the courts to retain jurisdiction until a child has aged out of special education at 22 years old.
Summary of testimony presented in opposition:

Robert Tanguay said only poor children are taken away. This bill would give $3 million to the Department of Health and Human Services to retain jurisdiction over children, which he did not support. He said a parent would need to be incarcerated before their rights are removed. He said the family courts need to be fixed, and the state must create a system to find out about fraud and political patronage. He asked the Committee to vote Inexpedient to Legislate.

Neutral Information Presented: None.

mjs
 Date Hearing Report completed: April 29, 2024
HB 1589-FN - AS AMENDED BY THE HOUSE

15Feb2024... 0334h
15Feb2024... 0671h
11Apr2024... 1396h

2024 SESSION

24-2265
11/08

HOUSE BILL 1589-FN

AN ACT establishing a veterans treatment court.


COMMITTEE: Judiciary

ANALYSIS

This bill establishes a veterans treatment court.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT establishing a veterans treatment court.

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

1 Implementation of Veterans Court. RSA 490-I:1 is repealed and reenacted to read as follows:

490-I:1 Implementation of Veterans Court.

I. At least one veterans court shall be established in one circuit court and superior court in each county or district. In the court’s discretion, in counties or districts where participation may be low, or where other administrative considerations may exist, a veterans court may be a track of an existing mental health court, may be combined across different counties or districts, may utilize a virtual docket, or may employ such other flexible measures as the court may determine appropriate in order to effectuate the objectives of this statute. The veterans court shall adjudicate, depending on jurisdiction, misdemeanor and felony cases and monitor treatment of veterans and active duty military members with mental illnesses, substance abuse issues, housing instability or homelessness, job instability or unemployment, or a combination of the aforementioned, in an effort to help veterans avoid behavior that would otherwise result in criminal conduct. The chief justice of the superior court and the administrative judge of the circuit court may issue administrative orders regarding veterans courts over which they have administrative authority.

II.(a) In this chapter, "veterans court" means a judicial intervention court based on the 10 key components listed in subparagraph (b).

(b) The 10 key veterans court components are:

1. Integration of alcohol, drug treatment, and mental health services within the current justice system case processing.
2. Use of a non-adversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Early identification of eligible participants and prompt placement in the veterans court.
4. Access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services.
5. Use of frequent alcohol and other drug testing to monitor abstinence.
6. A coordinated strategy to govern veterans courts' responses to participants' compliance.
7. Ongoing judicial interaction with each participant.
(8) Monitoring and evaluation to measure the achievement of program goals and
gauge effectiveness.

(9) Continuing interdisciplinary education to promote effective veterans court
planning, implementation, and operations.

(10) Partnerships among veterans courts, the Veterans Administration, public
agencies, and community-based organizations to generate local support and enhance veterans courts'
effectiveness.

III. When a veteran successfully completes their veterans court-required treatment and any
other case requirements, an offender's case may be disposed of by the judge in the manner prescribed
by the agreement and by the applicable policies and procedures adopted by the veterans court. This
may include, but is not limited to, withholding criminal charges, dismissal of charges, probation,
deferred sentencing, suspended sentencing, split sentencing, or a reduced period of incarceration.

IV. A successful veterans court participant may, at least one year after completion of all
programs and conditions imposed by the court, petition for annulment of the charges, arrest,
conviction, and sentence that relate to such person's entry into the veterans court. Nothing in this
section shall otherwise supplant or supersede the annulment procedures of RSA 651:5.

V. There is established the veterans court coordinator position under the supervision of the
treatment courts coordinator within the administrative office of the courts. The coordinator shall, as
appropriate, consult with the chief justice of the superior court or their designee, the administrative
judge of the circuit court or their designee, an attorney representative of the state's county attorneys,
an attorney representative of the New Hampshire public defender, an attorney representative of the
attorney general's office, and the veteran's justice outreach coordinator or the equivalent who is or
was already involved with a New Hampshire veteran's behavioral health track program, to
determine how best to design, implement and administer all aspects of veterans courts, taking into
account the specific treatment needs of veterans, sharable resources and reproducible designs of
existing treatment courts, and the desired outcomes of a treatment court of this nature.

VI. The veterans court may convene a local committee made up of community members who
can provide support for the veterans court.

VII. Where a veterans court participant charged with a felony offense must seek treatment
through a circuit court drug or behavioral court in the same county, that veteran shall be allowed to
participate in that drug or behavioral court even though jurisdiction shall continue to reside with the
superior court. Where the veterans court judge is not the same judge overseeing a veteran's drug or
mental health court treatment, the judges and treatment teams of both courts shall coordinate with
one another to determine the veteran's best course of treatment and monitoring.

VIII. This section does not create a right of a veteran or service member to participate in
veterans court.

490-I:2 Definitions. In this subdivision:
I. “Guidelines” means, if available, research-based, specific, practitioner-focused veterans court guidance published by the U.S. Department of Veterans Affairs, Substance Abuse and Mental Health Services Administration, National Association of Drug Court Professionals, and other relevant state and federal agencies and organizations.

II. "Coordinator" means the veterans court coordinator or designee within the administrative office of the courts.

III. "Veteran" means:
   (a) A current or former member of the active or reserve components of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, or United States Coast Guard;
   (b) A current or former member of the New Hampshire National Guard;
   (c) A current or former contractor for the United States Department of Defense who served in a theater of armed conflict; or
   (d) A current or former military member of a foreign allied country who was attached to or under command of United States forces or coalition forces therewith in a combat operations engagement.

IV. "Veterans court" means a veterans treatment court where any veteran, as defined in paragraph III of this section, may be enrolled, should they meet the criteria for admission.

V. Military sexual trauma (MST) means sexual assault or sexual harassment experienced during military service.

490-I:3 Eligibility.

A veteran may be eligible for veterans court if he or she has experienced military sexual trauma or has a service-related mental condition, service-related traumatic brain injury, service-related substance use disorder, or service-related psychological disorder.

490-I:4 Reimbursement Program Created.

I. There is established a statewide veterans court program which shall provide state matching funds as appropriated to support veterans courts in state superior court and circuit court districts as established herein.

II. The veterans court coordinator or designee shall be responsible for developing a process by which counties may receive an annual state reimbursement on a per case basis for operational costs of a veterans court. Subject to approval of the chief justice of the supreme court or designee, the coordinator shall:
   (a) Determine approval requirements for reimbursements. Prior to providing reimbursements, the approval checklists shall be posted on the judicial branch website. The checklists shall be updated on the website as revisions are made.
   (b) Establish and periodically update guidelines for operating veteran courts.
(c) Develop draft policies and procedures including a participant handbook, program outline, and implementation plan.
(d) Measure recidivism rates and other outcome measures.
(e) Evaluate compliance with relevant standards.
(f) Assist in creating veteran courts in counties seeking to implement or continue them.
(g) Assist counties in obtaining ongoing training.

490-I:5 Eligibility for Reimbursements.
I. For the purpose of providing reimbursements and subject to available state appropriations, counties and districts shall be eligible for an annual reimbursement of up to $5,000 per case. Counties shall be reimbursed on a first-come, first-served basis. Reimbursements shall be prorated based on the amount of appropriation available. Any state veterans court program funds that are not expended by the end of the fiscal year shall lapse to the general fund.
II. To be eligible for reimbursement, a county operating a veterans court shall receive a recommendation for approval from the coordinator's office. Reimbursement for all cases shall be paid annually at the end of each fiscal year by the administrative office of the courts following receipt of recommendations by the coordinator and final approval of the chief justice of the supreme court. The coordinator shall determine how often approval shall be required and shall recommend subsequent reimbursements when the currently operating veterans court establishes compliance with the New Hampshire veterans court approval checklist as promulgated by the coordinator.
III. A county shall make a good faith effort to apply for federal funding to provide as match funds to supplement, but not supplant, state funds, as and where required as a condition of those funds. A county need only apply once.
IV. A county seeking to implement a veterans court may obtain a state reimbursement of up to $5,000 per case for the costs associated with veterans court establishment, administration, and operation after satisfying the conditions in paragraph III.
V. To obtain reimbursement from the state, a county shall:
   (a) Submit a budget for the total cost of the program to the coordinator for review;
   (b) Obtain draft policies and procedures from the coordinator, including a participant handbook or program outline and implementation plan, which the county may amend and return to the coordinator for consideration and approval;
   (c) Obtain and complete veterans court or veteran offender program training as approved by the coordinator; and
   (d) Establish that the veterans court is cost effective.
   (e) Based on the information provided in subparagraphs (a)-(d), the office shall recommend court programming for final approval of the chief justice of the supreme court.
VI. The judicial branch administrative office of the courts is authorized to expend from appropriated sums the amounts necessary to fund reimbursements approved by the chief justice of the supreme court.

490-I:6 Report. Beginning with a report due on or before January 1, 2026, the office shall prepare an annual report on the activities, expenditures, operation and outcome measures for the veterans court program. The report shall include the information provided by each county and shall be presented by state superior court district and on a statewide basis. The report shall be forwarded to the speaker of the house of representatives, the president of the senate, and the office of the legislative budget assistant to be posted on the website of the office of the legislative budget assistant. If the required report is not provided by January 30 in any year, the veterans court program shall be suspended until such report is provided.

490-I:7 Veterans Court Special Account. There is hereby established in the state treasury the veterans court special account. The funds may be comprised of public funds, gifts, grants, donations or any other source of funds, and shall be used for any relevant veterans court administrative purpose deemed appropriate by the chief justice of the superior court and the administrative judge of the circuit court. The account shall be nonlapsing and shall be continually appropriated to the administrative office of the courts.

490-I:8 Appropriation. The sum of $163,000 for the fiscal year ending June 30, 2025, is hereby appropriated to the administrative office of the courts and deposited in the veterans court special account. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. For each biennium thereafter, appropriations of state general funds shall be made through the judicial branch biennial operating budget. If federal funds are available from the veterans court special account, those funds shall be spent prior to state general funds.

2 Application of Receipts; Veterans Court Special Account Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys deposited in the veterans court special account fund as established in RSA 490-I:7.

3 Effective Date. This act shall take effect January 1, 2025.
AN ACT establishing a veterans treatment court.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
• Does this bill authorize new positions to implement this bill? [X] Yes

METHODOLOGY:

This bill establishes a statewide Veterans Court Grant Program and a Veterans Court Coordinator within the Administrative Office of the Courts, and the Veterans Court Special Account Fund. The bill appropriates general funds necessary to implement and sustain the program through June 30, 2027 after which appropriations for the program shall be made through the Judicial Branch operating budget. Grants to counties are categorized as small, medium and large based on the number of court filings in each district: large up to $245,000, medium up to $150,000 and small up to $100,000. A county shall make a good faith effort to apply for any federal funds that may be available to supplement the state funds.

The Judicial Branch estimates the cost to the Branch to administer the program would be approximately $163,500 in FY 2025 (1/2 year), $185,500 in FY 2026 and $188,200 in FY 2027. These amounts include the Coordinator position, about 8% of the existing grant manager's time and the cost to establish and maintain a database.

It is not known how many counties will apply for grants, or how the veterans treatment courts will be implemented in each county. If all of the counties apply for grants based on the size
categories and grant amounts listed in proposed RSA 490-I:5, the maximum annual appropriation would be $1,975,000 as follows:

<table>
<thead>
<tr>
<th>County Size</th>
<th>Number</th>
<th>Grant Amount</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>3</td>
<td>$100,000</td>
<td>$300,000</td>
</tr>
<tr>
<td>Medium</td>
<td>3</td>
<td>$150,000</td>
<td>$450,000</td>
</tr>
<tr>
<td>Large</td>
<td>5</td>
<td>$245,000</td>
<td>$1,225,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$1,975,000</td>
</tr>
</tbody>
</table>

The Department of Corrections assumes it would need an additional probation and parole officer at each of its 11 district offices to support the veterans treatment courts statewide. The Department provided the following cost estimate for 11 additional probation and parole officers including associated benefits and operating costs: $627,000 in FY 2025 (1/2 year), $1,243,000 in FY 2026, and $1,276,000 in FY 2027. The Department indicates there are no vacant probation and parole officers and the existing officers are experiencing high caseloads. The Department’s estimate for additional officers is based on its experience with drug courts. The cost to the Department will depend on the number of participants. If a rolling, or phased in, approach is implemented, with officers added based on caseloads or geography, there may be some savings, however there may be a need for an additional vehicle or vehicles.

The New Hampshire Association of Counties indicates they do not have data needed calculate any potential fiscal impact to county correctional systems.

AGENCIES CONTACTED:
Judicial Branch, Department of Corrections, and New Hampshire Association of Counties
Amendment to HB 1589-FN

Amend RSA 490-I:5, II as inserted by section 1 of the bill by replacing it with the following:

II. To be eligible for reimbursement, a county operating a veterans court shall receive a recommendation for approval from the coordinator's office. Reimbursement for all cases shall be paid annually at the end of each fiscal year by the administrative office of the courts following receipt of recommendations by the coordinator and final approval of the chief justice of the supreme court or designee.

Amend RSA 490-I:5, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The judicial branch administrative office of the courts is authorized to expend from appropriated sums the amounts necessary to fund reimbursements approved by the chief justice of the supreme court or designee.

Amend RSA 490-I:7 as inserted by section 1 of the bill by replacing it with the following:

490-I:7 Veterans Court Special Account. There is hereby established in the state treasury the veterans court special account. The funds may be comprised of public funds, gifts, grants, donations, or any other source of funds, and shall be used for any relevant veterans court administrative purpose deemed appropriate by the chief justice of the supreme court or designee. The account shall be nonlapsing and shall be continually appropriated to the administrative office of the courts.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Judiciary  HJ 1</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/24/2024 09:00 am LOB 206-208</td>
</tr>
<tr>
<td>02/02/2024</td>
<td>H</td>
<td>Executive Session: 02/01/2024 03:45 pm LOB 206-208</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0334h 02/01/2024 (Vote 18-0; RC) HC 6  P. 14</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Amendment # 2024-0334h: AA VV 02/15/2024  HJ 5</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>FLAM # 2024-0671h (Rep. Stapleton): AA VV 02/15/2024  HJ 5</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0334h and 2024-0671h: MA VV 02/15/2024  HJ 5</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Referred to Finance 02/15/2024  HJ 5</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/13/2024 11:30 am LOB 212</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Division Work Session: 03/20/2024 10:35 am LOB 212</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Division Work Session: 03/27/2024 11:30 am LOB 212</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Division Work Session: 04/01/2024 01:00 pm LOB 212</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Executive Session: 04/02/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1396h 04/02/2024 (Vote 25-0; RC) HC 14  P. 14</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1396h: AA VV 04/11/2024</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1396h: MA VV 04/11/2024</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Judiciary; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 02:00 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1870s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1589-FN, establishing a veterans treatment court

Hearing Date: April 23, 2024

Time Opened: 2:30 p.m.  Time Closed: 2:47 p.m.

Members of the Committee Present: Senators Carson, Whitley, Chandley and Gannon

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill establishes a veterans treatment court.

Sponsors:


Who opposes the bill: None.

Who is neutral on the bill: Erin Creegan (NHJB), and Jane Graham.

Summary of testimony presented in support:

Representative McGough introduced the bill on behalf of Representative Moffett.

Robert Tanguay said he could not find RSA 490-I:1 referenced in this bill. He said this bill appears to create a special court for veterans, which he was concerned with. Most veterans have recognized they do not have extra rights. He said this bill should be supported because there are a lot of veterans who have PTSD, and in family courts the other party will say they are afraid of them to get a strategic advantage.

Julie O’Neill, supported HB 1589-FN, and she helped to establish the first veteran’s treatment court in the Nashua Circuit Court in 2014. From 2014 to present, there have been successes observed. They were recognized nationally as a best practice
model. They provided a safety net for veterans who experienced service-related psychological injuries. They were able to serve individuals who were discharged as honorable through the treatment programs. There was an 89% completion rate, but they were unable to measure recidivism. She said the state falls short of having ownership of these programs. There is no referral process for veterans to be screened, so there are those who are eligible who are falling through the cracks. Data is critical because it helps to formulate treatment programs. For example, they worked with the VA on substance misuse and domestic violence to ensure there is adequate support. They wanted to ensure that the programs work, while also aligning it with stakeholders who provide the treatments.

Warren Perry, Deputy Adjutant General for the Department of Military Affairs and Veterans Services, supported HB 1589-FN. He said these programs have been successful and demand has been low. He said they could have 28 to 40 veterans with most concentrated in the Hillsborough and Rockingham systems. Alternative sentencing tracks and dockets cost less than incarceration. He said it would not be a major additional pull for the state. He noted these court systems are good to be adopted. He said on page 3, lines 12-16, the definition of veteran should be carefully looked at by the Committee.

Senator Carson asked why the definition of veteran, included both current or former contractors for the Department of Defense who served in conflict and current or former military officers from foreign countries who were attached to U.S. forces.

Mr. Perry said they may have been included to protect those who immigrated or could have been interpreters who put their lives at risk. They helped support the operations in Iraq, Afghanistan, and other places. They wanted to be inclusive of those who sacrificed for the country; however, those individuals are not generally considered veterans.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Jane Graham, NH Department of Corrections, neutral on HB 1589-FN. The Department is supportive of treatment court tracks, but they would need additional resources. The estimate of veterans taking part statewide would be about 40 per year, so they would need a rolling number of added probation and parole officers. She noted specialty courts take up more of a probation and parole officers time than a regular supervisor role. They will need additional resources, and they may have an officer that travels throughout the state to oversee the caseload.

Senator Chandley asked why specialty track parole and probation officers needed more time.
Ms. Graham said they require more resources because they have more team meetings, clinical assessments, and planning involved to keep people on the right track.

Erin Creegan, NH Judicial Branch, said there is an existing veterans track in the law, but it is not statewide. Most tracks are in areas where there is a larger population. She said the prime sponsor saw that they could combine dockets, or create virtual dockets, to adapt to the population across the state. She said the judges who oversee veterans track said they would appreciate more guidance from the Legislature as to what is desired in the veterans court. She mentioned the creation of a coordinator position would help to formalize the court.
HOUSE BILL 1591-FN

AN ACT relative to fines for prohibited sales of tobacco.

SPONSORS: Rep. Hunt, Ches. 14

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill moves fines for tobacco-related violations from statute to administrative rules, adopted by the liquor commission.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to fines for prohibited sales of tobacco.

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

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

2 Definition. New Paragraph; Alternative Nicotine Product. Amend RSA 126-K:2, I to read as
   follows:
   I. **“Alternative nicotine product” means any noncombustible product containing**
   **nicotine (whether natural or synthetic) that is intended for human consumption, whether**
   **chewed, absorbed, dissolved, ingested, inhaled, or consumed by any other means.**
   **“Alternative nicotine product” does not include any e-cigarettes, e-liquid, or tobacco**
   **products, or any product regulated as a drug or device by the United States Food and Drug**
   **Administration under Chapter V of the Food, Drug and Cosmetic Act.**
   I-a. **“Cigarette” means any roll for smoking made wholly or in part of tobacco, and wrapped**
   **in any material except tobacco.**

3 Prohibited Tobacco and E-cigarette Sales. Amend RSA 126-K:4, I and II to read as follows:
   I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or
   furnished tobacco products, e-cigarettes, or **alternative nicotine products** to a person
   who has not attained 21 years of age. The prohibition established by this paragraph shall not be
   deemed to prohibit persons who have not attained 21 years of age employed by any manufacturer,
   wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the
   necessary handling of tobacco products, e-cigarettes, or e-liquid during the duration of their
   employment.

II. Violations of this section shall be civil infractions punishable by administrative action of
   the commission against the licensee **pursuant to with rules adopted by the commission under**
   RSA 541-A. **The fines for violations of this section shall not exceed $250 for the first offense and**
$500 for the second offense. For the third offense, the commission shall issue a letter of warning
detailing necessary corrective actions and an administrative fine ranging from $500 to $1500. In
addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending
machine operator, or retailer where the offense occurred shall be suspended for a period of 10
consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission
shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not
to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to
$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond
the fourth, the commission shall revoke any license for the business or business entity at the location
where the infraction occurred or any principal thereof for a period of one year from the date of
revocation. The commission shall determine the level of the violation by reviewing the licensee's
record and counting violations that have occurred within 3 years of the date of the violation being
considered].

4 Rolling Papers. Amend RSA 126-K:4 to read as follows:

I. No person shall sell, give, or furnish rolling papers to a minor. Violations of this
paragraph shall be civil infractions punishable by administrative action of the commission against
the licensee pursuant to rules adopted by the commission under 541-A. [The fines for
violations of this paragraph shall not exceed $250 for the first offense, $500 for the second offense,
and $750 for the third and subsequent offenses.]

II. No person under 21 years of age shall purchase, possess, or use any rolling paper. Any
person who violates this section shall be guilty of a violation and shall be punished by a fine not to
exceed $100 for each offense.

III. In addition to the civil penalty described in paragraph I, a person who violates
this section shall be guilty of a violation for a first offense and a misdemeanor for each
subsequent offense.

5 Distribution of Free Samples. Amend RSA 126-K:5 to read as follows:

126-K:5 Distribution of Free Samples.

I. No person may distribute or offer to distribute samples of tobacco products, e-cigarettes,
[e-liquid, or alternative nicotine products] in a public place or to a person who has not attained
21 years of age. This prohibition shall not apply to sampling:

(a) In an area to which minors are denied access.

(b) In a store to which a retailer's license has been issued.

(c) At factory sites, construction sites, conventions, trade shows, fairs, or motorsport
facilities in areas to which minors are denied access.

II. The commission shall adopt rules, pursuant to RSA 541-A, concerning the distribution of
free samples of tobacco products, e-cigarettes, [e-liquid, or alternative nicotine products] to
prevent their distribution to persons who have not attained 21 years of age.
III. Violations of this section shall be civil infractions punishable by administrative action of
the commission against the licensee pursuant to rules adopted by the commission under RSA
541-A. [The fines for the violations of this section shall not exceed $250 for the first offense and
$500 for the second offense. For the third offense, the commission shall issue a letter of warning
detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In
addition, the sampler's license shall be suspended for a period of 10 consecutive days and not
exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an
administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40
consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while
any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the
commission shall revoke any license for the business or business entity at the location where the
infraction occurred or any principal thereof for a period of one year from the date of revocation. The
commission shall determine the level of the violation by reviewing the licensee's record and counting
violations that have occurred within 3 years of the date of the violation being considered.]

Possession and Use of Tobacco Products, E-cigarettes, or E-Liquid by Persons Who Have Not
Attained 21 Years of Age. Amend RSA 126-K:6 to read as follows:

126-K:6 Possession and Use of Tobacco Products, E-cigarettes, [ex] E-Liquid or Alternative
Nicotine Products by Persons Who Have Not Attained 21 Years of Age.

I. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any
tobacco product, e-cigarette, device, [ex] e-liquid, or alternative nicotine products.

II. The prohibition on possession of tobacco products, devices, e-cigarettes, [ex] e-liquid, or
alternative nicotine products shall not be deemed to prohibit minors employed by any
manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from
performing the necessary handling of tobacco products, devices, e-cigarettes, or e-liquids during the
duration of their employment.

III. A person who has not attained 21 years of age shall not misrepresent his or her age for
the purpose of purchasing tobacco products, devices, e-cigarettes, e-liquid, or alternative
nicotine products.

Use of Tobacco Products, Devices, E-cigarettes, or E-liquids on Public Educational Facility
Grounds Prohibited. Amend RSA 126-K:7 to read as follows:

126-K:7 Use of Tobacco Products, Devices, E-cigarettes, [ex] E-liquids, or Alternative Nicotine
Products on Public Educational Facility Grounds Prohibited.

I. No person shall use any tobacco product, device, e-cigarette, [ex] e-liquid, or alternative
nicotine products in any public educational facility or on the grounds of any public educational
facility.

II. Any person who violates this section shall be guilty of a violation and, notwithstanding
RSA 651:2, shall be punished by a fine not to exceed $100 for each offense.
8 Special Provisions. Amend RSA 126-K:8 to read as follows:

126-K:8 Special Provisions.

I.(a) No person shall sell, give, or furnish tobacco products, e-cigarettes, [**e-liquid**, or **alternative nicotine products**] to a person who has not attained 21 years of age who has a note from an adult requesting such sale, gift, or delivery. Tobacco products, e-cigarettes, [**e-liquid**, or **alternative nicotine products**] shall only be delivered to a person who provides an identification as enumerated in RSA 126-K:3 establishing that the person has attained 21 years of age.

(b) Each school shall establish a policy regarding violations of this paragraph. The policy may include, but not be limited to, mandatory education classes on the hazards of using tobacco products, e-cigarettes, [**e-liquid**, or **alternative nicotine products**], and suspensions and other penalties.

II. All tobacco products shall be sold in their original packaging bearing the Surgeon General's warning.

III. The sale of single cigarettes is prohibited.

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee **pursuant to rules adopted by the commission under RSA 541-A.** [The fines for violations of this section shall not exceed $250 for the first offense and $500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license for the business or business entity at the location where the infraction occurred or any principal thereof for a period of one year from the date of revocation. The commission shall determine the level of the violation by reviewing the licensee's record and counting violations that have occurred within 3 years of the date of the violation being considered.]

V. In addition to the civil penalty described in paragraph IV, a person who violates this section shall be guilty of a violation for the first offense and a misdemeanor for each subsequent offense.

9 New Paragraph; Definition; Alternative Nicotine Product. Amend RSA 175:1 by inserting after paragraph IV the following new paragraph:

**IV-a** “Alternative nicotine product” means any noncombustible product containing nicotine (whether natural or synthetic) that is intended for human consumption, whether chewed, absorbed, dissolved, ingested, inhaled, or consumed by any other means. “Alternative nicotine product” does
not include any e-cigarettes, e-liquid, or tobacco products, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

10 Retail Tobacco License. Amend RSA 178:19-a to read as follows:

178:19-a Retail Tobacco License.

I. The commission may issue a retail tobacco license to a person engaged in the business of retail sales and distribution of tobacco products including e-cigarettes and alternative nicotine products in this state. Each retail outlet shall have a separate license regardless of the fact that one or more outlets may be owned or controlled by a single person.

I-a. The commission may issue a retail tobacco license to any business holding a license to sell alcoholic beverages under RSA 178 for an additional fee of $6 per licensed location.

II. A retail tobacco license shall be prominently displayed on the premises described in it.

III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products or e-cigarettes to persons under age 21. Warning: violators of these provisions may be subject to a fine."

IV. All sales of tobacco, including e-cigarettes, shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commission. No rebate shall be allowed for cash registers discontinued during the license year.

V. The fee for a retail tobacco license shall be as determined in RSA 178:29, II(e).

VI. All New Hampshire tobacco licensees shall abide by all federal laws, regulations, and rules governing the sale, packaging, distribution and advertising of tobacco products, e-cigarettes, liquid nicotine, and alternative nicotine products.

VII. The commission may adopt rules under RSA 541-A necessary to effect the purposes of this section.

11 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to fines for prohibited sales of tobacco.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures?  [X] N/A
- Does this bill authorize new positions to implement this bill?  [X] No

METHODOLOGY:

The Liquor Commission states the tobacco and vaping businesses are rapidly expanding their product lines and bringing new products to the marketplace using new and non-traditional approaches. This bill would broaden the extent to which the Commission may identify new products coming to market and expand the requirement for these businesses to be licensed and regulated. The bill would expand the scope of regulated products to include “alternative tobacco related products.” The bill also requires a licensed tobacco retailer to adhere to all federal regulations in existence that may apply to a product defined as “tobacco related” including current and future products. The Commission is unable to predict how many additional businesses will become licensed when it is determined they are selling “tobacco related products.” Existing retail tobacco licensees would now lawfully be permitted to sell tobacco related products not previously allowed. The Commission would need to develop administrative...
rules that will define “tobacco related products” and what penalties will be imposed for non-compliance.

The Commission anticipates the provisions of this bill could be administered by current personnel and within the current budget. The Commission expects a small increase in the number new businesses that will be licensed and an equally small increase in new licensing revenue.

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Liquor Commission, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association
| Date       | Action     | Details
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs  HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 11:00 am LOB 305</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/13/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/21/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 10:30 am LOB 302-304</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0840h 03/13/2024 (Vote 18-0; CC) HC 12 P. 9</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0840h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0840h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Judiciary; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 100, SH, 01:00 pm; SC 15</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1591-FN, relative to fines for prohibited sales of tobacco.

Hearing Date: April 16, 2024

Time Opened: 1:02 p.m.                          Time Closed: 1:15 p.m.

Members of the Committee Present: Senators Carson, Gannon, Whitley and Chandley

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill moves fines for tobacco-related violations from statute to administrative rules, adopted by the liquor commission.

Sponsors:
Rep. Hunt

Who supports the bill: Kate Frey (New Futures), Alicia Preston (NH Vapers Association) and Daniel Richardson.

Who opposes the bill: Janet Lucas.

Who is neutral on the bill: Nancy Vaughan (American Heart Association).

Summary of testimony presented:

Representative Terry Roy introduced HB 1591-FN on behalf of Representative Hunt.

Nancy Vaughan, American Heart Association, neutral on HB 1591-FN. She said the AHA supports holding tobacco retailers accountable and she noted this bill repeals penalties on retailers and puts those penalties strictly into administrative rules. She said this bill still leaves in statute penalties on young people, who are caught purchasing, possessing, or using tobacco products. It could lead them to get sent to a class or a fine of $100. Pulling young people away from their jobs with these fines can be inequitable for them. She thought scientifically, as a policy, keeping penalties on young people is ineffective.

Kate Frey, New Futures, supported HB 1591-FN. She said alternative nicotine products are also known as nicotine pouches. She noted these products are popping up and easy to buy in convenience stores. She said these products are being advertised towards kids, and she encouraged the inclusion of that definition.
Senator Whitley asked if there was additional language that needed to be amended.

Ms. Frey said she is in support of the language that was included.

Chief Mark Armaganian, Liquor Commission, said he supported HB 1591-FN.

Danielle Ellston, Deputy Chief of New Hampshire Liquor Enforcement, supported HB 1591-FN. She said right now tobacco licensees can sell tobacco as defined in tobacco, tobacco products, vape and e-liquor products. Currently, she said synthetic nicotine pouches don’t fall under the definition of tobacco in terms of the retail license. She said this bill will now require a license to sell these synthetic nicotine pouches; however, if a retailer already has a retail tobacco license, they do not need to get a new license to sell these products. She said current definitions did not match up with youth access and restricted age for these new products.

She said throughout the bill, the product is defined as an alternative nicotine product, and it has been placed under the tobacco retail license and it has been included with other tobacco and vape products that are age restricted. She noted there are three penalties that can happen with any tobacco product that will now include these nicotine products. She said there is a penalty against the retailer who has the tobacco license, which have been moved out of statute and into administrative rules. It streamlines penalties for the industry, so all licensee penalties are in rule and keeps the penalties in statute as they are for clerks who sell to underage individuals and if underage individuals possess these products.
HB 1032-FN - AS INTRODUCED

2024 SESSION

24-2465
11/08

HOUSE BILL 1032-FN

AN ACT relative to certificate of title exemptions for vehicles 20 or more years old.


COMMITTEE: Transportation

ANALYSIS

This bill exempts vehicles 20 or more years old from having a certificate of title.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to certificate of title exemptions for vehicles 20 or more years old.

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

1 Certificate of Title; Exempted Vehicles. Amend RSA 261:3, I(k) to read as follows:

(k) Any motor vehicle whose manufacturer's model year is before the year 2000 20 or more years old, except heavy trucks and truck-tractors whose gross vehicle weight exceeds 18,000 pounds.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to certificate of title exemptions for vehicles 20 or more years old.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Restricted – Highway Fund</td>
</tr>
<tr>
<td>Cost of Collections – Per the state constitution, costs associated with the collection/administration of highway fund revenue by the Department of Safety is deducted prior to funds being credited as unrestricted highway fund revenue.</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill would exempt vehicles that are 20 years or older from title requirements. The Department of Safety states it would incur costs related to system programming and testing and would require the updating of training materials and the notification of staff, municipal agents, and licensed NH retail dealers. The Department states the estimated cost for system change, testing, and implementation, is approximately $24,000 (160 hours of work at a rate of $150 per hour, presumed to be incurred in FY 2025), and states the cost associated with training and educating agents and stakeholders would be absorbed within its current budget.

AGENCIES CONTACTED:

Department of Safety
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/27/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 10:20 am LOB 203</td>
</tr>
<tr>
<td>01/11/2024</td>
<td>H</td>
<td>Executive Session: 01/16/2024 02:00 pm LOB 203</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/16/2024 (Vote 17-0; CC) HC 4 P. 11</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/01/2024 HJ 3 P. 12</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Referred to Finance 02/01/2024 HJ 3 P. 12</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Division II Work Session: 03/05/2024 10:30 am LOB 209</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; CC) HC 14 P. 6</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Transportation; SJ 10</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 101, LOB, 01:00 pm; SC 17</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 05/16/2024; SC 19</td>
</tr>
</tbody>
</table>
Senate Transportation Committee
Sophie Walsh 271-3469

HB 1032-FN, relative to certificate of title exemptions for vehicles 20 or more years old.

Hearing Date: April 30, 2024

Time Opened: 1:05 p.m.  
Time Closed: 1:16 p.m.

Members of the Committee Present: Senators Ricciardi, Ward, Gendreau and Fenton

Members of the Committee Absent: Senator Watters

Bill Analysis: This bill exempts vehicles 20 or more years old from having a certificate of title.

Sponsors:  
Rep. Santonastaso  
Rep. Phillips  
Rep. T. Mannion  
Rep. Read


Who opposes the bill: Howard Handler (National Insurance Crime Bureau)

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Matthew Santonastaso, Cheshire – District 18
• Representative Santonastaso explained that this bill changes the title exemption period for vehicle registration. Currently it applies to vehicles older than the year 2000, but this bill will create a dynamic exemption period that encompasses vehicles twenty years or older.
• He said that people often lose the titles to their vehicles for various reasons, and are unaware of the procedures to obtain a duplicate title or deterred by complexity and costs.
• He described the market as rife with vehicles listed as no title, which diminishes their value and marketability. These vehicles are often sold for a fraction of their potential value, except for those of the year 1999 and older because they currently benefit from title exemption.
• He said this discrepancy creates a market distortion whereas people are hesitant to engage with the system and secure titles for their newly purchased vehicles. This disables capital in New Hampshire that could otherwise be put to use.
• He explained that in the case of fraud or theft for vehicles twenty years or older, the State already has historical record of ownership through previous registrations. He said this system of past registration data provides a robust safety net diminishing the need for titles as a protective measure for these older, lower value vehicles.
• He said the most useful function of a title is to collateralize debt for an auto loan and explained that twenty years is ample time for a loan holder to get paid for a car.
• He explained that extending the exemption to titles to a rolling year will allow cars considered otherwise useless to be registered, thus increasing the value of the state.
• He said this also makes cars cheaper to the public by increasing the total supply of cars. This gives people the ability to purchase cars with missing paperwork out-of-state at bargain prices and register them here.
• He noted that, in comparison, the Federal Aviation Administration does not issue titles.
• He explained that he once sold a vehicle to someone for parts. Later, the junkyard could not accept the car without a title, burdening the buyer of his vehicle. It took them about two months to get the title, and he noted that not all sellers may be so accommodating.
• He explained that due to junkyards’ inability to accept cars without a title, vehicles are stuck on properties with no way to get rid of them.
• He explained that everyone he has talked to agrees there should be a rolling date.
• He noted that an independent bill was put in with ten-year exception instead of twenty, but he noted ten years may be too aggressive.
• He described this as a transformative measure that will enhance the value of title-less cars and make them more marketable. This prevents old cars from being abandoned, and adds more car supply to the market, in turn lowering the price of used cars.

Jennifer O’Leary, NH Division of Motor Vehicles

• Ms. O’Leary explained there was a time in which the Division of Motor Vehicles (DMV) had a rolling turnaround time for titles to be considered exempt.
• She clarified that duplicate titles are easily obtained through the DMV. It is practice to have three to five business days turnaround time.
• She acknowledged Representative Santonastaso’s personal example and concurred that not all sellers are willing to help buyers attain such documents, but ensured that they can otherwise be easily obtained through the DMV.
Senator Fenton asked if the DMV has any issues with using a rolling date of twenty years, to which Ms. O’Leary ensured there are no issues.

Representative Thomas Walsh, Merrimack – District 10
- Representative Walsh expressed his support for this bill as the Chairman of the House Transportation Committee.
- He recalled no opposition to the bill in committee, and said they recommended it for practical reasons.
- He emphasized that the need for a title for purposes related to financing, fraud, and theft is unnecessary after twenty years due to the diminished value of vehicles.
HOUSE BILL 1083

AN ACT relative to vehicles held in joint tenancy with rights of survivorship.


COMMITTEE: Transportation

ANALYSIS

This bill allows a surviving owner of a vehicle held in joint tenancy with rights of survivorship to register the vehicle without obtaining a new title.

Explanation: Matter added to current law appears in **bold italics**. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1083 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to vehicles held in joint tenancy with rights of survivorship.

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

1 Certificates of Title; Joint Tenancy with Rights of Survivorship. Amend RSA 261:17, III to read as follows:

   III. Individuals who are joint owners may provide for survivorship. If their joint ownership is held by using "and" between their names, they may obtain title as joint tenants with rights of survivorship by designating this preference on their title application. If their joint ownership is held by using "or" between their names, no other designation is required. Upon the death of one of the owners, the surviving owner may transfer the vehicle pursuant to RSA 261:14 without obtaining a new title. The surviving owner's birth month shall determine the month for registration renewal, which shall be accomplished pursuant to RSA 261:62. The signature of the surviving owner on the record and a copy of the death record shall be deemed valid and sufficient for the proper transfer of the motor vehicle. One of the joint owners may be a nonresident, who shall be exempt from the requirements of RSA 261:71 for the purposes of this section only.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation</td>
<td></td>
</tr>
<tr>
<td>01/11/2024</td>
<td>H</td>
<td>Public Hearing: 01/16/2024 10:20 am LOB 203 HC 2</td>
<td></td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Executive Session: 01/30/2024 02:00 pm LOB 203</td>
<td></td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/30/2024 (Vote 19-0; CC)</td>
<td></td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4 P. 13</td>
<td></td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Transportation; SJ 5</td>
<td></td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Hearing: 03/19/2024, Room 101, LOB, 01:00 pm; SC 11</td>
<td></td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
<td></td>
</tr>
</tbody>
</table>
HB 1083, relative to vehicles held in joint tenancy with rights of survivorship.

Hearing Date: March 19, 2024

Time Opened: 1:01 p.m. Time Closed: 1:06 p.m.

Members of the Committee Present: Senators Watters, Ward and Gendreau

Members of the Committee Absent: Senators Ricciardi and Fenton

Bill Analysis: This bill allows a surviving owner of a vehicle held in joint tenancy with rights of survivorship to register the vehicle without obtaining a new title.

Sponsors:


Who opposes the bill: No one.

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Greg Hill, Merrimack – District 2
- Representative Hill introduced House Bill 1083. He said it deals with the titling of cars jointly held with the word “and” written between the names on the title.
- He explained this issue was brought to him by a constituent who had recently lost her husband who was a veteran. Upon her husband’s death she was able to re-register their vehicle and keep the veteran license plate once, but was told when registering it a second time that the vehicle would need to be re-titled and would no longer have the veteran license plate.
- Representative Hill explained that according to RSA 261:14, after one owner of a jointly held vehicles dies, the title can be transferred to a new owner with the signature of the surviving owner and a copy of the other owner’s death certificate within a 2-year time-frame.
- He said according to this bill, from the time one owner of a jointly owned vehicle dies, the surviving owner may continue to re-register the vehicle without getting
a new title and will have the ability to continue doing so until they sell the vehicle with their signature and a copy of the deceased owner’s death certificate.

- Senator Watters asked if the New Hampshire Division of Motor Vehicles (DMV) is okay with this change.
- Representative Hill responded that the DMV is ambivalent on the issue and would prefer to keep things as is. He explained that there are concerns regarding fraud, but questioned how much fraud could increase since this practice is already allowed within 2 years of an owner’s death.
- Senator Watters asked if the Veterans Council weighed in on this issue.
- Representative Hill said he has not heard from them yet, but will check to see if anything has changed.
AN ACT relative to the issuance of permits for the alteration of driveways exiting onto public ways.


COMMITTEE: Public Works and Highways

ANALYSIS

This bill establishes certain deadlines for issuance of permits for the alteration of driveways exiting onto public ways.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the issuance of permits for the alteration of driveways exiting onto public ways.

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

1 Driveway Construction Permits. Amend RSA 236:13, IV-V to read as follows:

IV. No construction permit shall allow:

(a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.

(b) More than 2 driveways, entrances, exits, or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.

IV-a. For any existing or proposed residential use of land, including multifamily development, the department shall issue the permit described in paragraph II within 30 days of filing. If the department fails to approve or deny a permit within that time it shall issue a permit by default, which shall allow the applicant to proceed with the project as presented in the application. Such default permit shall be issued by the department within 5 business days following default and may contain a statement indicating that the department has not fully reviewed the plan. The department and the applicant may by mutual agreement extend any of the deadlines in this section.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III, and IV shall be conferred upon the planning board or governing body in cities and towns in which the planning board or governing body has been granted the power to regulate the grading and improvement of streets within a subdivision as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II(a). The planning board or its delegate shall not be subject to the timelines in...
paragraph IV-a, but its regulations shall specify a reasonable time for it or its delegate to act on permits under this section, which shall not exceed 65 days.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to the issuance of permits for the alteration of driveways exiting onto public ways.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill establishes a 30-day deadline for the Department of Transportation to review and issue a permit for driveway construction exiting onto public ways, for which failure to act by the deadline will result in the issuance of a permit by default. The Department states it receives approximately 1,200 driveway permit applications statewide annually, approximately 75 of which are for proposed major traffic generators. Minor permits are currently processed within 30 to 60 days provided supporting documentation is submitted with the application. Applications for major traffic generators, which as a group comprise anything larger and more complicated than basic driveways with no mitigation requirements, are more difficult to review and approve.

The Department states accelerating review of driveway permit applications will require additional monitoring, review, decision, and action by staff at multiple locations across the six maintenance district offices and at bureaus located in Concord. The Department states it would need four (4) new positions to comply with this bill, as well as contract with on-call consultant engineer firms to review applications, traffic impact studies, warrant analyses and design plans to supplement Department staff during periods of higher-than-normal application submittals to meet the proposed accelerated deadlines. Below is a summary of the Department’s estimated costs associated with this bill:
<table>
<thead>
<tr>
<th>Four (4) New Positions Needed:</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Civil Engineer VI Project Manager</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Civil Engineer V Positions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Program Specialist I</td>
<td>$602,184</td>
<td>$592,063</td>
<td>$602,139</td>
</tr>
</tbody>
</table>

Includes associated benefit and other costs, including IT/software needs

| On-Call Consultant Engineer   | $150,000| $150,000| $150,000|
| Total Cost                   | $752,184| $742,063| $752,139|

It should be noted that this bill provides neither appropriation nor authorization for new personnel. The Department states without a mechanism to charge applicants for driveway permits, the Department is unable to recoup any of these additional expenses.

**AGENCIES CONTACTED:**

Department of Transportation
Amendment to HB 1202-FN

Amend RSA 236:13, IV-a-V as inserted by section 1 of the bill by replacing it with the following:

IV-a. For any existing or proposed residential use of land, including multifamily development that is not classified as a major driveway under the department's policy relating to driveways and access to the state highway system, the department shall issue the permit described in paragraph II within 60 days of receiving a completed application.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III, and IV shall be conferred upon the planning board or governing body in cities and towns in which the planning board or governing body has been granted the power to regulate the grading and improvement of streets within a subdivision as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II(a). The planning board or its delegate shall act on permits under this section within 65 days after notification of issuance.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Public Works and Highways</td>
</tr>
<tr>
<td>01/29/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 10:45 am LOB 201</td>
</tr>
<tr>
<td>01/29/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/07/2024 02:40 pm LOB 201</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/14/2024 09:30 am LOB 201</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0706h</td>
</tr>
<tr>
<td></td>
<td></td>
<td>02/14/2024 (Vote 18-0; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0706h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0706h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/05/2024 11:45 am LOB 209</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Executive Session: 04/02/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0971h</td>
</tr>
<tr>
<td></td>
<td></td>
<td>04/02/2024 (Vote 23-2; RC) HJ 14 P. 9</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-0971h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0971h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Transportation; SJ 10</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 101, LOB, 01:10 pm; SC 17</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1845s, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1202-FN, relative to the issuance of permits for the alteration of driveways exiting onto public ways.

Hearing Date: April 30, 2024

Time Opened: 1:16 p.m. Time Closed: 1:34 p.m.

Members of the Committee Present: Senators Ricciardi, Ward, Gendreau and Fenton

Members of the Committee Absent: Senator Watters

Bill Analysis: This bill establishes certain deadlines for issuance of permits for the alteration of driveways exiting onto public ways.

Sponsors:
Sen. Murphy


Who opposes the bill: David Rodrigue (NH Department of Transportation).

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Mark McConkey, Carroll – District 8 & House Public Works and Highways Committee

- Representative McConkey explained that this bill addresses the issue of driveway permits, which came out of the Special Committee on Housing.
- He affirmed that the Department of Transportation (DOT) does a great job throughout the state, but noted there are pockets in denser areas where driveway permit applications can take months.
- He explained that this bill started out with a larger perspective, but was narrowed down to hone in on multi-family housing developments.
- He explained that this bill will require complete applications to be reviewed in thirty days. If not, the permit will be considered approved after those thirty days lapse. He noted this process is similar to those in other departments, such as the Department of Environmental Services (DES).
- He noted that the DOT expressed they would need to hire up to four people to have the capacity for this. He explained that while he does not doubt this will be burdensome, the affected projects comprise less than 1% of all applications.

Representative Joe Alexander, Hillsborough – District 29
- Representative Alexander explained that the Special Committee on Housing attempted to identify what small issues they could tackle to move the ball forward and provide affordable housing.
- He said this bill comes from that intent, as it puts a reasonable timeline on the approval of residential permits.
- He explained that this bill originally referred to all driveway permits, but was amended by the House to narrow the scope and allocate four new positions to the DOT. He said the funds for these positions will come out of the highway fund because it is in a surplus.
- He said this addresses the issue of government efficiency, and only advises that the DOT work more collaboratively with applicants, developers, and property owners.
- In response to Senator Ricciardi’s earlier question, Representative Alexander explained that this bill allows the DOT and applicants to mutually extend the deadline beyond thirty days. He also clarified that the thirty day timeline only begins once an application is considered complete, and noted that DOT may reject incomplete applications.

Ben Frost, Esq., New Hampshire Housing
- Mr. Frost stated that he is speaking in support of this bill.
- He explained that while the DOT has the authority to issue permits for state highways, municipal highway authority is delegated to local planning boards. Typically, planning boards will delegate that authority to their road agent, but they can retain authority as well.
- He explained that local planning boards are not staffed the same way as the DOT, so it may take them longer to carry out such tasks. Thus, language was
crafted in collaboration with the New Hampshire Municipal Association specifying that the timeline allocated to the DOT is not applicable to planning boards or their delegates. Planning boards must establish what a reasonable timeline is, but it cannot be longer than sixty-five days. This limit was intentionally chosen because it is the statutory deadline for planning board action.

- Senator Ricciardi clarified that this language keeps local control while acknowledging that such planning boards are comprised largely of volunteers who do not have the same expertise to make these decisions. Mr. Frost confirmed this is correct.

Elissa Margolin, Housing Action NH
- Ms. Margolin stated that she was speaking in support of this bill.
- She explained this issue seemed like low hanging fruit for the Special Committee on Housing, as it was reported that such action would be helpful to address bottlenecks in the application process.
- She emphasized that this identifies what state agencies need and provides for local participation.

David Rodrigue, Assistant Commissioner of NH Department of Transportation
- Mr. Rodrigue emphasized that the DOT shares everyone’s concerns about getting housing built as quickly and efficiently as possible.
- He stated that the DOT is ready and willing to collaborate, but expressed concerns about the bill. He explained that the thirty day limit, followed by automatic permit approval if the deadline is not met, is troubling to the Department because the permit process is intended to protect the safety and mobility of the roadway network.
- He explained that for simple driveways, if a completed application is submitted it can typically be turned around within forty-five days. He said approximately 85% of permits can be turned around in this time. However, he noted that the DOT does get some incomplete applications as well.
- He explained that the application review process includes both deed research and a review of safety characteristics. This is done for the safety of both the homeowner and the people on the road.
- In regards to multi-unit developments, Mr. Rodrigue explained they require developers to complete a traffic impact study, which predicts how many people are entering and exiting the property, counts traffic on the roadway, and completes different analyses.
- Senator Ricciardi asked if the DOT was concerned with this because it would bypass the traffic impact study to rush the process, thus creating a safety concern. Mr. Rodrigue clarified that this bill would not bypass that process, but it would not allow enough time for the submission and review of traffic impact studies and any off-site mitigation plans that may need to be developed.
• Senator Ricciardi asked what an acceptable timeline would be for the Department, to which Mr. Rodrigue explained that while they would like to work that out with applicants, sixty days would be much better.
HOUSE BILL 1304-FN-LOCAL
AN ACT relative to vessel registration and boat fee decals.


COMMITTEE: Transportation

ANALYSIS

This bill modifies the procedure for registration of vessels by requiring the issuance and display of a boat fee decal for the payment of boat fees.
HB 1304-FN-LOCAL - AS AMENDED BY THE HOUSE
8Feb2024... 0069h
11Apr2024... 0933h

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to vessel registration and boat fee decals.

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

1 Vessel Registration; Registration. Amend the introductory paragraph of RSA 270-E:3, III to read as follows:

III. Application for registration shall be in such form and contain such information as the commissioner shall determine. The fees required by RSA 270-E:5 shall accompany the application. The application shall request the principal use of the vessel and ask whether the vessel is to be registered for tidal and coastal waters. The application shall also contain the following statements:

2 Exemption from Registration. Amend the section heading and introductory paragraph of RSA 270-E:4 to read as follows:

270-E:4 Exemptions From Registration and Boat Fee Decal. The following vessels shall be exempt from registration and display of a boat fee decal in this state:

3 Vessel Registration Fees. Amend RSA 270-E:5, II to read as follows:

II. In addition to the fees required by paragraph I there shall be the following registration fees:

(a) $9.50 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

(b) $1 for each registration required by this section. The fees collected under this subparagraph shall be paid into the fish and game search and rescue fund established under RSA 206:42.

(e) $5 collected for each registration processed by an authorized agent of the department who is not an employee of the department. The fees collected under this subparagraph shall be collected and retained by the authorized agent as compensation for processing the registration.

(d) $5 for each registration specified in paragraph I. The surcharge collected under this subparagraph shall be paid into the statewide public boat access fund established under RSA 233-A:13.

(e) $2 for each registration for tidal or coastal waters. The surcharge collected under this subparagraph shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46.]
4 New Section; Boat Fee Decal Required. Amend RSA 270-E by inserting after section 5 the following new section:

270-E:5-a Boat Fee Decal Required.

I. No person shall put, place, or operate a vessel on any waters of the state, including tidal and coastal waters and all inland waters, unless the vessel displays a boat fee decal as required in this chapter or is exempt as provided in RSA 270-E:4.

II. The cost of the boat fee decal for private and pleasure vessels, including rentals and airboats shall be as follows:

(a) $9.50 for each decal specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

(b) $1 for each decal required by this section. The fees collected under this subparagraph shall be paid into the fish and game search and rescue fund established under RSA 206:42.

(c) $5 for each decal specified in paragraph I. The fees collected under this subparagraph shall be paid into the statewide public boat access fund established under RSA 233-A:13.

(d) $2 for each decal for tidal or coastal waters. The fees collected under this subparagraph shall be paid into the harbor dredging and pier maintenance fund established under RSA 12-G:46.

(e) $3 decal fee for each decal specified in paragraph I. The fees collected under this paragraph shall be paid into the navigation safety fund established under RSA 270-E:6-a.

5 Display of Numbers and Decals. Amend RSA 270-E:8 to read as follows:

270-E:8 Display of Numbers and Decals Required.

I. Every vessel required to be registered in this state shall display the boat fee decal under RSA 270-E:5-a and the vessel numbers issued to the vessel as part of the registration process, unless the vessel is exempt under the provisions of RSA 270-E:9.

II. The owner shall paint on, attach or otherwise display to each side of the forward half of the vessel the numbers assigned by the department not less than 3 inches in height, with block letters of contrasting color, and they shall be clearly readable when the vessel is being operated. The numbers shall be maintained in legible condition. No numbers other than the numbers validly assigned to a vessel shall be painted, attached or otherwise displayed on either side of the forward half of such vessel.

III. Any person who operates a vessel on the inland or tidal and coastal waters of this state without displaying the vessel numbers [and the], boat fee decal, or other decal required by this chapter in the manner required by this chapter, unless exempt under the provisions of RSA 270-E:9, shall be guilty of a violation for a first offense and a misdemeanor for a second offense.
New Paragraph; Rulemaking; Boat Fee Decal. Amend RSA 270-E:12 by inserting after paragraph XII the following new paragraph:

XIII. Boat fee decals.

Decal Issuance; Replacement. Amend RSA 270:62, V to read as follows:

V. A fee of $125 shall be charged for each initial decal issued pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a. An annual mooring fee of $50 for each mooring in a congregate mooring field and $25 for each mooring not in a congregate mooring field shall be charged for each decal renewed or replaced pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

Payment of Boat Fee. Amend the introductory paragraph of RSA 72-A:4, I to read as follows:

I. For boats which are required to be registered with the department of safety under the provisions of display a boat fee decal as required in RSA 270-E:5-a, the fee may be paid prior to, or at the time of, separately, or together with the vessel registration. The fee may be paid to:

Boat Fee; Boats Under Federal Jurisdiction. Amend RSA 72-A:8 to read as follows:

72-A:8 Boats Under Federal Jurisdiction. Boats registered with the United States Coast Guard or Treasury Department shall be subject to the boat fee under RSA 72-A:4 if they are either within the state on January 1 or usually moored, docked, or kept in the state. Boat owners shall pay the boat fee to the town or city clerk or tax collector, authorized agent or the department of safety by July 1 of each year.

Repeal; Receipt. RSA 270-E:3, IV, relative to the receipt for boat fee payment, is repealed.

Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to vessel registration and boat fee decals.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill, effective January 1, 2025, modifies the procedure for registration of vessels by requiring the issuance and display of a boat fee decal for the payment of boat fees. The Department of Safety states traditionally boating fees have been collected at the time of registration. However, the Department states due to a Coast Guard audit finding, boating fees can no longer be collected at time of registration. This new method of boat fee collection will require a new, yearly decal, to accompany the current registration decal, thus requiring each boat registered in NH to display two (2) separate decals.

The Department states this bill will have no impact on state revenue, however, it will incur costs associated with the purchase of the decals. The Department estimates the annual costs, beginning in FY 2025, will be $48,000 (120,000 stickers @ $0.40 per sticker), with half assumed ($24,000) in FY 2025, as this bill is only effective for six months of the year. This cost would be a charge against the Navigation Safety Fund established in RSA 270-E:6-a.

AGENCIES CONTACTED:

Department of Safety
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>01/11/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/16/2024 02:00 pm LOB 203</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 01/30/2024 02:00 pm LOB 203</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0069h 01/30/2024 (Vote 19-1; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Amendment # 2024-0069h: AA VV 02/08/2024 HJ 4 P. 14</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0069h: MA VV 02/08/2024 HJ 4 P. 14</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Referred to Finance 02/08/2024 HJ 4 P. 14</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Division II Work Session: 03/05/2024 10:55 am LOB 209</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0933h 03/26/2024 (Vote 24-1; RC) HJ 14 P. 10</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-0933h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0933h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Transportation; SJ 10</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 101, LOB, 01:20 pm; SC 17</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1304-FN-LOCAL, relative to vessel registration and boat fee decals.

Hearing Date: April 30, 2024

Time Opened: 1:35 p.m. Time Closed: 1:39 p.m.

Members of the Committee Present: Senators Ricciardi, Ward, Gendreau and Fenton

Members of the Committee Absent: Senator Watters

Bill Analysis: This bill modifies the procedure for registration of vessels by requiring the issuance and display of a boat fee decal for the payment of boat fees.

Sponsors:
Sen. Ward

Who supports the bill: Rep. Thomas Walsh, Tim Dunleavy (Department of Safety – Marine Patrol), Sen. Fenton, Andrea LaMoreaux (NH Lakes), Eric Pauer, Carol Foss (New Hampshire Audubon), Michele L. Tremblay (Rivers Management Advisory Committee), and Steve Wingate (Lakes Management Advisory Committee).

Who opposes the bill: No one.

Who is neutral on the bill: No one.

Summary of testimony presented:

Senator Ruth Ward, Senate District 8
- Senator Ward introduced the bill on behalf of Representative Creighton. This bill modifies the procedure for registration of vessels by requiring the issuance and display of a boat fee decal for the payment of boat fees.

Tim Dunleavy, Department of Safety – Marine Patrol
- Mr. Dunleavy stated that he is speaking in support of the bill.
- He explained that Marine Patrol receives approximately $1.5 million annually from the Coast Guard from a federal recreational boating safety grant. There
are conditions that Marine Patrol participate in certain federal programs, including boat registration programs.

- It was discovered that Marine Patrol has been collecting fees for some in-state partners, such as Fish and Game and the Department of Environmental Services, as part of the overall boat registration fee, in violation of federal law. This leaves the Coast Guard grant in jeopardy.
- A program has been developed to separate the fees collected illegally and create a second sticker that will require boaters to both display and pay the fees in a separate transaction.
- Mr. Dunleavy explained that approximately a dozen states are facing this issue. Most states are following this remedy, as the Coast Guard accepts separating the fees as a solution.
- He ensured that boaters will only have a $3 fee increase to cover sticker costs. All other fees will stay the same.
- He noted that Senator Shaheen introduced a bill at the federal level to mediate this issue, but this bill is the solution in the meantime.
HOUSE BILL 1329-FN

AN ACT relative to creating special number plates for fire departments.

SPONSORS: Rep. Proulx, Hills. 15

COMMITTEE: Transportation

ANALYSIS

This bill creates special license plates for fire departments.

Explanation:

Matter added to current law appears in bold italics.
Matter removed from current law appears in brackets and struckthrough.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to creating special number plates for fire departments.

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

1 Firefighter Special License Plates. Amend RSA 261:91 to read as follows:

261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the director shall issue and shall designate a special plate, to be affixed to the vehicle of the county sheriffs, deputy sheriffs, members or retired members of the national guard of any state, active duty members of the armed forces, justices of the supreme and superior courts, and vehicles of state police and motor vehicle divisions and municipal fire and police departments. The special plates shall have the state motto, "Live Free or Die," written on them and shall be issued with no number plate fee being charged to the state other than for those plates furnished to the state police and motor vehicle divisions. Special number plates issued to members or retired members of the national guard of any state, active duty members of the armed forces, and justices of the supreme and superior courts may be attached only to vehicles registered in the name of the person issued the plates. Special plates for active duty members of the armed forces shall be distinct from special number plates for veterans.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to creating special number plates for fire departments.

FISCAL IMPACT:  [ X ] State       [ ] County       [ ] Local       [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill requires the Department of Safety Division of Motor Vehicles to create special license plates for fire departments. The Department states adding plate types to both the MAAP and VISION systems require programming, testing, and training of staff. Additional plate types in the inventory system known as VISION will require approximately 40 hours of programming work at $200 per hour, for a total of $8,000 (40 hours X $200). Hosting additional plate types in the MAAP system will require a system/software modification and the level of effort required will be 160 hours of programming, testing, and training at $125 per hour, for a total of $20,000 (160 hours X $125). Therefore, the one-time cost to implement this bill is estimated to be $28,000, assumed to be incurred in FY 2025.

AGENCIES CONTACTED:

Department of Safety
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation HJ 1</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/13/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/13/2024 (Vote 11-8; RC) HC 9 P. 32</td>
</tr>
<tr>
<td>03/08/2024</td>
<td>H</td>
<td>Special Order to Regular Calendar of next Session day Without Objection HJ 7</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Transportation; SJ 8</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 101, LOB, 01:30 pm; SC 13</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1329-FN, relative to creating special number plates for fire departments.

Hearing Date: April 2, 2024

Time Opened: 1:34 p.m.  Time Closed: 1:38 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Gendreau and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis: This bill creates special license plates for fire departments.

Sponsors:
Rep. Proulx


Who opposes the bill: No one.

Who is neutral on the bill: Kathleen Dyment (NH Division of Motor Vehicles).

Summary of testimony presented:

Representative Mark Proulx, Hillsborough – District 15
  • Representative Proulx stated that police have special license plates that say “MP” for “municipal police”, and this bill will also be giving special license plates to fire departments.
  • He explained that certain fire department vehicles do not have obvious lights or identifying symbols, and these license plates would make it clear that they are fire department vehicles.
  • Senator Gendreau asked if the license plate would say “FD” for “fire department”.
  • Representative Proulx said they would either say “FD” or “MF” for “municipal fire”. He said they would probably use “MF” to keep things standard.
  • Senator Watters asked if this bill went to the House Finance Committee.
  • Representative Proulx said he believes it did.

Kathleen Dyment, Supervisor of the Bureau of Registration – NH Division of Motor Vehicles
• Senator Ricciardi asked what position the Division of Motor Vehicles is taking on this bill.
• Ms. Dyment said the department is neutral.
• Senator Watters asked if the total cost would be $28,000.
• Ms. Dyment confirmed this was true.
HB 1354 - AS INTRODUCED

2024 SESSION

24-2235
11/08

HOUSE BILL 1354

AN ACT relative to special number plates for surviving spouses of veterans.


COMMITTEE: Transportation

ANALYSIS

This bill allows unmarried surviving spouses of veterans to use special number plates for veterans indefinitely.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1354 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to special number plates for surviving spouses of veterans.

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

1 Special Number Plates for Veterans. Amend RSA 261:87-b, I to read as follows:
   I. The director is hereby authorized to issue special number plates to be used on motor
   vehicles owned by veterans of the United States armed services, in lieu of other number plates. The
   design of these special plates shall be determined by the commissioner, and shall be distinct from
   the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to
   veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized
   by RSA 21:50, I(b), and payment of the regular motor vehicle registration fee and the $4 per plate
   fees under RSA 261:75. The director shall also issue such plates to any person providing proof of
   honorable discharge from the armed services of any nation allied with the United States during
   World War II and proof of such person’s service during World War II. Renewals of such special
   number plates shall be charged the fee assessed for standard motor vehicles as prescribed under
   RSA 261:141. The plates furnished pursuant to this section are non-transferable [and shall expire
   upon the death of the veteran], except that the surviving spouse may use the plates [for one year]
   indefinitely after the death of the veteran until the date that the surviving spouse remarries.
   [and shall be eligible to replace the plates during that year at no charge under RSA 261:75.]

2 Special Number Plates. Amend RSA 261:91 to read as follows:
   261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the
   director shall issue and shall designate a special plate, to be affixed to the vehicle of the county
   sheriffs, deputy sheriffs, members or retired members of the national guard of any state, active-duty
   members of the armed forces, justices of the supreme and superior courts, and vehicles of state police
   and motor vehicle divisions and municipal police departments. The special plates shall have the
   state motto, "Live Free or Die," written on them and shall be issued with no number plate fee being
   charged to the state other than for those plates furnished to the state police and motor vehicle
   divisions. Special number plates issued to members or retired members of the national guard of any
   state, active-duty members of the armed forces, and justices of the supreme and superior courts may
   be attached only to vehicles registered in the name of the person issued the plates, except as
   provided in this section. Special plates for active-duty members of the armed forces shall be
   distinct from special number plates for veterans. Surviving spouses of retired members of the
   national guard of any state may use the special number plates indefinitely after the death
   of the retired member until the date that the surviving spouse remarries. Upon
   surrendering special number plates for a deceased active-duty member of the armed forces,
surviving spouses of the active-duty members are eligible to be issued special number plates for veterans under RSA 261:87-b, as long as the deceased active duty member qualifies as a veteran as defined in RSA 21:50, and the surviving spouse may use the special number plates for veterans indefinitely after the death of the active duty member until the date that the surviving spouse remarries.

3 Eligibility. Amend RSA 261-C:3 to read as follows:

261-C:3 Eligibility. Multi-use veterans decal plates shall be issued only to those veterans defined in RSA 21:50, I(a). Additionally, an individual shall demonstrate to the satisfaction of the director of the division of veteran’s services that he or she was a member of a specific branch of service or was awarded the medal represented on the requested decal. The plates furnished pursuant to this section are non-transferable except that the surviving spouse may use the plates indefinitely after the death of the veteran until the date that the surviving spouse remarries.

4 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation HJ 1</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 10:20 am LOB 203</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/13/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/13/2024 (Vote 19-0; CC) HC 9 P. 15</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Transportation; SJ 7</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 101, LOB, 01:10 pm; SC 13</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1354, relative to special number plates for surviving spouses of veterans.

Hearing Date: April 2, 2024

Time Opened: 1:10 p.m.  
Time Closed: 1:22 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Gendreau and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis: This bill allows unmarried surviving spouses of veterans to use special number plates for veterans indefinitely.

Sponsors:
Rep. Sellers  
Rep. Post  
Rep. Calabro  
Rep. McGough  
Rep. Pauer  
Rep. Seidel  
Rep. Creighton  
Rep. B. Boyd  
Sen. Innis


Who opposes the bill: No one.

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative John Sellers, Grafton – District 18

- Representative Sellers stated that he is a veteran.
- He explained that he brought this bill forward because it is an important issue for the spouses of veterans.
- Representative Sellers explained that this bill will allow the surviving spouses of deceased veterans to keep their veterans license plates indefinitely or until they remarry. Currently, spouses of deceased veterans must turn in their veterans license plate one year after the death of their spouse.
- Representative Sellers emphasized that this allows more options for surviving spouses of veterans.
- Senator Gendreau asked what the downside of this bill could be.
• Representative Sellers acknowledged that no bill is foolproof, but ensured that this bill covers a lot.

Colonel Eric Pauer
• Colonel Pauer stated that he is a retired Air Force Colonel.
• Colonel Pauer said it is important to honor the surviving spouses of veterans.
• He explained that current law forces spouses to turn in veterans license plates one year after the death of their spouse, but explained that some people wish to keep them.
• He noted that the current law is silent on certain types of veterans plates. He explained that this bill applies to the standard veterans plate, the National Guard plate, and the veterans decal plate. This bill will not allow for surviving spouses to keep active-duty license plates, but they may be exchanged for veterans plates if they qualify.
• Colonel Pauer stated that if someone does not want to keep their spouse’s veterans plate, they will not have to.
• In response to Senator Gendreau’s earlier question, Colonel Pauer said he does not see a downside to this bill. He noted that it will be easier on town clerks.
• Colonel Pauer said he hopes the committee will pass this bill.

Representative Diane Pauer, Hillsborough – District 36
• Representative Pauer said this bill passed the House Transportation Committee with unanimous support.
• Representative Pauer explained she is speaking with the purpose of giving a face to the necessity for this type of bill.
• Representative Pauer told multiple stories about constituents who had to turn in their veterans license plates after the death of their spouses and the negative experiences they had in being required to do so.
• Representative Pauer explained that spouses serve indirectly. She also noted that there is a difficult grieving process for surviving spouses, and having to relinquish license plates can compound that process.
• Representative Pauer said she hopes the committee will consider this bill and how much it means to surviving spouses.

Representative Jim Creighton, Hillsborough – District 30
• Representative Creighton explained that he served thirty years in the Army and his wife served twenty years.
• Representative Creighton said it is important to recognize that many of those who serve in the military are married. He emphasized that serving is a team-effort between spouses and that this bill acknowledges that.
• Representative Creighton urged the committee to support the bill.

Representative Bill Boyd, Hillsborough – District 12
• Representative Boyd urged for the favorable consideration of this bill.
HOUSE BILL 1366-FN

AN ACT relative to penalties for the negligent or reckless operation of boats.

SPONSORS: Rep. Hynes, Hills. 2

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill adds a penalty for the reckless operation of a boat and adds additional fines and loss of driving and boating privileges.

Explanation: Matter added to current law appears in *bold italics*. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1366-FN - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

_In the Year of Our Lord Two Thousand Twenty Four_

AN ACT relative to penalties for the negligent or reckless operation of boats.

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

1 Negligent Operation of Boat; Penalty Decreased. Amend RSA 270:29-a to read as follows:

270:29-a Careless and Negligent Operation of Boats. Any person who shall operate a power boat upon any waters of the state in a careless and negligent manner or so that the lives and safety of the public are endangered shall be guilty of a [misdemeanor] violation.

2 New Section; Reckless Operation of Boats. Amend RSA 270 by inserting after section 29-a the following new section:

270:29-b Reckless Operation of Boats. Any person who shall operate a power boat upon any waters of the state in a reckless manner or so that the lives and safety of the public are endangered shall be guilty of a misdemeanor. A violation of this section shall include payment of a fine of not less than $500, a loss of the person's driver's license for 60 days, and loss of the person's privilege to operate a boat for 60 days. The period for the loss of the person's privilege to operate a boat shall be between Memorial day and Labor day. Any unserved suspension will be continued to the following year's boating season.

3 Boat Safety Course; Reference Added. Amend RSA 270:46-a, I(b) to read as follows:

(b) RSA 270:29-a, careless and negligent operation of boats, and RSA 270:29-b, reckless operation of boats.

4 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to penalties for the negligent or reckless operation of boats.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: [https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf](https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf)

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Criminal Justice and Public Safety  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/10/2024 11:30 am LOB 202-204</td>
</tr>
<tr>
<td>01/11/2024</td>
<td>H</td>
<td>Executive Session: 01/19/2024 02:00 pm LOB 202-204</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 02/23/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0111h 03/13/2024 (Vote 20-0; RC) HC 12 P 21</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0111h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0111h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Transportation; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 101, LOB, 01:10 pm; SC 15</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Transportation Committee
Sophie Walsh  271-3469

HB 1366-FN, relative to penalties for the negligent or reckless operation of boats.

Hearing Date:   April 16, 2024

Time Opened: 1:10 p.m.            Time Closed: 1:12 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Ward, Gendreau and Fenton

Members of the Committee Absent: None

Bill Analysis: This bill adds a penalty for the reckless operation of a boat and adds additional fines and loss of driving and boating privileges.

Sponsors:

Who supports the bill: Tim Dunleavy (Department of Safety – Marine Patrol) and Janet Lucas.

Who opposes the bill: Ellen Jahos and Sen. Altschiller.

Who is neutral on the bill: No one.

Summary of testimony presented:

Senator David Watters, Senate District 4
  • Senator Watters introduced House Bill 1366, relative to penalties for the negligent or reckless operation of boats.

Tim Dunleavy, Department of Safety – Marine Patrol
  • Mr. Dunleavy said he was speaking in support of this bill.
  • Mr. Dunleavy explained that this bill separates the once very general statute for careless and negligent operation of boats. It both further defines what careless and negligent operation is and creates a new section for the reckless operation of boats.
  • Mr. Dunleavy said this bill clearly defines what operations could result in the charge of a violation versus a misdemeanor, and further sets penalties for those charges.
HOUSE BILL 1391-FN

AN ACT allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase.


COMMITTEE: Transportation

ANALYSIS

This bill allows new vehicles purchased in the model year or before to be inspected in the second year after purchase.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT allowing new vehicles purchased in the model year or before to be inspected in the
second year after purchase.

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

1 Motor Vehicles; Inspection Exempt. Amend RSA 266:1, II to read as follows:

II. Any vehicle registered under this title, except an OHRV, snowmobile, moped, roadable
aircraft, or other exempt vehicle, shall be inspected once a year, except as provided in paragraph
IV-a, during the month in which the birth date of the owner is observed, if the owner is a natural
person. An inspection sticker shall be valid for the same duration as the vehicle's registration, which
shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will
be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth
month in the following year, of the first person named on the title application. Nothing in this
paragraph shall require any person who has registered and had inspected a vehicle with temporary
plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates. An inspection
sticker shall not expire when a vehicle is transferred to a licensed dealer.

2 Model Year Purchase Excepted. Amend RSA 266:1, II-a to read as follows:

II-a. Notwithstanding RSA 266:1, II, if the month in which the anniversary of the owner's
birth occurs will be one of the next 4 months, and the vehicle owner provides written verification of
absence from New Hampshire during the entire anniversary month, an inspection sticker may be
issued, with an expiration date of the birth month in the following year, except as provided in
paragraph IV-a, of the first person named on the title application.

3 Newly Registered Vehicles. Amend RSA 266:1, IV to read as follows:

IV. Except as provided in paragraph IV-a, notwithstanding paragraphs II and III, newly
registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles,
mopeds, roadable aircraft, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs,
snowmobiles, mopeds, and roadable aircraft, the ownership of which has been transferred, shall be
inspected not later than 10 days after the registration or transfer of ownership of said vehicle.
However, if a new vehicle not described in paragraph IV-a is purchased at retail from a licensed
dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 20 days after the date
of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109
shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the
time of the attachment of the plate unless a valid inspection sticker issued by the dealer is in place,
in which case the vehicle shall be inspected within 20 days or before the sticker expires, whichever
occurs first. All other expired motor vehicle inspections shall be subject to the 10-day grace period in

RSA 266:5.

4 New Paragraph; New Model Year Vehicle. Amend RSA 266:1 by inserting after paragraph IV the following new paragraph:

IV-a. A vehicle purchased prior to or during the vehicle’s model year, from a licensed dealer by a natural person as the first owner, shall be exempt from inspection until the last day of the registered owner's birth month in second year after purchase. A vehicle purchased prior to or during the vehicle's model year, from a licensed dealer by a corporation as the first owner, shall be exempt from inspection until the last day of the purchase anniversary month in the second year after purchase.

5 Effective Date. This act shall take effect January 1, 2025.
AN ACT allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase.

FISCAL IMPACT: [X] State [ ] County [X] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill, effective January 1, 2025, exempts a vehicle purchased prior to, or during, the vehicle’s model year, from a licensed dealer by a natural person as the first owner, from inspection until the last day of the registered owner’s birth month in second year after purchase. A vehicle purchased prior to or during the vehicle’s model year, from a licensed dealer by a corporation as the first owner, shall be exempt from inspection until the last day of the purchase anniversary month in the second year after purchase. During calendar year 2023, 82,713 vehicles with a model year of 2023 were safety inspected. Inspection stickers cost $3.25, with revenue split between three accounts: $2.75 to the highway fund, $0.25 to the general fund, and $0.25 to the motor vehicle air pollution abatement fund. Based on the assumption of 83,000 fewer inspection stickers per calendar year, this bill will have the following impact on state revenue:
# Fewer Inspection Stickers 41,500 83,000 83,000

(Revenue Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Fund ($2.75/per)</td>
<td>($114,125)</td>
<td>($228,250)</td>
<td>($228,250)</td>
</tr>
<tr>
<td>General Fund ($0.25/per)</td>
<td>($10,375)</td>
<td>($20,750)</td>
<td>($20,750)</td>
</tr>
<tr>
<td>MV Air Pollution Abatement Fund ($0.25/per)</td>
<td>($10,375)</td>
<td>($20,750)</td>
<td>($20,750)</td>
</tr>
<tr>
<td><strong>Total Revenue Decrease</strong></td>
<td><strong>($134,875)</strong></td>
<td><strong>($269,750)</strong></td>
<td><strong>($269,750)</strong></td>
</tr>
</tbody>
</table>

Also, pursuant to RSA 235:23 (“Apportionment A”), 12 percent of highway fund road toll and motor vehicle fee revenue collected is distributed to municipalities, therefore, under this bill state expenditures and local revenue would decrease by $13,695 in FY 2026 and $27,390 in FY 2027 and each year thereafter.

**AGENCIES CONTACTED:**

Department of Safety
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>Introduced 01/03/2024 and referred to Transportation  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>Public Hearing: 01/09/2024 02:00 pm LOB 203</td>
</tr>
<tr>
<td>01/11/2024</td>
<td>Executive Session: 01/16/2024 02:00 pm LOB 203</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>Majority Committee Report: Ought to Pass 01/24/2024 (Vote 12-5; RC) HC 4 P. 17</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>Ought to Pass: MA RC 241-123 02/01/2024 HJ 3 P. 40</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>Referred to Ways and Means 02/01/2024 HJ 3 P. 41</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>Public Hearing: 02/20/2024 10:15 am LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>Full Committee Work Session: 02/20/2024 01:00 pm LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>Executive Session: 02/20/2024 01:30 pm LOB 202-204</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>Majority Committee Report: Ought to Pass 02/20/2024 (Vote 11-8; RC) HC 9 P. 34</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/08/2024</td>
<td>Special Order to Regular Calendar of next Session day Without Objection HJ 7</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>Ought to Pass: MA DV 219-145 03/14/2024</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>Introduced 03/21/2024 and Referred to Transportation; SJ 8</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>Hearing: 05/07/2024, Room 101, LOB, 01:00 pm; SC 19</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1391-FN, allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase.

Hearing Date: May 7, 2024

Time Opened: 1:01 p.m. Time Closed: 2:33 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Ward, Gendreau and Fenton

Members of the Committee Absent: None

Bill Analysis: This bill allows new vehicles purchased in the model year or before to be inspected in the second year after purchase.

Sponsors:
Sen. Watters               Sen. Ricciardi

Who supports the bill: A total of 30 individuals signed-in in support of this bill. Full sign-in sheets are available upon request to the Legislative Aide, Sophie Walsh (sophie.walsh@leg.state.nh.us).

Who opposes the bill: A total of 393 individuals signed-in in opposition of this bill. Full sign-in sheets are available upon request to the Legislative Aide, Sophie Walsh (sophie.walsh@leg.state.nh.us).

Who is neutral on the bill: Michael Fitzgerald (NH Department of Environmental Services).

Summary of testimony presented:

Representative Matt Coker, Belknap – District 2
- Representative Coker stated that this bill allows new vehicles to be inspected in the second year after purchase. He emphasized that this only applies to new cars.
- He explained that he purchased a new vehicle and had to pay for a second inspection only seven months later during his birth month.
- He said that currently, if an individual purchases a vehicle within four months of their birthday, their first inspection can be valid for up to sixteen months.
• He said that the primary reason for the state inspection program is safety. He has found, however, that there is not much data linking periodic inspections to roadway safety.
• He referenced Report 15-705 from the U.S. Government Accountability Office (GAO), which found no correlation between improved safety metrics and periodic vehicle inspections. He said this report also cites data collected by the Department of Transportation (DOT) showing that only 2% of accidents are primarily caused by component failure.
• He said this will be a good way to potentially reduce the burden on taxpayers while maintaining safety on the roadways. He stated that this will save consumers in NH approximately $4.1 million annually.
• He said he believes this will not have an impact on the safety of roads.
• He said he has spoken with technicians who agree that inspections on new vehicles are redundant.
• He stated that this bill strikes a good compromise.
• He stated that there are some issues with the bill and addressed them.
• Having the inspection tied to registration means both need to be completed in one month; it will be difficult to set a designated inspection time without separating it from registration.
• As written, this bill does allow for inspections to be valid for longer than twenty-four months, but this can be addressed by separating registration and inspection.
• The NH Department of Environmental Services (DES) has some concerns about emissions testing and having to make up for that with less inspections; because this bill will have a minimal effect, emissions testing may not have to be made up at all or the bill can be contingent on DES getting the necessary information.
• Senator Gendreau asked which months vehicles owned by companies get inspected. Representative Coker explained that his understanding is companies get assigned a month to have their vehicles inspected. He suggested the assigned month be when it was purchased.

Representative Dan Veilleux, Hillsborough – District 34
• Representative Veilleux explained that this is a large area of constituent contact for him, as people do not understand why NH still has an annual inspection program.
• He said there are a handful of states that still use safety inspection programs. He stated that among the states that have eliminated their programs, there has been no discernible increase in accidents or deaths related to component failure.
• He emphasized the importance of responsibility and checking wear-items such as brakes, tires, and windshield wipers.
• He said he does not think that anyone is looking to eliminate the inspection program, but ensured that this is an easy solution to help alleviate common questions and concerns about the current program.
• Senator Ricciardi said she sees value in this issue and thinks there is a workable solution, but she is not able to support no inspections. She read an excerpt that explains vehicle inspections reduce repair costs and prevent catastrophic accidents, in addition to maintaining the safety, value, and longevity of vehicles.

• She emphasized that this is not only about protecting ourselves, but also those around us.

• She cited that there have been multiple recalls last week on new vehicles for increased crash risks.

• Representative Veilleux addressed the issue of recalls and ensured that when new vehicles go in for regular maintenance, they are almost always checked for active recalls as well. Furthermore, he explained that there is not always corrective action available for active recalls on new vehicles.

• In regards to protecting the safety of others, he emphasized that states around the country are not showing any increase in safety-related accidents due to lack of inspections.

Michael Fitzgerald, Assistant Director of Air Resources Division at NH Department of Environmental Services

• Mr. Fitzgerald explained that DES is the agency responsible for the emissions portion of the state inspection program. He said DES works closely with the Department of Safety (DOS).

• He stated that his comments are limited to the emissions portion of the inspection, and that DES does not take a particular position on the bill.

• He explained that under the Clean Air Act, NH is required to submit a State Implementation Plan (SIP) to the Environmental Protection Agency (EPA). The SIP incorporates all rules and statutes that are utilized to reduce emissions, and they become federally enforceable under the Clean Air Act.

• He stated that there is an issue with this bill. He explained that if this bill were to pass, DOS would have to revise their rules, which DES would then have to submit to the EPA to revise the SIP. He emphasized that this would be a lengthy process.

• He explained that DES has participated in discussions regarding a potential amendment and ensured that the language seems to address their concerns. He asked that if this bill passes, the effective date be changed to upon SIP revision approval from the EPA, so NH would not be out of compliance with the Clean Air Act.

• He noted that the current emissions testing program is a compromise that was agreed upon in the 1990’s and submitted a letter from the EPA outlining that compromise to the Committee.

Representative Charlie St. Clair, Belknap – District 5
• Representative St. Clair stated that he is speaking in support of this bill because he does not think NH needs safety inspections.
• He explained he remembers when it was required to get inspections every six months, and noted that a lot of the complaints and concerns expressed then are being voiced now.
• He addressed concerns about high mileages on new vehicles and explained that new vehicles are brought in for service regularly.
• He addressed rental cars and noted that a sizeable portion of rentals cars in NH are registered out-of-state, oftentimes in states that do not have inspection programs.
• He acknowledged weather conditions in the state and emphasized that there are other states with similar climate conditions and no inspection programs.
• Senator Fenton asked if there are any other New England states that do not have an inspection program. Representative St. Clair said that he is not sure, but he did note that Massachusetts does have an inspection program, while Connecticut does not.
• Senator Fenton noted that Florida does not have an inspection program, but acknowledged that the climate is not comparable. He asked if Representative St. Clair agrees that the climate is not similar, to which Representative St. Clair confirmed. He noted that several states, such as Iowa and Colorado, do have similar winters to NH.
• Senator Ricciardi asked if factors such as electric vehicles or thinner tires on new vehicles have been given consideration. Representative St. Clair explained that while he cannot speak to the consideration given by his colleagues, his experience is that law enforcement often checks tires when pulling vehicles over. He noted that he is unfamiliar with electric vehicles, and expressed his hope that potential issues are considered. He emphasized that balance within the inspection program needs to be struck.

Dan Bennett, NH Automobile Dealers Association
• Mr. Bennett stated that this bill is not about new cars. He explained that new cars are straight from the manufacturer, while this bill includes cars up to thirty-six months into their lifespan.
• He explained that this bill is tied to model year, which is now introduced on a rolling basis. He noted that 2025 models of certain vehicles could be purchased now.
• He noted that many roadway safety advocates oppose this bill and others like it.
• He referenced a handout submitted to the Committee.
• He explained that the bill, as written, essentially requires DOS and law enforcement to have model years memorized and know the birthdays of drivers. He emphasized that there would be no way of telling if a vehicle is allowed to be on the road or not.
He acknowledged data regarding low failure rates among inspections and stated that this data is significantly flawed. Inspection stations, the Division of Motor Vehicles (DMV), and DOS support that such data points are not reflective of reality.

He acknowledged the SIP and emphasized that the EPA may not give cars potentially exempt from inspection for two years a free pass. He explained that the slack will have to be picked up elsewhere and emphasized that this is not the best way to write policy because it is not clear what the EPA is going to do.

He referenced aforementioned testimony about climate similarity among states and presented a winter severity map, displaying that aforementioned states do not necessarily have similar climates to NH because New England is in a micro-climate.

He acknowledged the aforementioned GAO study and explained that there are several other studies that contradict those findings and suggest that routine vehicle inspection and maintenance does matter.

He emphasized that this change will hurt consumers, as catastrophic repair is much more expensive than preventative maintenance.

He stated that every time a vehicle is inspected, a safety recall check is performed and a notice is given to all consumers stating if they have an open safety recall. He explained that notices are also distributed by manufacturers via mail, but these can easily be lost or ignored by consumers.

He stated that this bill has multiple flaws. It mentions licensed dealers, but does not specify if this bill applies to out-of-state dealers as well. It creates inequity in the sale of new cars versus private sales. It also does not align corporate inspection sticker expiration with corporate registration dates.

He emphasized that the annual inspection program works for NH.

He explained that he is not opposed to discussion but emphasized that this bill in its current form is not a good approach.

He stated that the solution should be both research and stakeholder based.

Senator Gendreau asked for clarification regarding if this bill is about new cars or not. Mr. Bennett explained that because this bill does not require a vehicle to be inspected until at least twenty-four months into it’s lifetime, it is not about new cars. He emphasized that a new car is a vehicle that has just arrived from the manufacturer.

Senator Gendreau asked if a 2025 vehicle purchased after it had been previously driven would be considered new. Mr. Bennett said this could depend on both mileage and titling. He explained that if a new vehicle was sold and traded-in after three months, and then subsequently sold to a new buyer, it would no longer be considered new because it has already been titled, registered, and inspected.

Senator Watters referenced page 2 line 5 of the bill and asked if Mr. Bennett’s assessment that these vehicles are not necessarily new is because of the mileage and wear that will be accrued during the time between purchase and inspection.
Mr. Bennett confirmed and explained that this is based on the vehicle’s model year and titling is what establishes ownership.

- Senator Fenton referenced the Takata airbag recalls, and asked if the state inspection program caught a lot of those recalls. Mr. Bennett emphasized the recall notice process is automatically completed for every vehicle inspection in NH.

Traci Beaurivage, NH Motorcyclists’ Rights Organization

- Ms. Beaurivage stated that she is very involved in the motorcycle community as she represents motorcyclists on the NH Traffic and Highway Safety Commission, is the President of the NH Motorcyclists’ Rights Organization, and chairs the NH Motorcycle Safety Taskforce.
- She said the motorcycle community is unsure if they are included in this legislation and asked for clarification on that.
- She explained there are concerns about the tires and brakes on both motorcycles and cars.
- She explained that she owns a commercial company with vehicles, and those vehicles can easily gain 50,000 miles within a year.
- She said motorcyclists do not want to be on the road with vehicles that could have tire or brake issues.
- Senator Watters explained that his understanding of the bill is that motorcycles would be included. He deferred to Ms. Bouchard of the DMV, who said she would look into it.

Daniel Weed

- Mr. Weed explained that this bill could potentially take up to $4 million away from businesses in NH.
- He said he knows of other shops in states with no inspection program that have average repair tickets at two to three times more expensive than in NH. He emphasized that while individuals may be saving on inspection costs themselves, they will be paying even more in repairs.
- He explained that he personally knows of a situation in which a customer declined repairs, subsequently got into an accident because they declined repairs, and their insurance later refused to pay for their claim.
- He emphasized that there is a much larger and broader financial impact to constituents and businesses.

David Dupont

- Mr. Dupont stated that he has no financial interest in the automotive industry at this time, as he sold his business last year.
- He said that as a technician and owner who has sold thousands of tires, he does not think this change is safe.
• He explained that new vehicle packages often contain alloy wheels that can be worn out quickly. He said this makes them unsafe for four-season driving in NH.
• He said this issue is becoming a greater problem as some owners ignore tire pressure warning lights and some vehicles are not equipped with tire pressure warning systems.
• He explained that the current inspection program has high consumer acceptance, allows for safety compliance without law enforcement involvement, and is supported by DOS.
• He emphasized that leaving the program intact makes economic and safety sense.
• He emphasized that available data is good because the inspection program is performing well.
• He said it is important to have professionals explain recalls because so many people ignore the recall notices they receive in the mail.

Timothy Jordan, AutoFair Ford
• Mr. Jordan stated that he is speaking in opposition to this bill.
• He emphasized that this bill is not dealing with new vehicles, and they should be inspected.
• He explained that newer vehicles are tough on tires, and it is now considered common to have them replaced between 25,000 and 30,000 miles.
• He said that if inspection is being stretched out, there are people who may not realize that they need to replace their tires.
• He emphasized that this will create a financial burden on consumers, as needed repairs will likely not be caught until after warranty lapses.
• He addressed rental cars and explained that employees check cars before and after every use. He noted that most privately-owned vehicles do not get checked nearly as often.
• He acknowledged that while there are other states that do not have inspection programs, most states in New England do.
• Senator Gendreau asked if insurance rates would be affected by this and if insurance companies have been consulted. Mr. Jordan said he does not know if insurance companies have been consulted, but he acknowledged that it is a possibility that rates could increase.

Alisha Brinson, Nucar Automall of Tilton
• Ms. Brinson stated that she is a former licensed inspector and is currently serving as a service manager.
• She addressed Senator Gendreau’s earlier question about inspection months for corporations and explained that annual inspection schedules are categorized by the letter in the name of the corporation or company.
• She reviewed which components are checked during inspections and emphasized their importance for safety and law enforcement.
• She explained that she performed a personal scope of her own dealership’s state inspections over the past two to three years and identified a large pool of vehicles that failed oftentimes for brakes, tires, or wiper blades.
• She provided an example of a new vehicle with 823 miles that failed inspection for a large crack in the windshield. She explained it likely started as a small chip and spidered out in the days leading up to the inspection. She noted that according to this bill, that crack would not be identified for two to three years.
• She personally feels as though thirty minutes to an hour of her time annually to ensure her safety is worthwhile. She noted that most vehicles purchased at dealerships receive free inspections for their lifetime.
• Senator Fenton referenced Ms. Brinson’s example and asked if a car has a crack in its windshield affecting visibility if it could be considered drivable for up to three years according to this bill. Ms. Brinson confirmed this would be true.
• Senator Gendreau asked if it is considered the norm for businesses to try to upsell repairs to consumers. Ms. Brinson noted that there is a lot of opinion surrounding this topic, but explained that in a professional sense, there are instances where vehicles may need repairs to pass inspection. She stated that dealerships can sometimes step up in certain cases to help alleviate costs, and that as a manager she stands on good merit.
• Senator Fenton asked if a car would be required to get repaired at her dealership if it were to fail inspection, or if a second opinion could be sought out elsewhere. Ms. Brinson confirmed that consumers can get second opinions and are not required to have repairs done at her dealership. She noted that they are essentially providing consumers with free information.

Tom Prasol, Enterprise Mobility
• Mr. Prasol stated that Enterprise Mobility has a long history of supporting safe drivers, roads, and vehicles.
• He said this is a fair and minor change to the state inspection program.
• He explained that in regard to New England, Rhode Island has a nearly identical law and Connecticut does not require new cars to be inspected for four years, at which point they get emissions inspections. He noted that this bill does not go that far.
• He referenced data from the DMV submitted to the Committee on inspection failure rates.
• He emphasized that this bill is not asking for much, since current law allows new vehicles to have a valid inspection sticker for up to sixteen months in certain circumstances. He explained that this bill will only add eight additional months in the vast majority of circumstances. He noted that current law also allows for inspections on vehicles forty years and older to be valid for two years, and questioned how an antique vehicle is safer than a new one.
He introduced potential amendment language that he described as a fair and appropriate compromise.

He explained that decoupling inspection from birth month to month of purchase would provide all individuals with a full twelve months. This proposed amendment would also keep inspections on an annual basis.

He explained that the amendment has language that would allow for a two-year inspection exemption for new vehicles when owned by a corporation with a fleet of more than twenty-five vehicles.

He said the amendment also addressed the concerns raised by DES, as it would require rules to be written and SIP revision submitted to the EPA. The relevant section of the bill would not go into effect until revisions are approved by the EPA.

Senator Watters referenced page 2 lines 20-23 of the amendment. He confirmed that vehicles would be inspected upon purchase and asked if this applied to out-of-state fleet vehicles as well. Mr. Prasol confirmed that vehicles would be inspected upon purchase and stated it would only apply to NH vehicles.

Senator Watters confirmed that for the relevant vehicles, they will be inspected upon purchase and be due for inspection in two years. Mr. Prasol confirmed.

Senator Watters referenced page 1 lines 17-18 of the amendment and confirmed that inspections upon purchase will be valid for one year from the month of inspection. Mr. Prasol confirmed and noted that the language relative to decoupling mirrors language introduced by Deputy Speaker Smith in 2022.

Senator Watters explained that the Committee must vote on the bill but may be able to take future action if continued discussions with stakeholders allows.

Roger Groux

Mr. Groux stated that he is a retired automobile dealer.

He referenced a handout submitted to the committee, showing that speeding and accidents have increased over the past four years in NH.

He stated that if this bill passes, it would only help to multiply those fatalities.

He said that NH is seventh in the country for speed-related fatalities.

He explained that cars come into shops often in need of suspension, brake, and tire work. He said a lot of commuters do not pay attention to their vehicles and can unknowingly develop issues like bad tires.

He stated that tires on electric and hybrid vehicles wear out 30-35% faster than tires on internal combustion vehicles.

He referenced analyses completed by Mr. Segien of Dover Honda on vehicles that would not pass inspection in the first year or two because of tire or brake problems.

He explained that if the inspection program is removed, dealerships will not experience a loss in revenue because they will be performing more complicated and expensive repairs on vehicles.
Janet Bouchard, Deputy Director of NH Division of Motor Vehicles & Lieutenant James O'Leary, NH State Police

- Ms. Bouchard stated that she is speaking in opposition to this bill because she feels as though the inspection program is working successfully.
- She addressed the aforementioned question about motorcycles and confirmed they would be included in this legislation.
- She explained that the DMV works closely with the State Police on this program, and they feel as though no changes are needed at this time.
- She referenced a Vehicle Inspection Report and explained that active recalls are listed on that report.
- She said that the report has been revised to make consumer complaints more accessible. She stated that out of 1,576,000 inspections last year, only fifty-five complaints were received by the DMV. Thus, they do not see an issue with the inspection program.
- She said she thinks dealers are very transparent with consumers.
- Lt. O'Leary explained that the inspection sticker is a valuable tool for law enforcement because it verifies if vehicles are safe for roadways.
- He acknowledged new technology surrounding electric vehicles and acknowledged that while Connecticut and Rhode Island have made legislative changes, they have not been in affect long enough to assess how this new technology affects safety.
- He emphasized that Vehicle Identification Number (VIN) verification is an important component of the inspection process because inspectors verify that vehicle and registration VINs match. Annual inspections help ensure there are no errors that could be costing consumers at registration.
- He acknowledged prior testimony about crash data and emphasized that we may never have the ability to capture and categorize data as needed.
- He acknowledged the statistic that only 2% of accidents are attributable to mechanical failure and emphasized that this shows the inspection program is working.
- He said this bill makes two assumptions. It assumes vehicle owners will only have oil changes be completed at dealerships where they would check the vehicle. However, many people go to express locations that only change oil. It also assumes that vehicles will remain safe for twenty-four months, while not all vehicles will necessarily stay in new condition for this arbitrary amount of time.
HB 1403 - AS AMENDED BY THE HOUSE

14Mar2024... 0612h

2024 SESSION

24-2678

11/10

HOUSE BILL 1403

AN ACT relative to temporary waivers for vehicle emission control equipment.


COMMITTEE: Transportation

----------------------------------

AMENDED ANALYSIS

This bill extends the repair period for vehicles that fail the OBD II test to 120 days.

-----------------------------------------------------------------------------------

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to temporary waivers for vehicle emission control equipment.

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

1 Motor Vehicles; Emission Control Equipment; Waiver Period Extended. Amend RSA 266:59-b, V to read as follows:

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for [60] 120 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. The department shall adopt rules, pursuant to RSA 541-A, that have the effect of establishing the broadest possible waivers for consumers consistent with 40 C.F.R. sections 51.350 through 51.373. It is the intent of the legislature to provide appropriate waivers to persons for whom the making of OBD II repairs would constitute economic hardship. The committee established in paragraph VII shall make recommendations for such waivers and the department shall consider such recommendations during the rulemaking process required by this paragraph.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation  HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 10:30 am LOB 203</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/13/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-0612h (NT) 02/13/2024 (Vote 12-7; RC) HC 9  P. 32</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/08/2024</td>
<td>H</td>
<td>Special Order to Regular Calendar of next Session day Without Objection  HJ 7</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Amendment # 2024-0612h: AA VV 03/14/2024  HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0612h: MA DV 200-166 03/14/2024  HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Transportation;  SJ 8</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 101, LOB, 01:40 pm;  SC 13</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Transportation Committee
Sophie Walsh  271-3469

HB 1403, relative to temporary waivers for vehicle emission control equipment.

Hearing Date: April 2, 2024

Time Opened: 1:42 p.m.                  Time Closed:  2:08 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Gendreau and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis: This bill extends the repair period for vehicles that fail the OBD II test to 120 days.

Sponsors:


Who opposes the bill: Dan Bennett (NH Automobile Dealers Association) and Janet Lucas.

Who is neutral on the bill: Michael Fitzgerald (NH Department of Environmental Services)

Summary of testimony presented:

Representative Matthew Coulon, Grafton – District 5
- Representative Coulon stated that this bill will extend the repair period for vehicles that fail on-board diagnostic tests to 120 days from 60 days.
- He explained that while 60 days may seem like plenty of time, some people find it passes very quickly while trying to select mechanics or find car parts.
- He said this bill will give people ample time to find the correct solution after their failed inspection.
- Senator Watters acknowledged that the 60-day effective date will not be compliant with New Hampshire’s existing agreement with the United States Environmental Protection Agency, which could take 18 months to amend. He asked how this situation was addressed when the bill was in the House of Representatives.
• Representative Coulon responded that he was not sure how this issue was answered in the House of Representatives, but ensured that the intent of the bill is not to abolish emissions testing.
• Representative Coulon referenced the Department of Environmental Services’ response to the bill about needing to off-set emissions. He said they should leverage other issues to even out those metrics.
• Senator Watters noted that a hardship waiver process currently exists and cites that there have been 47 requests. He asked why this existing process is not adequate.
• Representative Coulon explained the existing hardship waiver process is not adequate because it does not address supply chain issues.
• Senator Fenton asked how the extra 60 days were added to the amended version of the bill.
• Representative Coulon explained that the bill originally included 90 days but was amended by the House Transportation Committee to include 120 days.

Michael Fitzgerald, Assistant Director of Air Resources Division – Department of Environmental Services

• Mr. Fitzgerald explained that the NH Department of Environmental Services (DES) works with the United States Environmental Protection Agency (EPA) to implement the motor vehicle inspection program and the emissions inspection portion of that program.
• He noted this is done in conjunction with the Department of Safety.
• Mr. Fitzgerald explained that the motor vehicle inspection program is part of the state’s implementation plan under the Clean Air Act, which is federally enforced. In order to change the requirements of the state implementation plan, the Department of Safety would first have to change their rules, which could take 6 months to 1 year. Then, those revised regulations would be submitted to the EPA for approval.
• Mr. Fitzgerald cited that New Hampshire has over one million annually inspected vehicles, but only 47 hardship waivers were requested in 2022.
• Mr. Fitzgerald explained that the Clean Air Act has an anti-backsliding provision, requiring that changes to one aspect of the state implementation plan would require more to be achieved elsewhere to keep consistent results. He said this is an equity issue.
• He also referenced a letter sent from the EPA to DES, explaining that this legislation would require going through the aforementioned revision process.
• Mr. Fitzgerald emphasized that if the committee chooses to go forward with this bill, the effective date would be a problem.
• Senator Watters referenced lines 4-5 of the bill that extends the temporary waiver period from 60 to 120 days, and lines 8-9 that explains the intent is to provide waivers when repairs constitute economic hardship. In light of prior testimony explaining that this bill will address supply chain issues outside of
the existing economic hardship waiver process, he asked how these two statements can be reconciled.

- Mr. Fitzgerald responded that according to the current process, once someone gets their vehicle inspected, they have 10 days to get safety repairs and 60 days for emission repairs. This bill would change the 60-day emission repair allowance to 120 days.

Dan Bennett, NH Automobile Dealers Association

- Mr. Bennett stated he was speaking in opposition to the bill as written.
- He explained that the current system works. If there is a failure at inspection and emissions repairs are needed, it is the inspection station’s obligation to provide the owner with materials that explain the hardship waiver.
- Mr. Bennett said that an extra 4 months is a long time to wait for emissions repairs because it can lead to larger damages and safety issues for the consumer, as well as increased emissions.
- Mr. Bennett said that emissions systems are approved by the National Highway Traffic Safety Administration. He explained that check engine lights come on when the emissions systems are not properly functioning and releasing emissions from the vehicle at 1.5 times the approved amount.
- He said that if the state implementation plan is modified, changes will have to be made elsewhere to make up for the increased emissions.

Representative John Sellers, Grafton – District 18

- Representative Sellers explained that the 90 day time-frame was increased to 120 days in the House Transportation Committee for many reasons.
- He said that the people most affected by this issue are low income, and this bill gives them more options to deal with long wait times and costs.
- He questioned why New Hampshire is held to a different standard than other states for inspection requirements. He acknowledged the hardship waiver program and questioned what happens to the people who apply and get denied.
- Senator Watters said he sympathizes with this issue and asked if Representative Sellers would expect the committee to pass a bill that is in contravention with federal law.
- Representative Sellers responded that he does not like going against federal law, but New Hampshire is a sovereign state.
- Senator Ricciardi said she values and sympathizes with this issue, but pointed out that it would make sense to address the rule changes first.
- Representative Sellers acknowledged this and said it’s not impossible.
- Senator Ricciardi emphasized prior testimony suggesting that the rules change process should be done first.
- Representative Sellers agreed with Senator Ricciardi, but said the current situation is giving stress and anxiety to New Hampshire vehicle operators.
AN ACT establishing penalties for driving over covered wooden bridges in vehicles that exceed posted limits and for vehicular damage to covered wooden bridges.


COMMITTEE: Transportation

ANALYSIS

This bill establishes penalties for vehicular damage to covered wooden bridges and driving over covered bridges in vehicles that exceed posted limits.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1457-FN - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT establishing penalties for driving over covered wooden bridges in vehicles that exceed posted limits and for vehicular damage to covered wooden bridges.

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

1. New Section; Vehicular Damage to Covered Wooden Bridges. Amend RSA 234 by inserting after section 234:39 the following new section:

   234:39-a Damage to Covered Wooden Bridges.

   I. An operator of any motor vehicle, as defined in RSA 259:60, that exceeds any weight, height, or other dimensional limit posted for a wooden covered bridge, who damages any part of said wooden covered bridge within the state as a result of such operation shall be guilty of a violation and fined $1000 for a first violation. If the offense substantially impedes the flow of traffic, the fine shall be up to $2,000.

   II. An operator of a motor vehicle, as defined in RSA 259:60, that exceeds any weight, height, or other dimensional limit posted for a wooden covered bridge shall be guilty of a violation and fined $500 for a first violation if no damage occurs to the bridge. If the offense substantially impedes the flow of traffic, the fine shall be up to $2,000.

   III. For the purposes of this section, "any part" means anything attached to a wooden covered bridge, including, but not limited to, roofs, portals, siding, bracings, railings and signs. Towing a trailer or other vehicle shall be deemed a violation of "other dimensional limit" where a bridge is posted with a sign stating "nothing in tow" or has posted a similar restriction.

   IV. All fines under this section shall inure to the municipality or other agency that is responsible for the bridge.

   V. In addition to any fine levied under this section, the owner of any vehicle that causes damage to a wooden covered bridge shall be responsible for the full cost of repairs to the bridge, which cost shall be assessed by the community or other agency responsible for the bridge as soon as practicable. If the full cost of repairs is not paid within 30 days after submission of a demand for payment by the municipality or other agency responsible for the bridge, the registered owner of the vehicle, whether a natural person or other entity, shall be assessed a civil penalty in the amount of the cost of repairs plus $100. In the event of damage by a rental vehicle, the renter shall be responsible for any civil penalty.

2. Covered Wooden Bridges; Penalty for Damage. Amend RSA 234:41 to read as follows:

   234:41 Penalty. Any person who operates or attempts to operate any vehicle on such bridge when the weight of the load, inclusive of the vehicle exceeds such posted load limit, without such permit, or who operates or attempts to operate any vehicle on such bridge in violation of such
conditions and regulations, shall be fined not more than $100, **except in the case of a covered wooden bridge, where the fine and civil penalty shall be determined under RSA 234:39-a.**

3  Penalty for Exceeding Permitted Size. Amend RSA 266:16 to read as follows:

266:16  Penalty for Exceeding Permitted Size. **[Notwithstanding RSA 234:39-a, any]**

person who shall drive or cause to be driven on the ways of this state a vehicle whose height, length or width is in excess of that herein prescribed shall be guilty of a violation and notwithstanding the provisions of RSA 625:9, V, shall be fined not more than $100 for a first offense nor more than $250 for a subsequent offense within a calendar year.

4  Penalty for Overload; Bridges. Amend RSA 266:25, IV-V to read as follows:

IV. **[Notwithstanding RSA 234:39-a, any]**

[ person who shall drive or cause to be driven on a bridge of this state a vehicle whose weight is in excess of the posted or annually published caution crossing limit for that particular bridge shall be fined $200 plus penalty assessment.]

V. **[Notwithstanding RSA 234:39-a, any]**

[ person who shall drive or cause to be driven on a bridge of this state a vehicle whose weight exceeds the limit of an excluded bridge (or bridge posted for no trucks) may be fined $400 plus penalty assessment.]

5  Effective Date. This act shall take effect January 1, 2025.
AN ACT establishing penalties for driving over covered wooden bridges in vehicles that exceed posted limits and for vehicular damage to covered wooden bridges.

**FISCAL IMPACT:**  
[X] State  [X] County  [X] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>$0    $0    $0    $0</td>
</tr>
<tr>
<td><strong>Revenue Fund</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
</tr>
<tr>
<td>Indeterminable</td>
</tr>
<tr>
<td><strong>Funding Source</strong></td>
</tr>
<tr>
<td>General Fund</td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
</tr>
<tr>
<td>$0    $0    $0    $0</td>
</tr>
<tr>
<td><strong>Funding Source</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>County Revenue</strong></td>
</tr>
<tr>
<td>$0    $0    $0    $0</td>
</tr>
<tr>
<td><strong>County Expenditures</strong></td>
</tr>
<tr>
<td>Indeterminable</td>
</tr>
<tr>
<td><strong>Local Revenue</strong></td>
</tr>
<tr>
<td>$0    $0    $0    $0</td>
</tr>
<tr>
<td><strong>Local Expenditures</strong></td>
</tr>
<tr>
<td>Indeterminable</td>
</tr>
</tbody>
</table>

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at:  
https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

**AGENCIES CONTACTED:**

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>House</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 02:30 pm LOB 203</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/13/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/20/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>==CANCELLED== Full Committee Work Session: 02/20/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/05/2024 10:30 am LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/05/2024 (Vote 17-0; CC)</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Transportation; SJ 8</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 101, LOB, 01:20 pm; SC 13</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1457-FN, establishing penalties for driving over covered wooden bridges in vehicles that exceed posted limits and for vehicular damage to covered wooden bridges.

Hearing Date: April 2, 2024

Time Opened: 1:23 p.m. Time Closed: 1:34 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Gendreau and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis: This bill establishes penalties for vehicular damage to covered wooden bridges and driving over covered bridges in vehicles that exceed posted limits.

Sponsors:
- Rep. Drye
- Rep. Tierney
- Rep. Carey
- Rep. Palmer
- Rep. A. Davis
- Sen. Innis
- Rep. Cormen
- Rep. Faulkner
- Sen. Prentiss


Who opposes the bill: No one.

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Margaret Drye, Sullivan – District 7
- Representative Drye distributed and explained documents to the committee.
- The first submitted document was from Chief Doug Hackett of the Cornish Police Department. Chief Hackett explained that the Cornish-Windsor covered bridge has hundreds of vehicles pass through it every day and is damaged on a regular basis. He cited one incident in which a vehicle damaged 12 rafters on the bridge, and law enforcement was only able to fine the operator $62 for disobeying traffic signs. He explained that historic covered bridges deserve to be protected.
• The second submitted document was from the National Society for the Preservation of Covered Bridges and expresses support for the bill. The Society does not see a $62 fine as sufficient in deterring people from trying to pass covered bridges when they exceed dimension requirements.
• Representative Drye reviewed the contents of the bill.
• Representative Drye explained that this legislation is modeled after a law in Vermont, which has allowed individual towns to determine their own fines. She cited that fines go as high as $5,000 and noted that the fine being proposed by this legislation is reasonable.

Natch Greyes, New Hampshire Municipal Association
• Mr. Greyes stated that he was speaking in support of this bill.
• Mr. Greyes emphasized section 5 of the bill, which ensures that those who damage covered bridges are responsible for the costs of repairs. Repairs to these bridges are very expensive because they require specialized carpenters.
• Senator Watters noted that the bill says the owner of the vehicle is responsible for the costs of repairs, not the operator. He acknowledged the possibility that a municipally-owned vehicle could do damage to a covered bridge.
• Mr. Greyes confirmed that some operators may not be the owners of the vehicles they are driving in some situations. He said he hopes that owners would be responsible in selecting who can drive their vehicles.

Representative Timothy Horrigan, Strafford – District 10
• Representative Horrigan said he agrees with the previous comments made.
• He explained that there is a larger issue at play in which truss bridges, wooden bridges, and overpasses are also getting damaged for the same reason as covered bridges on a regular basis.
• Representative Horrigan said it may be worth to consider now, or in the future, enhanced penalties for damaging these types of structures. He acknowledged that there is a lot of work to do now, so he would understand if the bill was kept as-is.
• Senator Gendreau said that issuing fines is only the beginning of a solution and said it’s important to get to the root of this issue. She remarked the usefulness of GPS technology and its role in preventing these situations by re-routing vehicles.
• Representative Horrigan said that is a good point. He explained that he used to work for a company that developed databases for GPS technology and said information pertaining to covered bridges should be included in those databases. He noted that truckers have special GPS technology, but not all operators choose to pay the extra money to utilize this technology. He noted this could be an issue for state or federal law.
HOUSE BILL 1468-FN-A

AN ACT directing the department of transportation to develop a Conway Branch rail line master plan.


COMMITTEE: Public Works and Highways

AMENDED ANALYSIS

This bill directs the department of transportation to meet with other state and local entities to form a plan for the best use of the Conway Branch rail corridor.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT directing the department of transportation to develop a Conway Branch rail line master plan.

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

1 Conway Branch Planning Group. The department of transportation, bureau of rail and transit, and the bureau of trails shall jointly meet, in consultation with the executive councilor from district 1, a member of the house public works highway committee, a member of the senate capital budget committee, a selectman or their appointed agents from the towns of Ossipee and Madison, and a representative from the New Hampshire Northcoast railroad, to formulate a plan for the best public use of a portion of the so-called "Conway Branch" between rail crossing in Center Ossipee/Moultonville Road to the rail crossing at Route 113 in Madison and to explore the feasibility of snowmobiling, walking, and biking on the existing rail corridor. The rail division shall explore the costs and income related to the removal of the rail and ties where necessary to provide a level and safe surface for recreational activity on the existing trackbed. The group shall explore funding any trail improvements from private donations, grants and/or from the sale of the existing steel rails. The 2 bureaus shall meet with this working group no less than 3 times before December 30, 2024, and issue their joint findings and recommendations to the public on or before January 2, 2025, with copies to the governor and executive council, the speaker of the house, the president of the senate, and the towns of Ossipee and Madison.

2 Effective Date. This act shall take effect July 1, 2024.
AN ACT directing the department of transportation to develop a Conway Branch rail line master plan.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the House, has a total fiscal impact of less than $10,000 in each of the fiscal years 2024 through 2027.

AGENCIES CONTACTED:

Department of Transportation
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Public Works and Highways HJ 1</td>
</tr>
<tr>
<td>01/29/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 01:15 pm LOB 201</td>
</tr>
<tr>
<td>01/29/2024</td>
<td>H</td>
<td>Executive Session: 02/07/2024 02:40 pm LOB 201</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0530h 02/07/2024 (Vote 19-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0530h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0530h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/05/2024 02:40 pm LOB 209</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/26/2024 (Vote 23-2; RC) HC 14 P. 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Transportation; SJ 10</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 101, LOB, 01:30 pm; SC 17</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
HB 1468-FN-A, directing the department of transportation to develop a Conway Branch rail line master plan.

Hearing Date: April 30, 2024

Time Opened: 1:39 p.m.  Time Closed: 2:09 p.m.

Members of the Committee Present: Senators Ricciardi, Ward, Gendreau and Fenton

Members of the Committee Absent: Senator Watters

Bill Analysis: This bill directs the department of transportation to meet with other state and local entities to form a plan for the best use of the Conway Branch rail corridor.

Sponsors:
Rep. Avellani


Who opposes the bill: Daniel Day.

Who is neutral on the bill: Andre Briere (New Hampshire Department of Transportation).

Summary of testimony presented:

Representative Jonathan Smith, Carroll – District 5

- Representative Smith referenced written testimony submitted to the committee.
- He explained this trail is a ten mile stretch from Center Ossipee into Madison.
- He said he has been working with Friends of Ossipee Rail Trail (FORT) for years to revitalize the downtown area of Ossipee. He explained this portion of rail bed remains un-utilized with unusable tracks and bridges that are not up to standard. He said it would cost tens of millions of dollars to get an actual train line back in the future.
- Representative Smith stated that this bill has strong bipartisan support.
- He explained that FORT has been working with the DOT to open this trail for recreational use but have made no progress.
• He explained this bill will create a working group to formally make a plan to see what can be done with this stretch of trail. He said they are looking to remove the rails and use those funds to create a flat-level surface that people can use recreationally.
• He noted that snowmobile clubs are excited about this idea.
• He explained this trail will connect three towns and bring economic activity to the area.
• He referenced a study completed by UNH on this portion of track and emphasized the benefits of this for the towns and surrounding area.
• Senator Ward inquired about fiscal impact and the funds raised from removing the tracks. Representative Smith explained there is a lot of value in the steel scrap, and all that needs to be done is remove what is possible and level the area. He said this would not be a big expense and noted that the fiscal note is under $10,000.

Representative Mark McConkey, Carroll – District 8
• Representative McConkey stated the he was speaking in support of this bill, and that the working group has done tremendous work.
• He clarified that this is not a rail trail program, as it is simply removing rails where possible and creating a level surface for people to walk on. He noted that in the future it can be formalized beyond that.
• He explained that the Trails Bureau is excited about this project because the trail is currently hazardous for snowmobiles due to the existing tracks.

Andre Briere, Deputy Commissioner of New Hampshire Department of Transportation
• Mr. Briere explained that the DOT is an advocate of rail trails, as there are several ongoing rail trail projects.
• He stated that the Department remains neutral on this legislation. He said they cannot be supportive due to the utilization of the rail itself to fund this project. He explained that any time rail is lifted from state-owned rail corridors, the DOT needs that rail to maintain existing active rail.
• He explained that the Department is holding off on releasing the Request for Proposal (RFP) because of this bill.
• Mr. Briere expressed the DOT's eagerness to work with the community on this.
• He explained that rail trail can be active transportation or purely recreational. In the case of pure recreation, the Department is not funded to maintain those trails.
• He explained that there are multiple culverts and bridges that are not doing great on this portion of rail, and acknowledged that there are no communities in the state that are funded to replace these problem areas. He said that responsibility will ultimately fall on the DOT, which they are not funded to handle.
Senator Gendreau referenced the rail trail in Littleton and explained that the DOT used contractors to take out the ties, and the revenue was then used as part of the reimbursement. Mr. Briere confirmed that can happen when some of the ties are deemed no longer serviceable and are salvaged for scrap.

Senator Gendreau asked how this portion of rail is different from trail in Littleton. Mr. Briere said he would have to look at the categorization of Littleton, but explained that most segments would likely be considered Class One. In the case of Ossipee, he said it is likely that the segment is not even up to Class One standards. He noted that if this segment were to be used for active rail it would require significant investment.

Senator Gendreau expressed her excitement for Ossipee to have this opportunity. Mr. Briere said the Department is very optimistic about the connectivity of the state-wide rail trail. He said it is an asset that can drive tourism. He also noted that the plan for the future is to have the Department of Natural and Cultural Resources maintain some of the strictly recreational corridors.

Senator Jeb Bradley, Senate District 3
- Senator Bradley explained that a lot of hard work has been done by local residents to get this bill as far as it is, and passing this bill will allow for that work to continue.
- Senator Bradley stated that recreational trails create a huge asset to New Hampshire, and he hopes this bill can pass.

Phil Villari
- Mr. Villari stated that he represents the Ossipee Economic Development Council and is the Chairman of FORT.
- He explained that Center Ossipee is a depressed area that needs this trail.
- He referenced the UNH 2004 study that suggested the rails be removed. He also noted that there are sixteen rail crossings with the highway on this particular section, and said it would not be practical to have a train again.
- He explained that FORT has been awaiting an RFP from the DOT since 2019.
- He explained that he has been on rail trails around the country and has seen the revitalization and positive impacts brought to the surrounding towns of these trails.
- Mr. Villari acknowledged the feasibility study completed by the Ossipee Economic Development Council along with the Town of Ossipee, and explained that a lot of thought went into it to see what this trail could do for the town.

Dr. Bob Boose, Ossipee Chamber of Commerce
- Dr. Boose stated that he is speaking in support of this bill.
- He explained that Ossipee has been waiting for a decision since 2019, and this bill will help them either move forward with this project or try something else.
• He said the Chamber of Commerce would like to see what can be done with this area and how they can achieve those goals.
• He emphasized the importance of both the economy and health welfare, and noted that this is an aging community that needs local things to do.

Daniel Day
• Mr. Day expressed that he has a commercial interest in the Conway Branch.
• He explained that railroads are coming back, and while there is no shortage of rail trails, there is a shortage of available railroad track.
• He said this is limiting the ability of railroad companies to enter business in the state.
• He explained that he is awaiting the RFP, and acknowledged it is on hold because of this bill.
• He said his proposal is an economic development driver for the area, and it would be an opportunity for the State to generate revenue.
• Mr. Day asked that the legislature direct the DOT to release the RFP instead of studying this issue.

Andre Briere, Deputy Commissioner of New Hampshire Department of Transportation
• Senator Gendreau asked if it was true that the Department maintains the right to put tracks back on these corridors, even after they have been removed.
• Mr. Briere confirmed that the Department retains the ability to construct tracks along state-owned corridors in perpetuity, as they maintain underlying ownership. He clarified that it would be extremely expensive to construct new tracks on corridors where they have been previously removed.
HOUSE BILL 1637

AN ACT relative to reducing requirements for vehicle inspections.


COMMITTEE: Transportation

ANALYSIS

This bill reduces requirements for vehicle inspection.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears in brackets and struckthrough.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to reducing requirements for vehicle inspections.

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

1 New Paragraph; Prohibition of Inspection Performance Within a Specified Amount of Time. Amend RSA 266:1 by inserting after paragraph XII the following new paragraph:

XIII. The department shall not require an inspection station to perform inspections within any minimum or maximum amount of time. No penalty or audit shall result based on the amount of time spent on inspections, whether individually or on average.

2 Thirty-Day Inspection Grace Period. Amend RSA 266:I, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, mopeds, roadable aircraft, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, mopeds, and roadable aircraft, the ownership of which has been transferred, shall be inspected not later than 30 days after the registration or transfer of ownership of said vehicle. However, if a new vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 20 days after the date of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the time of the attachment of the plate unless a valid inspection sticker issued by the dealer is in place, in which case the vehicle shall be inspected within 30 days or before the sticker expires, whichever occurs first. All other expired motor vehicle inspections shall be subject to the 30-day grace period in RSA 266:5.

3 Penalty for Failing to Obey Inspection Requirements; Thirty-Day Grace Period. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer, or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of 30 days has elapsed from the date the inspection was due. It shall be a rebuttable presumption that a vehicle that is required to be inspected is in violation of this section if the vehicle fails to display a valid inspection sticker. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. The fine for a violation of this section shall be $60.
4 New Paragraph; Time Allotted for Inspections. Amend RSA 266:1-a by inserting after paragraph II the following new paragraph:

III. A law enforcement officer shall not require inspections within any minimum or maximum amount of time nor shall any penalty or audit result solely from the amount of time spent on inspections, whether individually or on average.

5 Front Lights. Amend RSA 266:31 to read as follows:

266:31 Front Lights. Every motor vehicle driven during the period from 1/2 hour after sunset to 1/2 hour before sunrise, and whenever rain, snow, or fog shall interfere with the proper view of the road so that persons and vehicles on the way are not clearly discernible at a distance of 1000 feet ahead, shall display at least 2 lighted lamps on the front; provided, however, that one suitable lighted lamp on the front of a motorcycle shall be sufficient. The headlamp shall throw sufficient light ahead within the traveled portion of the way to make clearly visible all vehicles, persons, or substantial objects within a distance of 200 feet, except that the headlamps of motorcycles shall be sufficient if they make clearly visible objects within a distance of 150 feet. No headlamp shall be used unless it is approved by the director and is equipped with a proper lens or other device designed to prevent glaring rays. All headlamps on every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground on an unladen vehicle. The measurement shall be made from the ground to the center of the lens. No device which obstructs, reflects, or alters the beam of such headlamp shall be used in connection therewith unless approved by the director. Every lens or other device to prevent glaring rays, the use of which on motor vehicles has been approved by the director, shall be arranged, adjusted, and operated in accordance with the requirements of the certificate approving the use thereof. Every lamp, bulb, or light used in any headlamp shall be of such candle power as may be specified for the approved device in the certificate approving the use thereof. Every reflector which is used as a part of such headlamp shall have a reflecting surface approved by the director after satisfactory tests have been made, and every reflecting surface shall be free from dents and other imperfections that inhibit the ability for light to project as described this section. Cracks in a sealed beam headlamp shall cause inspection failure. Cracks in a projection headlamp that are covered by color matching automotive lens tape shall not cause inspection failure, except that any taped or untaped cracks that allow moisture to penetrate the headlamp shall cause inspection failure. Clouded/oxidized headlamps shall fail inspection when the light shines yellow or another color besides white, or if the light is so dim that headlamp aim cannot be checked on a headlamp aimer. The driver of every motor vehicle shall permit any properly authorized person to inspect the headlamping equipment of such motor vehicle and to make such tests as he or she may deem necessary to determine whether the provisions of this section are being complied with. Any headlamp color approved by the director for motor vehicles shall be considered approved for motorcycles.
Directional Signals. Amend RSA 266:42 to read as follows:

266:42 Directional Signals. It shall be unlawful to drive on any way in this state any motor vehicle registered in this state which is manufactured or assembled after January 1, 1952, unless such vehicle is equipped with directional signals approved by the director. The provisions of this section shall not apply to motorcycles manufactured prior to January 1, 1973. No directional signal shall cause inspection failure unless it does not function properly, is not properly directed, is obscured, or has a minimum light output and projection lower than the vehicle’s original equipment. Cracks in a directional signal that are covered by color matching automotive lens tape shall not cause inspection failure, except that any taped or untaped cracks that allow moisture to penetrate the directional signal shall cause inspection failure.

Reflectors. Amend RSA 266:43 to read as follows:

266:43 Reflectors. Every new motor vehicle sold and driven upon a way, other than a tractor truck, shall carry on the rear, either as a part of the tail lamps or separately, 2 red reflectors, except that every motorcycle, moped and motor-driven cycle shall carry at least one reflector. Cracks in a reflector that are covered by color matching automotive lens tape or color matching reflective tape shall not cause inspection failure.

New Section; Restrictions and Rulemaking. Amend RSA 266 by inserting after section 117 the following new section:

266:118 Rulemaking Restrictions. No rule shall require inspection failure when there are cracks in any functional headlamp lens or reflector.

Brakes; Inspection Failure. Amend RSA 266:28 to read as follows:

266:28 Brake Performance.

I. Every motor vehicle and every combination of motor vehicle with trailer or semi-trailer when driven upon the ways of the state shall at a speed of 20 miles per hour be capable, at all times and under all conditions of loading, of stopping on a dry, smooth, approximately level pavement free from loose material, upon application of the foot or service brake, within a distance of 30 feet.

II. Regarding brake pads and shoes, brakes shall fail inspection where:

(a) Bonded linings on brake shoes or pads are less than 2/32 inch thick, when measured at the thinnest point;

(b) Riveted linings on the brake shoes or disc brake pads are worn to within 2/32 inch of any rivet head; or

(c) A rivet on the brake lining is loose or missing or the lining is not securely fastened to the shoe or pads.

III. Regarding brake drums or discs, brakes shall fail inspection only where discs or drums:
(a) Show evidence of mechanical damage other than wear;
(b) Show evidence of pitting on 50 percent or more of the friction surface or delamination on the friction surface, such that either would affect proper brake operation, except that rust shall not be reason for inspection failure unless so required under RSA 266:3-a.
(c) Have cracks on the friction surface extending to the open edge or on the outside of the drum, particularly at the drum mounting area;
(d) Have a broken disc;
(e) Have cracks on the friction surface extending to the open edge on a disc;
(f) Have defective grease retainers;
(g) Are worn below the manufacturer's specifications; or
(h) Have a thickness less than the minimum which is stamped on the assembly.

10 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action/Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H Introduced 01/03/2024 and referred to Transportation HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H Public Hearing: 02/06/2024 11:00 am LOB 203</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H ==RECESSED== Executive Session: 02/13/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H ==CANCELLED== Full Committee Work Session: 02/20/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H ==CANCELLED== Executive Session: 02/20/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H Full Committee Work Session: 03/05/2024 10:30 am LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H ==RECESSED== Executive Session: 03/05/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H Full Committee Work Session: 03/19/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H Executive Session: 03/19/2024 10:30 am LOB 203</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H Committee Report: Ought to Pass with Amendment # 2024-1222 03/19/2024 (Vote 19-0; CC) HC 12 P. 20</td>
</tr>
<tr>
<td>03/22/2024</td>
<td>H Removed from Consent (Reps. Sykes, Rombeau, Plamondon, St. Clair, Almy, Foote, D. Fox, Cormen, Gorski, Jones) 03/22/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H Amendment # 2024-1222h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H FLAM # 2024-1305h (Rep. Sykes): AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H Ought to Pass with Amendment 2024-1222h and 2024-1305h: MA DV 349-6 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S Introduced 03/21/2024 and Referred to Transportation; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S Hearing: 04/16/2024, Room 101, LOB, 01:30 pm; SC 15</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19</td>
</tr>
</tbody>
</table>
Senate Transportation Committee

Sophie Walsh  271-3469

HB 1637, relative to reducing requirements for vehicle inspections.

Hearing Date:  April 16, 2024

Time Opened:   1:30 p.m.  Time Closed:  2:05 p.m.

Members of the Committee Present:  Senators Ricciardi, Watters, Ward, Gendreau and Fenton

Members of the Committee Absent:  None

Bill Analysis:  This bill reduces requirements for vehicle inspection.

Sponsors:


Who opposes the bill:  Lt. James O’Leary (NH State Police), John Marasco (NH Division of Motor Vehicles), Dan Bennett (NH Automobile Dealers Association), and Janet Lucas.

Who is neutral on the bill:  Jessica Wilcox (NH Department of Environmental Services)

Summary of testimony presented:

Representative Leah Cushman, Hillsborough – District 28

- Representative Cushman explained that this bill will make the vehicle inspection process less onerous on both shops providing inspections and vehicle owners.
- She said New Hampshire has very stringent inspection requirements and that it can be expensive to cover repair costs.
- Representative Cushman explained the intent of the bill is to reduce the burdensome aspects of the inspection process without taking away from safety.
Representative Cushman said this bill had several work sessions, was voted 19-0 out of committee, and passed out of the House with widespread support.

Representative Cushman reviewed the provisions of the bill.

She said that while researching the bill, it was voiced by mechanics that the Department of Safety (DOS) was requiring them to spend an hour on each vehicle inspection. Thus, the bill states that DOS must not require that inspections be performed within any minimum or maximum amount of time or introduce penalties or audits resulting from the amount of time spent on inspections. The bill also does not allow law enforcement to enforce such requirements or penalties.

She explained that the bill extends the inspection grace period for when a private person purchases a vehicle from ten to thirty days to give people more leeway. She said the bill also provides a thirty-day grace period for failing to obey inspection requirements.

She explained that this bill changes some of the inspection standards regarding front lights, directionals, and reflectors.

She said the bill restricts rulemaking concerning cracks in headlamps and reflectors, so there will be no further restrictions beyond what is in statute.

Representative Cushman explained that in regards to brakes, previous inspection standards were vague. This bill specifies those standards.

Representative Cushman explained that this bill makes inspection standards very specific and prevents people from having to get more repairs than necessary for safety.

Representative Cushman said she hopes the committee will support the bill.

Senator Ricciardi noted that in her personal experience, mechanics do not fail her vehicle due to wear and tear. She said they are very clear about showing her the issues and what they mean.

Senator Ricciardi also said she does not believe a car being new guarantees that it is safe, as they can have faulty parts. She said that safety comes first for her.

Representative Cushman said she agrees with Senator Ricciardi and remarked that Senator Ricciardi has good mechanics. She acknowledged that some mechanics take advantage of people in that type of situation. She explained this bill provides specific guidelines, so that people cannot be failed according to vague standards.

John Marasco, Director of the New Hampshire Division of Motor Vehicles & Lieutenant James O'Leary, New Hampshire State Police

- Lt. O'Leary stated that he is the commander who oversees the troop that provides monitoring and enforcement of dealerships and inspection stations.
- He explained that there are eight automotive equipment inspectors in addition to six state troopers who are assigned to oversight and enforcement.
- He said that RSA 266:1-a gives the troop that ability, including the task of inspection station auditing and investigation of suspected malfeasance.
• He explained that over the past few years there has been a lot discussion surrounding alleged inspection station malfeasance.
• Lt. O'Leary referenced materials submitted to the committee that address the time it takes to complete an inspection and whether an audit should result as such.
• The first document contains a trigger analysis, which reports on-board diagnostics (OBD) tampering.
• The second document reports inspection times and highlights inspections that run between one minute and thirty-four seconds to ten minutes and twenty-three seconds. He noted that this includes the time it takes to remove tires, review all components of the vehicle, enter results into the OBD system and attach an inspection sticker.
• Lt. O'Leary explained this is not currently used as a basis for an audit, but it can be used in conjunction with an audit. He said it is used to help narrow down the areas in which malfeasance can be identified.
• Lt. O'Leary explained that removing law enforcement’s ability to utilize the trigger analysis ties their hands in regards to what they can use to identify bad actors.
• Senator Watters referenced section 1 lines 3-5 and asked if this language was the problem.
• Lt. O'Leary confirmed this language was an issue. He also referenced section 4 on page 2 that addresses the law enforcement aspect of pulling those reports.
• Senator Watters asked if they would prefer to remove this language or use different language.
• Lt. O'Leary said their recommendation is to remove the language. There are no requirements for time allotted to state inspections because there are different factors that can impact how long an inspection may take. However, if they were to pull such a document and conduct an audit, they could utilize it to address concerning trends with inspection stations to ensure safety.
• Lt. O'Leary said they receive these documents on a monthly basis, and they highlight the inspection stations that are consistently having short inspections.
• Senator Gendreau asked how typical these types of situations are.
• Lt. O'Leary explained that these situations are not common. He said this system allows them to spot stations doing such things quickly.
• Lt. O'Leary explained that headlight aiming devices or headlight aiming boards can currently be used to test headlights according to administrative rules. He referenced lines 31-33 on page 2 of the bill and explained that currently, not all inspection stations are required to have a headlight aimer. He said this bill, as written, would mandate that all inspection stations have a headlight aimer, which can be a burden because they are expensive pieces of equipment.
• Senator Watters stated that the committee needs to know how to address the concerning aspects and what their recommendations are.
• Lt. O'Leary agreed and said he understands.
• Lt. O'Leary explained that the only device to measure such headlight output is a headlight aimer device, so if the bill language is kept as is, every inspection station would need to acquire that equipment.
• Senator Watters asked if there would be an issue in cutting out the phrase “or if the light is so dim that headlamp aim cannot be checked on a headlamp aimer,” and if inspection stations would still be able to have the determination needed without requiring this test.
• Lt. O'Leary said there is no other way he can think of.
• Senator Fenton asked if the prime sponsor of this bill reached out to ask about these issues when the bill was being proposed.
• Lt. O'Leary said they participated in the work sessions, but beyond that he did not have further discussion with the prime sponsor.
• Senator Watters asked if these issues were brought up at the work sessions.
• Lt. O'Leary said he did not know because he was not present at that work session.
• Lt. O'Leary referenced lines 7-8 on page 3 of the bill and explained that there is currently no equipment that can measure the output of a directional signal. He said it would be a challenge for inspectors to perform this test with equipment that does not exist.
• Lt. O'Leary discussed the issue of brakes and explained that most of the listed provisions are captured by administrative rules. He noted contaminated brakes and referenced photos submitted to the committee, recommending adding back in the section that would allow for failure based on contamination that would interfere with the operation of the brakes.
• Senator Watters asked why this section was removed.
• Lt. O'Leary said he did not personally know.
• Senator Watters asked if they could provide language for this.
• Lt. O'Leary said they could do that.
• Director Marasco said he supports everything Lt. O'Leary said.
• Director Marasco explained that the issue of predatory inspection stations has been made a priority, and the State Police and DMV have worked together to intercept the issue. He explained that the vehicle inspection report has been updated with a highlighted 1-800 number that would go to the State Police for consumer complaints.
• He explained that they have taken a tour of a large dealership and inspection station in Concord where they learned a lot about strides being made in transparent inspections and how consumer confidence has grown.
• Director Marasco said between enforcement, auditing, vehicle inspection reports, and inspection station actions, there’s a lot being done to cut down on predatory inspections.

Dan Bennett, New Hampshire Automobile Dealers Association
• Mr. Bennett stated that the New Hampshire Automobile Dealers Association is a strong believer in the inspection program. He said it contains a safety component, consumer protection, and a fiscal component.
• He stated that preventative maintenance is much better than catastrophic repair.
• He said the inspection program is working fine, and that issues can be tweaked when they arise.
• Mr. Bennett stated that he is speaking in opposition to this bill because while it is well intended, it offers too sweeping of a solution.
• He supported the previous comments from Director Marasco and Lt. O’Leary. He said he is supportive of having more enforcement in shops because it levels out the playing field and holds people accountable. He explained that removing the auditing ability can lead to bad scenarios.
• Mr. Bennett addressed section 2 of the bill. He explained that the current grace periods are aligned with the temporary license plate periods and said this bill creates a disconnect in the language.
• Mr. Bennett explained that he has sat through multiple training classes at community colleges and the DMV, and he has never heard of minimum or maximum times for inspections being enforced by DOS.
• Mr. Bennett explained that headlight aiming boards are very common in inspection stations and said removing the headlight board is unfair to mechanics because it would come with significant costs for inspection stations ranging from $685 to $2,200.
• Mr. Bennett addressed the issue of rust and said he understands where this comes from. He said he is supportive of the concept of removing subjectivity but noted that this bill removes any surface rust criteria and pointed out that this is very dangerous. He referenced line 2 of page 4 and pointed out that the bill re-introduces subjectivity with this criterion.

SW
Date Hearing Report completed: April 25, 2024
HB 82-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2405h

2023 SESSION

23-0121
05/08

HOUSE BILL 82-FN

AN ACT relative to employment protection for participants in the therapeutic cannabis program.


COMMITTEE:  Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits an employer from refusing to hire, or terminating the employment of a qualified patient of the New Hampshire therapeutic cannabis program solely on the basis of a positive drug test.

Explanation:  Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to employment protection for participants in the therapeutic cannabis program.

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

1 New Section; Qualified Patient of New Hampshire's Therapeutic Cannabis Program. Amend RSA 275 by inserting after section 37-d the following new section:

275:37-e Qualified Patient of New Hampshire's Therapeutic Cannabis Program. Any individual who is a qualified patient of the New Hampshire therapeutic cannabis program under RSA 126-X and carries a current, valid registry identification card issued pursuant to RSA 126-X:4 is presumed to have a medical condition that constitutes a disability as defined by RSA 354-A:2, IV. An employer shall make reasonable accommodations for such individual unless the accommodation would impose an undue hardship on the employer's business. It shall be presumed that an employee being impaired by cannabis products while on duty is an undue hardship upon the employer.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to employment protection for participants in the therapeutic cannabis program.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>STATE:</th>
<th>Estimated Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2024</td>
</tr>
<tr>
<td>Appropriation</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue</td>
<td>$0</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source:</td>
<td>[ X ] General</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COUNTY:</th>
<th>Estimated Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
<td>$0</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill prohibits an employer from refusing to hire, or terminating the employment of a qualified patient of the New Hampshire therapeutic cannabis program solely on the basis of a positive drug test.

The Department of Labor does not expect this bill would materially impact the operational cost to the Department of administering RSA 275 or have any appreciable impact on state, county or local expenditures. Regarding state revenue, the Department states it is possible that there could be additional revenue from fines levied by the Department against employers acting in violation of the provisions of the bill. Any such fine revenue would be deposited in the Restricted Fund established in RSA 273:1-b for paying the costs of operating the Department of Labor. After paying such costs, any balance remaining in the fund at the end of the fiscal year is transferred to the general fund. The Department states any such impact is difficult to quantify with any specificity and is anticipated to be minimal based on education and awareness of the amended requirements.

The Human Rights Commission does not expect a major shift in costs as a result of this bill. The Commission currently covers medical marijuana users under RSA 354-A as it relates to a
disability and the prescribed coverage afforded to individuals through the American’s with Disabilities Act or “ADA”. The Commission states the fiscal impact is indeterminable as there is no way to determine the number of public interactions, up to and including filed charges and investigations, to be received by the Commission under this bill.

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

It is assumed that any fiscal impact would occur after FY 2024.

AGENCIES CONTACTED:
Judicial Branch, Departments of Justice and Labor, and New Hampshire Association of Counties
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/23/2022</td>
<td>H</td>
<td>Introduced 01/04/2023 and referred to Labor, Industrial and Rehabilitative Services</td>
</tr>
<tr>
<td>01/11/2023</td>
<td>H</td>
<td>Public Hearing: 01/19/2023 02:30 pm LOB 305-307</td>
</tr>
<tr>
<td>02/09/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 02/16/2023 02:30 pm LOB 305-307</td>
</tr>
<tr>
<td>02/23/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 03/02/2023 11:00 am LOB305-307</td>
</tr>
<tr>
<td>03/03/2023</td>
<td>H</td>
<td>Executive Session: 03/15/2023 03:00 pm LOB 305-307</td>
</tr>
<tr>
<td>03/16/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>06/07/2023</td>
<td>H</td>
<td>Full Committee Work Session: 06/23/2023 10:15 am LOB 305-307</td>
</tr>
<tr>
<td>10/16/2023</td>
<td>H</td>
<td>==CANCELLED== Executive Session: 10/24/2023 02:00 pm LOB 302-304</td>
</tr>
<tr>
<td>10/24/2023</td>
<td>H</td>
<td>Executive Session: 11/02/2023 02:00 pm LOB 301-303  HC 43</td>
</tr>
<tr>
<td>11/17/2023</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2405h 11/02/2023 (Vote 18-2; CC)  HC 49  P. 17</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2405h: AA VV 01/03/2024  HJ 1  P. 61</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2405h: MA VV 01/03/2024  HJ 1  P. 61</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Commerce;  SJ 6</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 100, SH, 10:20 am;  SC 13</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: No Recommendation, 05/16/2024, Vote 2-2;  SC 19</td>
</tr>
</tbody>
</table>
HB 82-FN, relative to employment protection for participants in the therapeutic cannabis program.

Hearing Date: April 2, 2024

Time Opened: 10:33 a.m. Time Closed: 11:22 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi, Innis, Soucy and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill prohibits an employer from refusing to hire, or terminating the employment of a qualified patient of the New Hampshire therapeutic cannabis program solely on the basis of a positive drug test.

Sponsors:

Who supports the bill: Representative Suzanne Vail, Representative Brian Seaworth, Representative Wendy Thomas, Representative David Meuse, Representative Brian Sullivan, Representative Timothy Horrigan, Representative Heath Howard, Representative Ellen Read, Hayden Smith, Janet Lucas, Matt Simon (GraniteLeaf Cannabis)

Who opposes the bill: Representative Yury Polozov, Aubrey Freedman, Dave Juvet (BIA), Andrea Chatfield (HR State Council), Elizabeth Sargent (NH Association of Chiefs of Police & NH Sheriff’s Association), Julie Smith, Curtis Howland, Daniel Richardson, Paul Dean, David Croft, Quentin Estey, Patrick Sullivan, Tara Tucker, Tad Dionne, Vinnie Baiocchetti

Who is neutral on the bill: Michael Holt (DHHS), Danielle Albert (DOL), John Garrigan (DOL)

Summary of testimony presented in support:

Representative Suzanne Vail

- Representative Vail provided the Committee with a handout with suggested changes, employment protections offered in other states, and a copy of the Paine v. Ride-Away decision.
• In the *Paine v. Ride-Away* decision, it was found that an individual had been released from their job because they were a patient in the therapeutic cannabis program.

• Currently, Title 126 provides protections to patients in the program.

• This bill would help a patient get beyond the interview process where they could be asked if they are in the program, which could be used as one last chance to discriminate against them.

• Current participants have to make determinations, and they might not apply to jobs due to the stigma of being part of the program.

• Individuals seek treatment because they would like to avoid costly medications, such as steroids, antidepressants, tranquilizers, and sleeping pills.

• Representative Vail did not want to force an individual to give up their job because they have cancer and they need to use therapeutic cannabis.

• Senator Ricciardi said businesses who have truck drivers have a lot of liability. While this bill was well intended, she expressed concerns over its vagueness. She asked how New Hampshire state employees working for federal contracts would be dealt with because cannabis is not recognized federally.
  
  o **Representative Vail** said in the suggested amendment, they have added language to address these concerns. The new language would be “It shall be deemed that an employee being impaired by cannabis products while on duty is an undue hardship upon the employer. It shall be deemed an undue hardship upon an employer to require an employer to do any act that would put the employer in violation of federal law or cause it to lose a federal contract or funding.”

• Senator Gannon asked if a worker would receive workers’ compensation if an employer could not accommodate them.
  
  o **Representative Vail** said accommodations are made on a case-by-case basis for any disability. As an employer, a urine test could be required. An individual could be taking opioids or valium, and they would be cleared if it were a prescription. This bill would give individuals the same protections that are given to traditional methods.

**Representative Brian Seaworth**

• Representative Seaworth sponsored the amendment that passed the House.

• This bill would make it illegal to fire someone with a medical cannabis card.

• In the *Paine v. Ride-Away* decision, the issue was not about medical cannabis use. Instead, it was the disability that needed to be accommodated. The New Hampshire Supreme Court remanded the case to the lower courts because the wrong issue was looked at.

• A majority of the Committee supported basing the language of the bill on the court ruling.
• Since the introduction of therapeutic cannabis, Senator Gannon said it has not been treated like a medicine. If an individual receives a prescription from a doctor, they can go into a dispensary and they can get what they want.
  o Representative Seaworth said these issues were why the bill came forward. If an employee is prescribed opioids, it could be removed from a drug test. An employee, who has some level of opioids in their system, might not be able to do part of their job until their medication has been reduced or finished. Since cannabis can be prescribed by a doctor, they wanted to treat it similar to other medications that can be prescribed.
• Senator Gannon said they could wait for an opioid to dissipate, but THC could stay in an individual's system longer depending on the potency. He felt cannabis was being used like a medicine, but it was not a medicine.
  o Representative Seaworth said the vagueness of the language was intentional. Determinations of reasonableness have to be done on a case-by-case basis. Issues might depend on the employer, conditions, and level of usage. These issues have to be solved by the federal government.

Representative Wendy Thomas
• The goal of patients in the therapeutic cannabis program is to allow them to use cannabis to control their symptoms, so they can return to their jobs.
• An individual can test positive for cannabis 13 to 30 days after ingestion. After 6 hours, THC begins to wear off.
• Representative Thomas said it is unfair to penalize people who are using cannabis as a medicine in a responsible manner.
• Dosages are based on metabolism because cannabis is a plant. Dosages are reduced until an individual has found their correct dosage; therefore, Representative Thomas said equating inebriation to the percentage of THC was not correct.
• An individual would not be protected if they are inebriated at work or if they are driving while under the influence. Instead, this bill would protect individuals in a legal program who use their medication responsibly.

Representative Brian Sullivan
• Guardrails are established in Title 10, which is the use of cannabis for therapeutic purposes statute.
• Once the Committee delved into the statute, Representative Sullivan said they were comfortable with how it was dealt with in the workplace.
  o In RSA 126-X:3, Section 2, it states “Nothing in this chapter shall exempt any person from arrest or prosecution for: (a) Being under the influence of cannabis while: (1) Operating a motor vehicle, commercial vehicle, boat, vessel, or any other vehicle propelled or drawn by power other than muscular power”.

Page 3
The statute also states an individual cannot be under the influence “(2) In his or her place of employment, without the written permission of the employer; or (3) Operating heavy machinery or handling a dangerous instrumentality.”

Smoking or vaporization of cannabis in any public place is prohibited, including “(1) A public bus or other public vehicle; or (2) Any public park, public beach, or public field. (d) The possession of cannabis in any of the following: (1) The building and grounds of any preschool, elementary, or secondary school, which are located in an area designated as a drug free zone; or (2) A place of employment, without the written permission of the employer; or (3) Any correctional facility; or (4) Any public recreation center or youth center; or (5) Any law enforcement facility.”

- Since all of these issues are addressed, the Legislature had to worry about reasonable accommodations.
- Representative Sullivan hoped the suggested amendment offered by Representative Vail addressed the concerns of law enforcement.
- Based on the Paine v. Ride-Away decision, the state must accommodate individuals who have a therapeutic cannabis card. This bill would put into statute what has already been determined, so no one would have to go to court to preserve their rights.

**Representative Heath Howard**

- This bill would provide necessary protections to patients that are certified under the therapeutic cannabis program.
- Individuals who use other prescriptions, such as opioids, have certain protections. While there are certain jobs they cannot hold, they understand their limitations.
- This bill would provide employers with flexibility, so there is no undue burden placed on them by continuing an individual’s employment.
- After seeing the effects of the opioid crisis, Representative Howard said many individuals are trying to avoid using an addictive and deadly substance.

**Summary of testimony presented in opposition:**

**Aubrey Freedman**

- Mr. Freedman supported the decriminalization of cannabis for recreational and therapeutic uses; however, he said no one had a right to a job that an employer did not want to give to them.
- Mr. Freedman said there were liability issues, so he understood why businesses would want to be extra careful.
- When a business gets insurance, drug testing could be part of the requirements. If they do not do drug testing, they might not have insurance or it could be more expensive.
Mr. Freedman said this bill did not solve the problem; however, he had two solutions.

- First, the federal requirements that civilian employees have to do mandatory testing could be nullified.
- Second, companies could test only certain employees if their positions are more safety sensitive, such as driving or operating heavy equipment.

**Dave Juvet, Senior Vice President, Business and Industry Association, and Andrea Chatfield, Attorney, on behalf of HR State Council**

- Mr. Juvet said a group of advisors who specialize in employment law have identified concerns. In addition, the Board of Directors recommended the BIA oppose this bill.
- Attorney Chatfield recommended the bill be Inexpedient to Legislate.
- Existing law already offers protections and provides an established framework.
- RSA 275 is not equipped to handle the nuisances of what is a reasonable accommodation and undue hardship. Additionally, Attorney Chatfield did not see where there was a provision in this statute that addressed violations.
- Under this bill, employers would be required to determine impairment. There is no meaningful way to measure impairment unless it is obvious, which can create safety risks.
- The *Paine v. Ride-Away* case clarified that the use of therapeutic cannabis could be a reasonable accommodation, and employers should treat the use of cannabis similar to other medication.
- If an employee says they are taking therapeutic cannabis, they are asking for a reasonable accommodation. Under existing law, the parties would engage in an interactive process that is guided by federal guidelines, regulations, and state and federal level case decisions.
- Under RSA 354-A, the Human Rights Commission looks at issues of reasonable accommodations and undue hardships. The Commission has a legal process where employees can file a charge and they can go through the investigation process.
- The types of medical conditions that qualify a person to receive therapeutic cannabis are serious, and they are likely to be considered disabilities. In the *Paine v. Ride-Away* case, for example, the individual suffered from PTSD.
- If therapeutic cannabis continues to be expanded, Attorney Chatfield said it could cover conditions that are not necessarily disabilities and they would be entitled to reasonable accommodations.
- RSA 275 is applicable to small employers whereas RSA 354-A is applicable to employers with 6 or more employees. There are no exemptions in RSA 275, so an employer would have to offer reasonable accommodations for therapeutic cannabis, even if they do not have to accommodate for any other disability.
- This bill would be inconsistent with the therapeutic cannabis statute, RSA 126-X, which specifies that employers do not have to allow an individual to be under
the influence in the workplace. This is different from impairment, which is harder to measure.

- It is against federal law to illicit information on a disability during the pre-employment stage. There has been a trend among employers to not do drug testing pre-employment unless it is a safety sensitive position. If employers are doing pre-employment drug testing, cannabis is often excluded from the drug panel.

Elizabeth Sargent, on behalf of New Hampshire Association of Chiefs of Police and New Hampshire Sheriff's Association

- From a law enforcement perspective, Ms. Sargent reminded the Committee that cannabis is a Schedule I drug.
- Ms. Sargent provided the Committee with a proposed amendment, which said “This section shall not apply to employers, positions or responsibilities where the use of cannabis is otherwise prohibited by statute, administrative rule, licensure, certification or regulation for applicants and/or individuals during the course of employment. Furthermore, this section shall not apply in cases where this limitation conflicts with the employer's obligations under federal law or regulations, or to fulfill a state or federal contract, certification or licensing obligation.”

Neutral Information Presented:

Danielle Albert, Deputy Commissioner, and John Garrigan, New Hampshire Department of Labor

- The Department said the bill created a requirement that employers provide reasonable accommodations to an employee who benefits from the presumption.
- From a regulatory and technical standpoint, the Department does not typically make an assessment of a reasonable accommodation and its application. Consequently, there is no infrastructure in other areas of labor law for reference.
HOUSE BILL 645-FN

AN ACT relative to the establishment of decentralized autonomous organizations as legal entities within the state.


COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes decentralized autonomous organizations within the state.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 645-FN - AS AMENDED BY THE HOUSE
3Jan2024... 2327h 23-0561
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the establishment of decentralized autonomous organizations as legal entities within the state.

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

1 New Chapter; Decentralized Autonomous Organizations. Amend RSA by inserting after chapter 301-A the following new chapter:

CHAPTER 301-B

DECENTRALIZED AUTONOMOUS ORGANIZATIONS

301-B:1 Short Title. This act may be cited as the “New Hampshire Decentralized Autonomous Organization act” (the “act”).

301-B:2 Purpose of This Act. The general court finds that the state’s economy and its citizens will benefit from, and the development of business and investment in New Hampshire will be facilitated by, making available a unique legal entity form that can provide a framework that enhances the capacity of decentralized autonomous organizations to conduct commercial, social, charitable, educational, mutualistic or social activities within both the digital and physical spheres. The general court finds that the statutory recognition of decentralized autonomous organizations in accordance with this act will introduce greater certainty for treatment of decentralized autonomous organizations under state law, particularly with respect to the rights and duties of their developers, participants and administrators. It is the intent of the general court to give the constituent developers, participants and administrators of decentralized autonomous organizations the widest discretion to establish mechanisms and structures that will support sound development and innovation for such entities consistent with the provisions of this chapter.

301-B:3 Policy of This Act. It is the policy of this act to give maximum effect to the principle of freedom of contract and to the enforceability of transactions executed pursuant to smart contracts that establish and maintain decentralized autonomous organizations according with a policy principle of ‘intent of code is law’.

301-B:4 Organization; Purposes. A New Hampshire decentralized autonomous organization may be registered under this chapter for the purpose of carrying on any lawful activity within or outside this state.

301-B:5 Definitions.

I. “Administrator” means a person, irrespective of title, that is appointed in a manner specified in the bylaws to make discretionary decisions, either individually or collectively with other administrators, on behalf of the New Hampshire DAO with regard to specific, predefined operations of the New Hampshire DAO.
II. “Asset” includes both on-chain assets and off-chain assets.

III. “Blockchain” means any technology:
   (a) Where data is:
      (1) shared across a network to create a public ledger of verified transactions or
          information among network participants;
      (2) linked using cryptography to maintain the integrity of the public ledger and to
          execute other functions; and
      (3) distributed among network participants in an automated fashion to concurrently
          update network participants on the state of the public ledger and any other functions; and
   (b) Composed of source code that is publicly available.

IV. “Blockchain protocol” means any executable software deployed to a blockchain composed
    of source code that is publicly available and accessible, including a smart contract or any network of
    smart contracts.

V. “Blockchain system” means any blockchain or blockchain protocol.

VI. “Bylaws” means the rules and regulations that govern the methods, mechanisms and
    procedures followed by a DAO and by which developers, participants and administrators interact
    and make decisions.

VII. “Contentious fork” means a hard fork that results in 2 divergent and potentially
     competing blockchains.

VIII. “Decentralized autonomous organization” or “DAO” means an enterprise defined in
      accordance with a smart contract or network of smart contracts deployed on a permissionless
      blockchain that implements a coordinated project or undertaking among participants.

IX. “Decentralized network” means a blockchain system in which all of the following
    conditions are met:
       (a) During the previous 12-month period, no person, excluding the subject DAO itself:
          (1) Had the unilateral authority, directly or indirectly, through any contract,
              arrangement, understanding, relationship, or otherwise, to control or materially alter the
              functionality or operation of the blockchain system; or
          (2) Had the unilateral authority to restrict or prohibit any person from:
              (A) Using, earning, or transmitting a related digital asset;
              (B) Deploying software that uses or integrates with the blockchain system;
              (C) Participating in a decentralized governance system with respect to the
                  blockchain system; or
              (D) Operating a node, validator, or other form of computational infrastructure
                  with respect to the blockchain system.
       (b) During the previous 12-month period:
(1) No person, excluding the subject DAO itself, directly or indirectly beneficially owned, in the aggregate, 20 percent or more of the total amount of units of a related digital asset that—

(A) Can be created, issued, or distributed in such blockchain system; and

(B) Were freely transferrable or otherwise used or available to be used for the purposes of such blockchain network; or

(2) No digital asset issuer or affiliated person had the unilateral authority to direct the voting, in the aggregate, of 20 percent or more of the outstanding voting power of such digital asset or related decentralized governance system.

(c) During the previous 3-month period, the digital asset issuer, any affiliated person, or any related person has not implemented or contributed any intellectual property to the source code of the blockchain system that materially alters the functionality or operation of the blockchain system, unless such implementation or contribution to the source code:

(1) Addressed vulnerabilities, errors, regular maintenance, cybersecurity risks, or other technical improvements to the blockchain system; or

(2) Were adopted through the consensus or agreement of a decentralized governance system.

X. “Decentralized governance system” means, with respect to a blockchain system, any rules-based system permitting persons using the blockchain system or the digital assets related to such blockchain system to form consensus or reach agreement in the development, provision, publication, management, or administration of such blockchain system. The term ‘decentralized governance system’ does not include a system in which a person or group of persons under common control have the ability to (a) unilaterally alter the rules of consensus or agreement for the blockchain system; or (b) determine the final outcome of decisions related to the development, provision, publication, management, or administration of such blockchain system;

XI. “Developer” means a person involved in the development or maintenance of the DAO, whether through the contribution of software code, design, business, legal, or ancillary support.

XII. “Digital asset” means any fungible digital representation of value that can be exclusively possessed and transferred, person to person, without necessary reliance on an intermediary, and is recorded on a block chain system.

XIII. “Dispute resolution mechanism” means an on-chain alternative dispute resolution system, such as arbitration, expert determination, or an on-chain alternative court system, which enables anyone to resolve their disputes, controversies or claims with, arising out of, or in connection with, a New Hampshire DAO. Any such award, decision, or judgment shall be accorded the same status and treatment as an international arbitral award.

XIV. “Failure event” means a DAO encountering a technical bug or exploit which renders the DAO non-operational or fundamentally changes the expected operation of the DAO.
XVI. “GUI” means a graphical user interface, publicly accessible by all DAO members and participants, whether hosted centrally via location-based storage or via decentralized or distributed storage, through which users interact with computer software via visual indicator representations. This can include, but is not limited to, a web interface or standalone application.

XVII. “Hard fork” means a blockchain software upgrade that is not compatible with previous versions of the blockchain software, and therefore requires all users to upgrade.

XVIII. “Jurisdiction” means a territory that is under a defined legal authority.

XIX. “Legal representative” means a person who is appointed and authorized by a New Hampshire DAO in a manner specified in the bylaws to perform functions, activities and operations on behalf of the New Hampshire DAO in off-chain interactions and as may be required under this act.

XX. “Majority chain” means the version of the chain accepted by more than 50 percent of the blockchain’s validators following a hard fork.

XXI. “Meeting” means a synchronous or asynchronous event for the purpose of discussing and acting upon DAO-related matters by participants or administrators.

XXII. “Minority chain” means the version of the chain that is not the majority chain following a hard fork.

XXIII. “New Hampshire DAO” means a decentralized autonomous organization that is listed on the New Hampshire DAO registry.

XXIV. “New Hampshire DAO registry” means the registry established and administered in accordance with RSA 301-B:14.

XXV. “Off-chain” means any action or transaction that is not on-chain.

XXVI. “On-chain” means any action or transaction that is recorded and verified on a blockchain according to a blockchain protocol’s consensus mechanism.

XXVII. “On-chain contribution” refers to any token segregated and locked in one of the DAO’s smart contracts for the purpose of member buy-in to the DAO and the provision of withdrawable capital.

XXVIII. “Open-source format” means software that is within the open-source definition as established and maintained by the Open Source Initiative.

XXIX. “Participant” means, unless the bylaws provide otherwise, any person who is entitled under the bylaws to exercise governance rights in a DAO.

XXX. “Permissionless blockchain” means a blockchain system that allows any person to transact and produce blocks in accordance with the blockchain protocol, whereby the validity of the block is not determined by the identity of the producer.

XXXI. “Person” means a natural person, partnership, limited liability company, trust, business trust, estate, association, joint venture, corporation, custodian, nominee, or any other
individual or entity in its own or any representative capacity, including a DAO that is subject to this
act.

XXXII. “Proposal” means a suggestion for actions to be taken by the DAO, to be decided on
in accordance with the bylaws of the DAO.

XXXIII. “Public address” means a unique, durable identifier that person(s) can transact with
on a permissionless blockchain.

XXXIV. “Public forum” means a freely accessible online environment that is commonly used
for the exercise of speech and public debate.

XXXV. “Public signaling” means a declaration authorized by way of proposal by the DAO in
a public forum.

XXXVI. “Registry administrator” means the person, including the university of New
Hampshire Interoperability Laboratory, or any other entity authorized by the secretary of state in
accordance with this act to administer the New Hampshire DAO registry.

XXXVII. “Registered Agent” means the person appointed by a New Hampshire DAO in
accordance with RSA 301-B:9.

XXXVIII. “Registered e-mail address” means with respect to any person a unique
designation for an electronic mailbox that sends and receives electronic messages or e-mails.

XXXIX. “Related digital asset” means a digital asset that is intrinsically linked to a
blockchain system, including: (a) where the digital asset’s value is reasonably expected to be
generated by the programmatic functioning of the blockchain system; (b) where the digital asset
represents voting rights with respect to the blockchain system; or (c) where the digital asset is issued
through the programmatic functioning of the blockchain system.

XL. “Quality assurance testing” means that the software code of the DAO has undergone
security review according to industry standards including standards that may be designed,
developed and tested by the registry administrator.

XLII. “Smart contract” is software code deployed in a blockchain system that consists of a
set of predefined and deterministic instructions and conditions that may be executed in a
decentralized manner by the participants in the underlying blockchain network. Execution of a
smart contract shall produce a change in the blockchain state.

XLII. “Token” means a record on a permissionless blockchain, typically representing an
asset, participation right, or other entitlement.

XLII. “Transaction” means a new entry in a permissionless blockchain, often but not
exclusively, recording a change in ownership of an asset or participation in a DAO.

301-B:6 Governing Law. The laws of the state of New Hampshire govern:

I. The internal affairs of a New Hampshire DAO; and

II. The liability of a member as a member and of an administrator as administrator for the
debts, obligations, or other liabilities of a limited liability company.
HB 645-FN - AS AMENDED BY THE HOUSE
- Page 6 -

301-B:7 Legal Existence of New Hampshire DAOs.

I. A New Hampshire DAO shall exist as a separate legal entity distinct from its developers, participants, administrators and legal representatives.

II. Except to the extent otherwise provided in the bylaws of the New Hampshire DAO, the New Hampshire DAO shall have perpetual existence, and a New Hampshire DAO may not be terminated or revoked by a developer, participant, administrator, legal representative or other person except in accordance with the terms of its bylaws.

III. Except to the extent otherwise provided in the bylaws, the death, incapacity, dissolution, termination, or bankruptcy of a developer, participant, administrator or legal representative shall not result in the termination or dissolution of a New Hampshire DAO.

IV. In the event that a New Hampshire DAO does not have perpetual existence, a New Hampshire DAO is deregistered, and its affairs shall be wound up at the time or upon the happening of events specified in the bylaws.

V. Upon dissolution of a New Hampshire DAO and until the filing of a deregistration instruction as provided in RSA 301-B:12, the persons who, under the bylaws of the New Hampshire DAO, are responsible for winding up the New Hampshire DAO’s affairs may, in the name of and for and on behalf of the New Hampshire DAO, prosecute and defend suits, whether civil, criminal, or administrative, gradually settle and close the New Hampshire DAO business, dispose of and convey the New Hampshire DAO property, discharge or make reasonable provision for the New Hampshire DAO liabilities, and distribute to the participants any remaining assets of the New Hampshire DAO as may be required by the bylaws.

VI. A New Hampshire DAO which has deregistered shall pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional, or unmatured claims and obligations, known to the New Hampshire DAO and all claims and obligations which are known to the New Hampshire DAO but for which the identity of the claimant is unknown and claims and obligations that have not been made known to the New Hampshire DAO or that have not arisen but that, based on the facts known to the New Hampshire DAO, are likely to arise or to become known to the New Hampshire DAO within 10 years after the date of deregistration. If there are sufficient assets, such claims and obligations shall be paid in full and any such provision for payment shall be made in full. If there are insufficient assets, such claims and obligations shall be paid or provided for according to their priority and, among claims and obligations of equal priority, ratably to the extent of assets available therefor. Unless otherwise provided in the bylaws of a New Hampshire DAO, any remaining assets shall be distributed to the beneficial owners. Any person, including any trustee, who under the bylaws is responsible for winding up a New Hampshire DAO’s affairs who has complied with this section shall not be personally liable to the claimants of the dissolved New Hampshire DAO by reason of such person’s actions in winding up the New Hampshire DAO.

301-B:8 Legal Proceedings.
I. A New Hampshire DAO may sue and be sued, and service of process upon its New Hampshire registered agent or other authorized legal representative shall be sufficient. In furtherance of the foregoing, a New Hampshire DAO may be sued for debts and other obligations or liabilities contracted or incurred by the administrators, or by the duly authorized agents of such administrator, in the performance of their respective duties under the New Hampshire DAO’s bylaws, and for any damages to persons or property resulting from the negligence of such administrators or agents acting in the performance of such respective duties. The property of a New Hampshire DAO shall be subject to attachment and execution as if it were a limited liability company, in accordance with the relevant provisions of New Hampshire law.

II. A New Hampshire legal representative of a New Hampshire DAO may be served with process in the manner prescribed in paragraph III in all civil actions or proceedings brought in this state involving or relating to the activities of the New Hampshire DAO.

III. Service of process shall be effected by serving the New Hampshire legal representative of such New Hampshire DAO with one copy of such process in the manner provided by law for service of writs of summons. In addition, the clerk of the court in which the civil action or proceeding is pending shall, within 7 days of such service, deposit in the United States mails, by registered mail, postage prepaid, true and attested copies of the process, together with a statement that service is being made pursuant to this section, addressed to the defendant at the legal representative’s registered address.

IV. In any action in which any such New Hampshire legal representative has been served with process as hereinafter provided, the time in which a defendant shall be required to appear and file a responsive pleading shall be computed from the date of mailing by the clerk of the court as provided in paragraph III; provided however, the court in which such action has been commenced may order such continuance or continuances as may be necessary to afford such legal representative reasonable opportunity to defend the action.

V. In the bylaws of the New Hampshire DAO, a New Hampshire DAO may consent to be subject to the nonexclusive jurisdiction of the courts of, or arbitration in, a specified jurisdiction, or the exclusive jurisdiction of the courts of this state, or the exclusivity of arbitration in a specified jurisdiction or this state, and to be served with legal process in the manner prescribed in the bylaws of the New Hampshire DAO. Except by agreeing to arbitrate any arbitrable matter in a specified jurisdiction or in this state, a participant or administrator who is not a legal representative may not waive its right to maintain a legal action or proceeding in the courts of this state with respect to matters relating to the organization or internal affairs of a New Hampshire DAO.

VI. Nothing herein contained limits or affects the right to serve process in any other manner now or hereafter provided by law. This section is an extension of and not a limitation upon the right otherwise existing of service of legal process upon nonresidents.
VII. The New Hampshire supreme court may make all necessary rules respecting the form of process, the manner of issuance and return thereof, and such other rules which may be necessary to implement this section and are not inconsistent with this section. The courts of this state shall have jurisdiction over New Hampshire DAOs that are listed on the registry.

301-B:9 Registered Agent in New Hampshire.

I. Each New Hampshire DAO shall have and maintain in the state of New Hampshire:

(a) A registered office; and

(b) A registered agent, which agent may be:

(1) An individual who resides in this state and who’s residential or business office is identical with the registered office; or

(2) A corporation organized or authorized under RSA 292, RSA 293-A, or RSA 294-A whose business office is identical with the registered office; or

(3) A limited liability company formed or authorized under this act, or a professional limited liability company formed or authorized under RSA 304-D whose business office is identical with the registered office; or

(4) A limited liability partnership formed or authorized under RSA 304-A:44 whose business office is identical with the registered office.

II. A New Hampshire DAO may change its registered office or registered agent, or both, by filing with the secretary of state a statement setting forth:

(a) The name of the New Hampshire DAO;

(b) The street address of its current registered office;

(c) If the street address of its registered office is to be changed, the street address to which the registered office is to be changed;

(d) The name and address of its current registered agent;

(e) If its registered agent is to be changed, the name and address of its successor registered agent; and

(f) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

III. A registered agent of a New Hampshire DAO may resign as registered agent by signing and filing a written notice of resignation with the secretary of state. The secretary of state shall mail a copy of the notice to the New Hampshire DAO at its principal office.

IV. The appointment of the registered agent shall terminate 31 days after filing of the notice of resignation with the secretary of state or on the appointment of a successor registered agent, whichever occurs first. The notice of resignation may include a statement that the registered office is also discontinued.

V. If a registered agent changes its address to another place in this state, it may change the address of the registered office of any New Hampshire DAO for which it is a registered agent by
filing a statement with the secretary of state as required by paragraph II, except that the statement need be signed only by the registered agent. The statement shall recite that a copy of it has been mailed to the limited liability company.

VI. The registered agent shall have the status as a legal representative of the New Hampshire DAO as provided by RSA 301-B:19.

301-B:10 Powers.

I. Unless the bylaws provide otherwise, every New Hampshire DAO shall have the power to do all things necessary or convenient to carry out its activities, business, and internal affairs, including the capacity to sue and be sued in its own name, and the power to acquire, own, hold, develop, or dispose of property, both movable and immovable.

II. Except as provided in paragraph III, the validity of an action taken by a New Hampshire DAO may not be challenged on the ground that the New Hampshire DAO lacks or lacked power to act.

III. A New Hampshire DAO's power to act may be challenged:

(a) In a proceeding by a participant against the New Hampshire DAO to enjoin the act;

(b) In a proceeding by the New Hampshire DAO, directly, derivatively, or through a receiver, trustee, or other legal representative, against an incumbent or former participant or administrator of the New Hampshire DAO; or

(c) In a proceeding by the attorney general under RSA 301-B:22 to deregister the New Hampshire DAO.

IV. In a participant proceeding under RSA 301-B:10, III(a) to enjoin an unauthorized act of a New Hampshire DAO, the court may enjoin or set aside the act if to do so is equitable and if all affected persons are parties to the proceeding, and the court may award damages for loss, other than anticipated profits, suffered by the New Hampshire DAO or another party because of enjoining the unauthorized act.

301-B:11 Liability of Participants and Administrators to Third Parties.

I. Except as provided in paragraph II:

(a) The debts, obligations, and liabilities of a New Hampshire DAO, whether arising in contract, tort, or otherwise, shall be solely the debts, obligations, and liabilities of the New Hampshire DAO.

(b) No participant, administrator, or legal representative of a New Hampshire DAO shall be obligated personally for any such debt, obligation, or liability of the New Hampshire DAO solely by reason of being a participant or acting as an administrator or legal representative of the New Hampshire DAO.

(c) A New Hampshire DAO shall meet its liabilities through its on-chain and off-chain assets.
(d) Except as provided in paragraphs II, III or IV, participants, administrators or legal representatives of a New Hampshire DAO shall only be responsible for providing on-chain contributions that they have committed to the New Hampshire DAO, as required by the bylaws. If the New Hampshire DAO exhausts its assets, its participants, administrators and legal representatives shall not be liable for excess liabilities of the New Hampshire DAO.

II. A participant or administrator may agree under the New Hampshire DAO bylaws or other agreement to be personally liable for any or all of the debts, obligations, and liabilities of the New Hampshire DAO.

III. If the New Hampshire DAO refuses to comply with an enforceable judgment, order, or award entered against it, the participants who voted against compliance shall be liable for any monetary payments ordered in the judgment, order, or award.

IV. Paragraph I shall not affect the personal liability of a participant, administrator or legal representative in tort for their own wrongful act or omission, but such a person shall not be personally liable for the wrongful act or omission of any other member of the New Hampshire DAO.

301-B:12 Notice of Registration.

I. In order to register as a New Hampshire DAO under this act, one or more authorized persons, acting in the capacity of administrator or legal representative, shall deliver a notice of intent to register as a New Hampshire DAO to the secretary of state for filing.

II. The notice of intent to register shall include the following information:

(a) The name of the New Hampshire DAO, which shall comply with the requirements of RSA 301-B:13; and

(b) The name and address of the registered agent for service of process required to be maintained by RSA 301-B.

III. The notice of registration required under this section shall not be effective until payment of a filing fee of $100.

IV. If the secretary of state determines the proposed DAO name available, the notice otherwise complete, and the required fee paid, the secretary shall file the notice in its records and issue a Legal Entity Identifier (LEI) number to the New Hampshire DAO.

301-B:13 Name Requirements.

I. The name of each New Hampshire DAO as set forth in its notice of organization shall end with the words "decentralized autonomous organization" or the abbreviation "D.A.O." “DAO” or any other similar abbreviation.

II. Except as authorized by paragraph IV, V, or VI, a DAO name, based upon the records of the secretary of state, shall be distinguishable from, and not the same as:

(a) The name of an entity incorporated, authorized, formed, or registered to do business in this state under RSA 292, RSA 293-A, RSA 293-B, RSA 294-A, RSA 301, RSA 301-A, RSA 304-A, RSA 304-B, this act, RSA 305-A, RSA 349, RSA 383-C, RSA 383-D or RSA 383-E;
(b) A name reserved under RSA 293-A, RSA 293-B, RSA 304-A, RSA 304-B, or this act;
(c) The fictitious name of another foreign entity authorized to transact business in this state;
(d) The name of an agency or instrumentality of the United States or this state or a subdivision of this state, including names reserved pursuant to RSA 53-E;
(e) The name of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of the political organization; or
(f) The name "farmers' market" unless the entity meets the definition of "farmers' market" established in RSA 21:34-a.

III. Except as authorized by paragraphs IV, V, and VI, a decentralized autonomous organization name, based upon the records of the secretary of state, is not distinguishable upon the record if the only distinguishing factor to the DAO name is:
   (a) An article.
   (b) Plural forms of the same word.
   (c) Phonetic spelling of the same name or word.
   (d) An abbreviation in place of a complete spelling of the name.
   (e) A suffix or prefix added to a word or any other deviation from or derivative of the same word, excluding antonyms and opposites.
   (f) A change in a word or name indicating entity status.
   (g) The addition of a numeric designation, unless consent is granted by the current name holder.
   (h) Differences in punctuation or special characters, unless it changes the clear meaning of the word.
   (i) Differences in whether letters or numbers immediately follow each other or are separated by one or more spaces.
   (j) An Arabic numeral representing a number, a Roman numeral representing the same number, or a word representing the same number appearing in the same position within otherwise identical names.

IV. A decentralized autonomous organization may apply to the secretary of state for authorization to use a name that is not distinguishable from, or is the same as, one or more of the names described in paragraph III as determined from review of the records of the secretary of state.

V. The secretary of state shall authorize use of the name applied for if:
   (a) The holder or holders of the name as described in paragraph III gives written consent to use the name that is not distinguishable from the name of the applying DAO; or if the name is the same, one or more words are added to the name to make the new name distinguishable from the other name; or
(b) The other entity consents to the use in writing and submits an undertaking in a form satisfactory to the secretary of state to change its name to a name that is distinguishable from, and not the same as, the name of the applying DAO; or

(c) The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

VI. A decentralized autonomous organization may use the name, including the fictitious name, of another domestic or foreign entity that is used in this state if the other entity is incorporated, authorized, formed, or registered to transact business in this state and the proposed user DAO:

(a) Has merged with the other entity;

(b) Has been formed by reorganization of the other entity; or

(c) Has acquired all or substantially all of the assets, including the name, of the other entity.

VII. Nothing in this act is intended to prohibit the owner or owners of a trade name registered under RSA 349 from forming a decentralized autonomous organization under the same name as that trade name.

301-B:14 Registry of New Hampshire DAOs.

I. The registry administrator shall maintain a registry of New Hampshire DAOs that have satisfied the listing requirements set forth in RSA 301-B:15. The registry shall be referred to as the New Hampshire DAO registry.

II. With respect to each New Hampshire DAO listed in the New Hampshire DAO registry, the information contained in the registry shall be limited to the name and registered domain address of the New Hampshire DAO, the web address where the New Hampshire DAO's open source code may be accessed, and the name, physical address and e-mail address of the New Hampshire DAO's registered agent.

III. The registry administrator shall publish the New Hampshire DAO registry on a website established by the registry administrator for such purpose. The registry administrator shall update the registry to reflect all changes to the registry. The website required by this paragraph shall be available for review by the public.

IV. Listing of a DAO on the New Hampshire DAO registry shall be deemed conclusive evidence of the New Hampshire DAO's recognition under this chapter and shall not require any further action, including any method of certification, by the registry administrator, any other accreditation authority, or any other governmental agency.

V. A New Hampshire DAO may request removal from the registry by providing notice of deregistration to the registry administrator.
VI. The registry administrator shall undertake reasonable efforts to establish the New Hampshire DAO registry as a blockchain system.

301-B:15 Registry Listing Requirements.

I. In order to be eligible for listing on the registry as a New Hampshire DAO that is subject to requirements and benefits of this chapter, the DAO must satisfy each of the following listing requirements as of the date of the initial application, and at all times after the date of the application:

(a) The DAO shall be deployed on a permissionless blockchain.

(b) The DAO shall provide a unique public address by which any person can review and monitor the DAO’s activities.

(c) The software code establishing and maintaining the DAO shall be in open-source format in a public forum to allow anyone to review it.

(d) The software code establishing and maintaining the DAO shall have undergone quality assurance testing.

(e) There shall be at least one GUI by which any person can read the value of the key variables of the DAO’s smart contracts and monitor all transactions originating from, or addressed to, any of the DAO’s smart contracts.

(f) The DAO shall have bylaws that satisfy the RSA 301-B:16 and may be publicly accessed using a GUI or public forum.

(g) The DAO shall refer to or provide a communications mechanism accessible by the public that allows a layperson to contact the DAO, and all participants and administrators of the DAO shall be able to access the contents of this mechanism.

(h) The DAO shall refer to or provide a dispute resolution mechanism to resolve any disputes among the DAO’s participants and administrators.

(i) The DAO shall refer to or provide a dispute resolution mechanism to resolve any disputes with third parties that, by their nature, are capable of being settled by alternative dispute resolution.

(j) The DAO shall be a decentralized network at all times.

(k) The DAO shall have a decentralized governance system at all times.

II. A DAO shall, upon meeting the listing requirements in paragraph I, shall be a New Hampshire DAO that is eligible for the benefits, and subject to the requirements, of this chapter.

III. A New Hampshire DAO shall publish at a public address sufficient information and data to permit any person, including the registry administrator or any other accreditation authority, to monitor and evaluate whether the New Hampshire DAO continues to satisfy the listing requirements of paragraph I.

301-B:16 Bylaws.
I. Every New Hampshire DAO shall have bylaws that set forth the purposes, powers, and rules and procedures for the internal organization, governance, capital requirements and other procedures of the New Hampshire DAO.

II. The bylaws shall accurately reflect the rules, terms, instructions and conditions of the software code that governs the smart contracts and permissionless blockchain network of the New Hampshire DAO, including the rules and regulations that govern the procedures followed by the New Hampshire DAO and the interaction of its participants, administrators and legal representatives. Except to the extent that it is inconsistent with this chapter, or any other applicable law, the New Hampshire DAO’s bylaws may set forth any one of the following:

   (a) Any provision defining, limiting, or regulating capital contributions;
   (b) Any provision defining, limiting, or regulating a developer’s rights, powers and interests in the New Hampshire DAO;
   (c) Any provision defining, limiting, or regulating the manner in which the New Hampshire DAO’s property may be applied, Decentralized or accumulated, including maintenance of one or more treasuries;
   (d) Any provision imposing obligations upon participants as a condition of any distribution or other benefit;
   (e) Any provision defining, limiting or regulating the duties, powers and liabilities of one or more administrators or legal representatives of the New Hampshire DAO;
   (f) Any provision regarding the amendment, revocation or restatement of the bylaws of a New Hampshire DAO;
   (g) Any provision regarding the appointment, resignation, and removal of administrators and legal representatives of the New Hampshire DAO; and
   (h) Any provision regarding any other matter that the New Hampshire DAO deems necessary or advisable.

III. The bylaws shall be written in plain language comprehensible by a layperson.

IV. The bylaws shall provide accurate disclosure of all material facts that a reasonable person would consider important in deciding whether or not to become a participant in the New Hampshire DAO.

V. For the purposes of determining the meaning of terms of the bylaws, the terms of the software establishing the blockchain system shall be paramount.

301-B:17 Participants; Governance; Capital; Rights and Obligations of Participants.

I. The bylaws shall specify rules for determining which persons are participants in the New Hampshire DAO.

II. The bylaws shall specify rules establishing the governance rights of participants, exercisable pursuant to tokens or otherwise.
III. If the bylaws provide for meetings of participants, the bylaws shall specify procedures
for providing notice to participants and administrators, allowing participants to make proposals for
consideration at a meeting, and establishing quorum and mechanisms for voting on various actions.
The bylaws may authorize participants to represent themselves or be represented by a proxy. This
act does not require a New Hampshire DAO to convene a general meeting of participants. This act
does not require physical, in-person meetings, unless set forth in the bylaws.

IV. Voting by participants may be on a per capita, number, profits, financial interest, class,
group, or any other basis, as set forth in the bylaws.

V. No minimum capital requirements shall apply to a New Hampshire DAO. A DAO may
specify in its bylaws rules and procedures for subscription and maintenance of minimum capital
amounts.

VI. The bylaws may provide for classes or groups of participants having such relative rights,
powers and duties as the bylaws may provide.

VII. The bylaws must specify the rules for exiting the DAO that address the consequences of
voluntary and involuntary participant exit on subscriptions and payments they have made.

301-B:18 Administrators.

I. A New Hampshire DAO is not required to appoint administrators, including a board of
directors or a trustee. A New Hampshire DAO may specify in its bylaws rules for appointing and
removing administrators and establishing the powers, rights, privileges, immunities, duties and
liabilities of administrators. In the absence of such provisions, all the powers and tasks of
administrators shall be vested in the participants in accordance with the bylaws. An administrator
may or may not be a participant.

II. The voting mechanism for nominating and appointing an administrator shall be set out
in the bylaws.

III. The appointment and authority of an administrator shall be evidenced by an
authorization displayed on a public forum the validity of which shall be verifiable by a valid record
on the blockchain of the New Hampshire DAO.

IV. To the extent that an administrator exercises a power in accordance with the bylaws or
the terms of the administrator's appointment, the administrator's action is binding upon all other
persons.

V. Unless the bylaws provide otherwise, an administrator may resign without liability upon
15 days' written notice to the participants of the New Hampshire DAO.

301-B:19 Legal Representatives.

I. A New Hampshire DAO may authorize one or more legal representatives to undertake
tasks that cannot be achieved on-chain, including the New Hampshire legal representative as
required by RSA 301-B:9. The scope of authority delegated to legal representatives shall be set forth
in the bylaws and may be limited to specific tasks, or may be more general.
II. Legal representation of the New Hampshire DAO shall be carried out by a legal representative in the manner provided in the bylaws and as evidenced by an authorization displayed on a public forum the validity of which shall be verifiable by a valid record on the blockchain of the New Hampshire DAO.

III. A legal representative shall not be personally liable for acts done on behalf of the New Hampshire DAO.

IV. A New Hampshire DAO shall appoint at least one legal representative who shall be the registered agent of the New Hampshire DAO in accordance with RSA 301-B:9.

301-B:20 No Implicit Fiduciary Status. Developers, participants, administrators or legal representatives of a DAO shall not be imputed to have fiduciary duties towards each other or third parties solely on the basis of their role, unless the person acting in such a role explicitly holds itself out as a fiduciary, or the bylaws expressly provide that such person is a fiduciary with respect to each power granted to such person.

301-B:21 Defense of Reliance on Records of the New Hampshire DAO. In any matter relating to the New Hampshire DAO, a developer, participant, administrator or legal representative shall be fully protected from liability to the New Hampshire DAO and to the participants if the person acting in such a role relies, in a manner consistent with contractual good faith, on the records of the New Hampshire DAO as evidenced by a records displayed on a public forum the validity of which shall be verifiable by a valid record on the blockchain of the New Hampshire DAO.

301-B:22 Exculpations. The bylaws may provide for the limitation or elimination of any and all liabilities for breach of contract and breach of duties, including fiduciary duties, of a developer, participant, administrator, legal representative or other person to a New Hampshire DAO or to another participant or administrator, or to another person that is a party to or is otherwise subject to the bylaws; provided that the bylaws may not limit or eliminate liability for any act or omission that constitutes a violation of the implied contractual covenant of good faith and fair dealing.

301-B:23 Indemnification.

I. Except as provided in paragraph II, and subject to such standards and restrictions, if any, as are set forth in its bylaws, a New Hampshire DAO may, and shall have the power to, indemnify any participant or administrator or other person made a party to a proceeding or threatened to be made a named defendant or respondent in a proceeding because the participant, administrator, or other person acted on behalf of the New Hampshire DAO, against liability for a judgment, settlement, penalty, fine, including an excise tax assessed with respect to an employee benefit plan, or reasonable expenses incurred with respect to a proceeding, if:

(a) The participant, administrator, or person conducted such person's activities himself or herself in accordance with contractual good faith; and
(b) The participant, administrator, or person reasonably believed such person’s conduct was not opposed to the best interest of the New Hampshire DAO interpreted in accordance with the stated purpose of the DAO.

II. A New Hampshire DAO may not indemnify a participant, administrator, or other person under paragraph I:

(a) In connection with a proceeding by or in the right of the New Hampshire DAO in which the person was judged liable to the New Hampshire DAO; or

(b) In connection with any other proceeding charging the person with a breach of the duty of loyalty, whether or not involving action on behalf of the New Hampshire DAO, in which the person was adjudged liable for the breach.

301-B:24  Judicial Deregistration Upon Application by Attorney General. The attorney general may apply to the superior court for a decree of deregistration of a New Hampshire DAO, and the superior court may issue such a decree, in any of the following circumstances:

I. The New Hampshire DAO has procured its registration through fraud.

II. The New Hampshire DAO has exceeded or abused its lawful authority under this act.

III. The New Hampshire DAO has carried on, conducted, or transacted its business in a persistently fraudulent or illegal manner.

IV. The New Hampshire DAO has abused its power contrary to the public policy of the state.

301-B:25  Contentious Forks in the Underlying Blockchain. In the event of a hard fork in the underlying permissionless blockchain:

I. By default, the New Hampshire DAO retains its legal personality and limited liability and the legal representative remains the legal representative of the majority chain and any off-chain assets shall belong to the New Hampshire DAO on the majority chain.

II. The New Hampshire DAO may choose to maintain legal presence on a minority chain if it expresses its intent to do so by public signaling, and in that case any off-chain assets shall belong to the New Hampshire DAO on the selected minority chain.

III. The New Hampshire DAO may liquidate its on-chain assets following a hard fork in order to move those assets to the chosen chain.

IV. Alternatively, the New Hampshire DAO may choose to split into multiple legal entities, each on a separate chain, if it communicates by public signaling:

(a) Its intent to do so, and

(b) There is a definitive distribution of off-chain assets between the majority and minority chains.

301-B:26  DAO Restructuring.

I. In the event that there is not a contentious fork and a New Hampshire DAO’s smart contract is restructured through modification, upgrade or migration, it shall retain its legal personality and limited liability only to the extent that:
HB 645-FN - AS AMENDED BY THE HOUSE
- Page 18 -

(a) The new code of the New Hampshire DAO continues to satisfy all the listing requirements of RSA 301-B:13.

(b) In the event of migration, where the New Hampshire DAO has to be associated with a new unique public address, proper notice is provided by way of public signaling.

II. Failure to meet these requirements shall result in a deregistration of the New Hampshire DAO and loss of legal personality and limited liability effective at the time of restructuring.

III. The New Hampshire DAO restructured in accordance with paragraph I shall be the universal successor of the original DAO and inherit its rights and obligations.

301-B:27 Failure Event. In the case of a failure event:

I. Legal personality and limited liability shall be maintained to the extent necessary to protect New Hampshire DAO members and participants from personal liability.

II. A failure event may trigger liability on the person deploying or upgrading the New Hampshire DAO if that person:

(a) Acted in bad faith; or

(b) Engaged in gross negligence.

301-B:28 Application of General Business Organization Law. The New Hampshire DAO shall be governed by:

I. The bylaws;

II. The provisions of this chapter; and

III. The provisions of RSA 304-C shall apply to New Hampshire DAOs except to the extent that any such provision is inconsistent with any provision of this chapter.

301-B:29 Application of Other Laws. For avoidance of any doubt, a New Hampshire DAO shall be subject to all other applicable laws of the state of New Hampshire, including laws regulating securities activities, banking and financial activities, taxation, and all other provisions of law.

301-B:30 Reserved Power of State of New Hampshire to Alter or Repeal Act. All provisions of this act may be altered from time to time or repealed, and all rights of New Hampshire DAOs, participants, administrators and legal representatives are subject to this reservation.

301-B:31 Secretary of State; Duties. The secretary of state shall:

I. Research and analyze any fees, if applicable, charged by other jurisdictions for registering decentralized autonomous organizations.

II. Review developments in other jurisdictions, including states and international, regarding registering decentralized autonomous organizations.

III. Develop a fee schedule for registering decentralized autonomous organizations in New Hampshire, if the secretary finds such to be applicable.

IV. Consult with outside experts as the secretary deems necessary.

V. Issue a request for proposals to provide the services of the registry administrator as defined in RSA 301-B:5, XXXVI.
Effective Date.

I. RSA 301-B:31 as inserted by section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2025.
AN ACT relative to the establishment of decentralized autonomous organizations as legal entities within the state.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

| Estimated State Impact - Increase / (Decrease) |
|----------------|----------------|----------------|----------------|
|               | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| Revenue       | $0      | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| Revenue Fund(s) | General Fund | Various Government Funds | Various Government Funds |
| Expenditures  | $0      | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| Funding Source(s) | General Fund | Various Government Funds | Various Government Funds |
| Appropriations| $0      | $0     | $0     | $0     |
| Funding Source(s) | None | None | None | None |

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill establishes Decentralized Autonomous Organizations (DAO) within the state. The Department of State indicates it cannot estimate the increase in corporate fee and/or general fund revenue from the $100 registration fee or notice of intent to register filing fee or any additional revenue from the registration fees that are to be determined. Additionally, at this time the Department states it is researching the components of the DAO registry and the estimated annual costs associated with the registry.

The Banking Department indicates this bill provides that a New Hampshire DAO shall be subject to all applicable laws of the State, including without limitation laws regulating banking and financial activities. As such, the Department assumes new businesses organized as DAOs may apply for licensure with the Banking Department. If any such entity receives a license from the Banking Department, it would be required to pay license and examination fees in accordance with New Hampshire law. It is further assumed that, since DAO innovation is evolving rapidly and may present unique regulatory challenges, the Department may need to develop administrative rules that govern the licensure and regulation of entities organized as DAOs.
Because the extent to which new entities organize as New Hampshire DAOs will submit new license or charter applications to the Banking Department is unknown, the Department states the resulting fiscal impact to state revenues in the form of increased licensing or examination fees is indeterminable.

The Department of Justice states this bill empowers the Attorney General to seek the deregistration of New Hampshire DAOs. Taking those actions would likely require the time and attention of attorneys in the Department, potentially in the Consumer Protection and Antitrust Bureaus. It could also require the time and attention of an investigator or paralegal to determine whether such an action was necessary, develop the facts required to decide whether to take action and support any action, and assist in the bringing of any action.

Additionally, one of the possible grounds for deregistration is that the New Hampshire DAO has procured its registration through fraud. Because some of the requirements for registration are technical software requirements (e.g., being “deployed on a permissionless blockchain,” maintaining “open-source format” software code, having completed “quality assurance testing” on the DAO’s software code, etc.), determining whether a New Hampshire DAO “procured its registration through fraud” could require some level of expertise in the underlying software requirements. Because of the role that software code, blockchain technology, and cryptography play in the functioning of a New Hampshire DAO, understanding how those elements operate could also play a role in determining whether other grounds for deregistration exist. In order to conduct investigations relative to the software code, blockchain technology, or cryptography, the Department would likely need to hire additional personnel with applicable expertise in the relevant areas. The Department indicates, because it is not possible to know how many, if any, deregistration investigations or actions would be necessary, or the role that software code, blockchain technology, or cryptography will play in investigations relating to deregistration, the Department is uncertain what resources would be needed to satisfy the requirements of this bill and is not able to estimate the impact on expenditures.

The Judicial Branch states it is not possible to estimate how the bill will impact court operations, however litigation and court rulemaking are expected to increase.

AGENCIES CONTACTED:

Department of Justice, Secretary of State, Banking Department and Judicial Branch
Amendment to HB 645-FN

Amend RSA 301-B:2 as inserted by section 1 of the bill by replacing it with the following:

301-B:2 Purpose of this Act. The general court finds that the state’s economy and its citizens will benefit from, and the development of business and investment in New Hampshire will be facilitated by, making available a unique legal entity form that can provide a framework that enhances the capacity of decentralized autonomous organizations to conduct commercial, social, educational, mutualistic, or social activities within both the digital and physical spheres. The general court finds that the statutory recognition of decentralized autonomous organizations in accordance with this act will introduce greater certainty for treatment of decentralized autonomous organizations under state law, particularly with respect to the rights and duties of their developers, participants, and administrators. It is the intent of the general court to give the constituent developers, participants, and administrators of decentralized autonomous organizations the widest discretion to establish mechanisms and structures that will support sound development and innovation for such entities consistent with the provisions of this chapter.

Amend RSA 301-B:5, XI as inserted by section 1 of the bill by replacing it with the following:

XI. “Developer” means a person involved in the development or maintenance of the DAO or the blockchain protocol, whether through the contribution of software code, design, business, legal, or ancillary support.

Amend RSA 301-B:5, XII as inserted by section 1 of the bill by replacing it with the following:

XII. “Digital asset” means any fungible or non-fungible digital representation of value, unit of value, voting, or usage right that can be exclusively possessed and transferred, person to person, without necessary reliance on an intermediary, and is recorded on a blockchain system.

Amend RSA 301-B:5, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. “GUI” means a graphical user interface, publicly accessible by all DAO participants, whether hosted centrally via location-based storage or via decentralized or distributed storage,
through which users interact with computer software via visual indicator representations. This can include, but is not limited to, a web interface or standalone application.

Amend RSA 301-B:5, XXVII as inserted by section 1 of the bill by replacing it with the following:

XXVII. “On-chain contribution” refers to any token segregated and locked in one of the DAO’s smart contracts for the purpose of participant buy-in to the DAO and the provision of withdrawable capital.

Amend RSA 301-B:5, XXXVI - XLII as inserted by section 1 of the bill by replacing them with the following:

XXXVI. “Quality assurance testing” means that the software code of the DAO has undergone security review according to industry standards including standards that may be designed, developed, and tested by the registry administrator.

XXXVII. “Registry administrator” means the person, including the university of New Hampshire Interoperability Laboratory, or any other entity authorized by the secretary of state in accordance with this act to administer the New Hampshire DAO registry.

XXXVIII. “Registered Agent” means the person appointed by a New Hampshire DAO in accordance with RSA 301-B:9.

XXXIX. “Registered e-mail address” means with respect to any person a unique designation for an electronic mailbox that sends and receives electronic messages or e-mails.

XL. “Related digital asset” means a digital asset that is intrinsically linked to a blockchain system, including: (a) where the digital asset’s value is reasonably expected to be generated by the programmatic functioning of the blockchain system; (b) where the digital asset represents voting rights with respect to the blockchain system; or (c) where the digital asset is issued through the programmatic functioning of the blockchain system.

XLI. “Smart contract” is software code deployed in a blockchain system that consists of a set of predefined and deterministic instructions and conditions that may be executed in a decentralized manner by the participants in the underlying blockchain network. Execution of a smart contract shall produce a change in the blockchain state.

XLII. “Token” means a record on a permissionless blockchain, typically representing an asset, participation right, or other entitlement.

XLIII. “Transaction” means a new entry in a permissionless blockchain, often but not exclusively, recording a change in ownership of an asset or participation in a DAO.

Amend RSA 301-B:6, II as inserted by section 1 of the bill by replacing it with the following:
II. The liability of a participant as a participant and of an administrator as administrator for the debts, obligations, or other liabilities of a New Hampshire DAO.

Amend RSA 301-B:7, I as inserted by section 1 of the bill by replacing it with the following:

I. A New Hampshire DAO shall exist as a separate legal entity distinct from its developers, participants, administrators, and legal representatives and shall at no time be deemed a partnership under RSA 304-A:6.

Amend RSA 301-B:9, I(b)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) A limited liability company formed or authorized under RSA 304-C, or a professional limited liability company formed or authorized under RSA 304-D whose business office is identical with the registered office; or

Amend RSA 301-B:9, V as inserted by section 1 of the bill by replacing it with the following:

V. If a registered agent changes its address to another place in this state, it may change the address of the registered office of any New Hampshire DAO for which it is a registered agent by filing a statement with the secretary of state as required by paragraph II, except that the statement need be signed only by the registered agent. The statement shall recite that a copy of it has been mailed to a New Hampshire DAO.

Amend RSA 301-B:10, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) In a proceeding by the attorney general under RSA 301-B:24 to deregister the New Hampshire DAO.

Amend RSA 301-B:11, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Paragraph I shall not affect the personal liability of a participant, administrator, or legal representative in tort for their own wrongful act or omission, but such a person shall not be personally liable for the wrongful act or omission of any other participant, administrator, or legal representative of the New Hampshire DAO.

Amend RSA 301-B:24 as inserted by section 1 of the bill by replacing it with the following:
301-B:24 Judicial Deregistration Upon Application by Attorney General. The attorney general may apply to the superior court for a decree of deregistration of a New Hampshire DAO, and the superior court may issue such a decree, in any of the following circumstances:

I. The New Hampshire DAO has procured or maintained its registration through fraud.

II. The New Hampshire DAO has exceeded or abused its lawful authority under this act.

III. The New Hampshire DAO has carried on, conducted, or transacted its business in a persistently fraudulent manner or in a manner that violates clearly established laws.

IV. The New Hampshire DAO has abused its power contrary to the public policy of the state.

Amend RSA 301-B:27, I as inserted by section 1 of the bill by replacing it with the following:

I. Legal personality and limited liability shall be maintained to the extent necessary to protect New Hampshire DAO participants, administrators, and legal representatives from personal liability.

Amend RSA 301-B:31 as inserted by section 1 of the bill by replacing it with the following:

301-B:31 Secretary of State; Duties. The secretary of state shall issue a request for proposals for the development and administration of the New Hampshire DAO registry as described in RSA 301-B:14. The request for proposals shall have such terms as the secretary of state shall deem necessary and appropriate to carry out the provisions of RSA 301-B. The request for proposals should include a requirement that responses to the request should identify an appropriate registration and annual fee for registrants that would be sufficient over time to defray the costs of establishing and administering the registry. The secretary of state shall select one or more of the respondents to the proposal and shall negotiate a contract with such respondent or respondents that provides for establishment and administration of the registry; provisions for administering any deregistration processes including providing technical assistance to the attorney general in connection with a judicial deregistration under RSA 301-B:24; and such other items as the secretary of state shall deem necessary and appropriate. In accordance with the contracts entered into, the secretary of state is authorized to set registration and annual fees and pay registry establishment, maintenance, and administration costs. The secretary of state shall prepare reports of the progress under the process described in this section every 6 months following the effective date of this section, and submit the reports to the governor, the senate president, and the speaker of the house of representatives.

Amend the bill by replacing section 2 with the following:
Effective Date.

I. RSA 301-B:31 as inserted by section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2025.
The bill:

I. Establishes regulations and the legal framework and operational guidelines for decentralized autonomous organizations (DAOs) in the state.

II. Covers provisions on judicial deregistration, forks in blockchains, restructuring, failure events, and the application of general business organization law and other relevant laws.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/12/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Commerce and Consumer Affairs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HJ 3 P. 24</td>
</tr>
<tr>
<td>02/01/2023</td>
<td>H</td>
<td>Public Hearing: 02/08/2023 02:15 pm LOB 302-304</td>
</tr>
<tr>
<td>02/23/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 03/07/2023 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>02/23/2023</td>
<td>H</td>
<td>Executive Session: 03/08/2023 01:15 pm LOB 302-304</td>
</tr>
<tr>
<td>03/13/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>08/30/2023</td>
<td>H</td>
<td>==CANCELED== Subcommittee Work Session: 09/06/2023 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>09/06/2023</td>
<td>H</td>
<td>==RESCHEDULED== Subcommittee Work Session: 09/20/2023 10:00 am LOB 302-304 HC 36</td>
</tr>
<tr>
<td>10/04/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 10/17/2023 10:00 am LOB 302-304 HC 40</td>
</tr>
<tr>
<td>10/17/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 11/08/2023 10:00 am LOB 302-304 HC 42</td>
</tr>
<tr>
<td>10/17/2023</td>
<td>H</td>
<td>==RECESSED== Executive Session: 11/08/2023 01:30 pm LOB 302-304 HC 42</td>
</tr>
<tr>
<td>11/08/2023</td>
<td>H</td>
<td>==CANCELED== Executive Session: 11/15/2023 11:00 am LOB 302-304 HC 42</td>
</tr>
<tr>
<td>11/16/2023</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2023-2327h 11/08/2023</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Vote 17-2; RC) HC 49 P. 25</td>
</tr>
<tr>
<td>11/16/2023</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2327h: AA VV 01/03/2024 HJ 1 P. 76</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2327h: MA DV 340-33 01/03/2024 HJ 1 P. 76</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Commerce; SJ 5</td>
</tr>
<tr>
<td>03/19/2024</td>
<td>S</td>
<td>Hearing: 03/26/2024, Room 100, SH, 10:30 am; SC 12</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1817s, 05/16/2024, Vote 3-1;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SC 19</td>
</tr>
</tbody>
</table>
HB 645-FN, relative to the establishment of decentralized autonomous organizations as legal entities within the state.

**Hearing Date:** March 26, 2024

**Time Opened:** 10:37 a.m. **Time Closed:** 11:29 a.m.

**Members of the Committee Present:** Senators Gannon, Ricciardi, Soucy and Chandley

**Members of the Committee Absent:** Senator Innis

**Bill Analysis:** This bill establishes decentralized autonomous organizations within the state.

**Sponsors:**
- Rep. Ammon
- Rep. Osborne
- Sen. Murphy
- Rep. Berezhny
- Rep. Potucek
- Sen. Avard

**Who supports the bill:** Representative Keith Ammon, Thomas Connolly (Secretary of State), Eric Forcier (Secretary of State), Bill Ardinger, Jeffrey Lapak (University of New Hampshire), Eric Pauer

**Who opposes the bill:** Janet Lucas, Daniel Richardson

**Who is neutral on the bill:** Kevin Scura (NH Department of Justice)

**Summary of testimony presented in support:**

**Representative Keith Ammon**

- This bill passed the House on a bipartisan vote of 340 to 33.
- This bill was a recommendation from the Governor’s Commission on Cryptocurrency and Digital Assets.
- Decentralized autonomous organizations (DAO) are collective actions by a group of people on the internet, which is recorded on a blockchain.
- DAOs are a new type of governance structure that is occurring internationally.
- DAOs are algorithm governed corporations that have maximum transparency and democratic values. Every member has a governing vote, and everything is on the blockchain. How decisions are made is programmed into the blockchain.
• Other states have considered similar legislation, such as Vermont, Wyoming, Utah, and Texas.
• Representative Ammon said the House Commerce Committee and experts have worked on this bill for at least 15 months.
• Senator Soucy asked about the changes made in the amendment.
  o Representative Ammon said the amendment would make three changes. First, it would change two definitions based on feedback from legal experts in the field. Second, it would clarify that it is not a partnership, which is important for liability and tax purposes. Finally, it would give the Secretary of State’s (SOS) Office explicit authority to set-up a registry. The blockchain would likely record all public facings of DAOs. It would be likely the SOS would have to contract to set-up the registry, so they would be given that authority.
• Senator Ricciardi asked how ownership of intellectual property that is generated or acquired would be ensured.
  o Representative Ammon said the blockchain is open source, so there is no intellectual property held besides tokens. Each line of code could be copied by anyone.
• Senator Ricciardi said participants are assumed to have partial ownership; therefore, each member can contribute to the underlying protocol. For the purposes of privacy, this can make it difficult to determine who owns and controls data. If DAOs are decentralized and its members are anonymous, she asked how this bill would work with existing data and privacy laws.
  o Representative Ammon said participation in DAOs is voluntary, and they are already happening. This bill would allow DAOs to interface with the legacy system to enable them to hire and fire employees, sue or be sued, or other things that can be done by a corporation. It is possible for an individual to be pseudo-anonymous. Generally, however, DAOs operate in the public space. If an individual would like to be completely private, they do not have to participate.
• Senator Chandley asked what would be lost if this bill were not passed.
  o Representative Ammon said Delaware became the headquarters for incorporating a business and those filing fees have helped to support the state. While other states have tried to establish DAOs, this bill would take a different approach to attract economic activity to the state. While this bill is related to cryptocurrency, it is more about functionality that is enabled by a blockchain instead of a token with an absolute value.
• Representative Ammon clarified that DAOs could continue to operate without this legislation.
• Representative Ammon acknowledged the concerns raised by the Department of Justice on their capability to investigate fraud. There is a company, TRM Labs, that can do a chain analysis and they have an algorithm to find fraud on blockchains. They provide state governments with a free license.
Representative Ammon said the bill needed to move forward to protect consumers, while also encouraging positive innovation.

**Thomas Connolly, Assistant Secretary of State, and Eric Forcier, Deputy Secretary of State, New Hampshire Secretary of State’s Office**

- Mr. Connolly said they supported the bill and the amendment. They worked with the prime sponsor and the House Commerce Committee to address concerns.
- Businesses on the internet need to have a registered agent in the state and a legal representative in the state who can act on their behalf. From a consumer protection perspective, Mr. Connolly said there would be accountability.
- Mr. Connolly said the concept of an online registry would meet the needs of the customer base.
- While this would be unchartered territory, they are willing to work with experts on the function of the registry and the cost to build it.
- Mr. Forcier said provisions in the bill specify that DAOs are subject to securities, banking, and financial activities laws.
- **Senator Soucy** asked where the provision was.
  - Mr. Forcier said RSA 301-B:29.
- Senator Soucy understood the SOS would bid for proposals for the registry if the amendment were adopted. She asked if this type of registry were unique or if there were companies doing other registries that could be adapted.
  - Mr. Connolly said there were numerous vendors that provide additional registries and software to secretary of state’s offices. They are interested in allowing DAOs to transact with their office.
- **Senator Ricciardi** said there are two structures, wrapped and unwrapped. Unwrapped is a form of organization that is not recognized by law. She asked if DAOs would be wrapped or unwrapped.
  - Mr. Forcier said this bill sought to establish their legal entity status in the state.
- **Senator Ricciardi** understood it sought to make them legal, but she asked what type of structure DAOs would have in this bill.
  - Mr. Connolly deferred to Mr. Ardinger.
- **Senator Ricciardi** said every offer or sale of a security must be registered or subject to an exemption under the Securities Act of 1933 and the Howey Test. She asked how this bill would fall into this category.
  - Mr. Forcier said DAOs would be required to comply with New Hampshire securities laws. The definition for securities is broad, and it includes investment contracts under the Howey Test. While these laws are broad, there is case law that does not change the Bureau of Securities role in regulating securities. If DAOs choose to issue securities, they are subject to those laws. There are certain exemptions for cryptocurrencies, specifically for consumptive tokens.
**Bill Ardinger**

- Attorney Ardinger clarified he was testifying on behalf of himself, not his clients.
- Attorney Ardinger served as Chair of the Commission on Cryptocurrency and Digital Assets.
  - In December 2022, the final report was supported by all members; however, state agencies abstained.
  - In their final report, the Commission recommended closing existing gaps.
  - In their findings, they concluded that the technology is real; the technology has many possible uses, including benefits to humans; and New Hampshire should be a leader by finding smart and modern answers to address gaps.
- DAOs are a newly developing technology, so there are gaps in the current legal system.
- Given the gaps and newness of the technology, there are individuals who think the laws do not apply to them. Under this bill, the state would provide an answer that is clear, flexible, and modern. When the modern legal system is solid, there is an ability to innovate and develop economic growth. When it is not solid, there is an ability to skirt around jurisdictions.
- New Hampshire is aware of the possible benefits of this developing technology. A culture should be built that encourages entrepreneurs, developers, and innovators to work with the state.
- If this bill were not passed, New Hampshire would lose its recognition of having a culture of positive innovation.
- Establishing a structure using existing and traditional entities, such as LLCs or nonprofit corporations, would be considered wrapped. However, Attorney Ardinger said these do not mix together.
- An unwrapped structure would be individuals on the internet who have built a decentralized algorithm to allow members to come onto their system and conduct their business with software code.
- This bill would close the gap between these structures by providing a legal framework. Also, it would recognize a unique and revolutionary aspect of how humans are organized.
- States, such as Vermont, have built DAOs similar to LLCs.
- Attorney Ardinger said the wrapper for this structure has to interoperate and interconnect with the traditional legal system in an effective manner.
- All of the activities conducted by DAOs are public, auditable, and secure. Currently, they cannot access any privacy protections, including trademarks or patents.
- This bill would create a legal personhood status for the organization. If this structure can work well, it allows for better interoperability with traditional protections for data privacy. The open-source software, however, cannot be protected because the code would be open to changes.
• If the requirements of this bill are met, and they have registered with the SOS, DAO status would be granted. It would allow an entity, if it chooses, to develop transactions to own gold or conduct nonprofit activities for the benefit of their members.
• Since securities and banking laws would apply to these entities, Senator Soucy asked if they would be subject to consumer protection requirements.
  o Attorney Ardinger said some developers in this space have believed they are not subject to existing laws because the technology is new. If an entity performs activities covered by law, such as issuing securities or tokens that are profit sharing, then they are subject to those laws. In RSA 301-B:29, it states “For avoidance of any doubt, a New Hampshire DAO shall be subject to all other applicable laws of the state of New Hampshire, including laws regulating securities activities, banking and financial activities, taxation, and all other provisions of law.”
• The introduced amendment would provide the SOS with the power to move forward with a registry. Since no registry exists, the SOS would be responsible for developing it.
• This bill is modeled after a similar approach that the Legislature took on Section 529 College Savings Plans. At that time, there was no model on how to implement tax powers. Through the RFP process, however, answers were provided.
• Attorney Ardinger emphasized the intent of the amendment was to have a comprehensive RFP that would produce a registry that would be effective.

Jeffrey Lapak, Staff Member, University of New Hampshire

• Mr. Lapak said they could provide workforce development in this space by providing a home for DAOs.
• Given there are technologies that would support a registry being developed, the InterOperability Lab would move forward with a proposal to the SOS to support registry activity.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Kevin Scura, Assistant Attorney General, Consumer Protection and Antitrust Bureau of the New Hampshire Department of Justice

• As drafted, this bill could create confusion or difficulties.
• Under RSA 301-B:24, the Attorney General’s (AG’s) Office could seek deregistration under certain circumstances; however, there are two unaddressed issues.
First, the AG’s Office could seek deregistration if a DAO “procured its registration through fraud.” Registration requirements include it being deployed on a blockchain, having an open-source format, undergoing quality assurance testing, providing a dispute resolution mechanism, and having a centralized network and governance system. Since the AG’s Office does not have the ability to police and enforce these technical aspects, they would have to hire additional personnel. It would be important that registry administrators understand their responsibilities to conduct or participate in investigations related to deregistration.

Second, there is uncertainty over what the deregistration process would look like. The language used is similar to RSA 304-C, which is the Limited Liability Companies Act.

- Attorney Scura said there are differences between LLCs and DAOs.
- Attorney Scura said cryptocurrency has historically been involved in fraud for a variety of reasons, including the irreversible nature of transactions, the pseudo-anonymous nature of the blockchain, and the technical expertise required to track transactions.
- This bill should provide certainty on how DAOs will be treated under state law. There is uncertainty over the standard of proof, intent requirements, whether a DAO has procured registration through fraud, and what it would mean for a business to operate in a persistently fraudulent manner. Since these actions might be more common with DAOs, the Legislature should provide concrete guidance on situations that could result in deregistration.
- Procedures are not provided if DAOs fail to meet ongoing registration requirements.
- In RSA 301-B:15, III, DAOs are required to maintain an address that allows registry administrators and others to monitor and evaluate whether requirements are satisfied. Other requirements include a decentralized network (RSA 301-B:15, III(j)) and a decentralized governance system (RSA 301-B:15, III(k)).
- If DAOs fail to meet requirements, Attorney Scura asked if they would be delisted. If they are delisted, he asked how it would work.
- If requirements are not satisfied, Attorney Scura asked if DAOs could challenge the determination. He also asked if registry administrators have an ongoing obligation to monitor DAOs, and how often do they have to monitor them.
- Attorney Scura said the Charitable Trust Unit raised concerns as well.
  - If an entity has formed for charitable purposes under RSA 301-B:2, it would be required to register with the Unit (RSA 728) and file annual reports.
  - When registering, an entity must produce documentation and information that could be inconsistent with the structure of DAOs. They must have articles of agreement, bylaws, dissolution provisions, and more. Since
governing documents are computer code, those would not satisfy this requirement.

- Charities are required to provide the names, home addresses, personal telephones, and personal email addresses of the governing board. This information is not disclosed to the public. DAOs might have difficulty satisfying this requirement if they have a large and frequently changing roster of members.

- If an entity has formed as a charity, the persons involved in the governance cannot own the assets. Buy ins or financial distribution to participants would be inconsistent with the governance of charitable trusts. As a result, this could create confusion or inconsistency between DAO participants rights and fiduciary responsibilities under RSA 7.

- Under RSA 7:19-a, charities are required to adopt conflict of interest policies. The Unit is concerned because the roster of persons involved could be large and changing.

- Upon dissolution, RSA 301-B:7, V would allow DAOs to distribute remaining assets to their participants. This is prohibited under current law unless it is provided to another charity or government.

- Attorney Scura said there are some mistakes in the use of defined terms throughout the legislation. He said references referring to LLC members might want to be replaced with references to DAOs or DAO developers, administrators, or participants. These references include RSA 301-B:5, XVI; RSA 301-B:5, XXVII; RSA 301-B:6, II; RSA 301-B:9, I(b)3; RSA 301-B:9, V; RSA 301-B:11, IV; and RSA 301-B:27, I.

- Attorney Scura said RSA 301-B:10, III contained a cross reference to deregistration in RSA 301-B:22, but it should be RSA 301-B:24.

- Senator Soucy asked if the concerns about fraud came from complaints they have received.
  - Attorney Scura said they have received complaints, particularly from elderly victims. The Bureau of Elder Abuse has seen cryptocurrency scams against the elderly.

- Senator Soucy asked if these scams utilize Bitcoin or cryptocurrency kiosks.
  - Attorney Scura said kiosks are used sometimes, but they have seen scams outside of them. Typically, scams targeting elderly victims involve kiosks.
HOUSE BILL 1076-FN

AN ACT relative to wine manufacturer licenses and relative to on-premises licenses for beverage manufacturers.

SPONSORS: Rep. Hunt, Ches. 14

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill enables a wine manufacturer licensee to hold an on-premises license on the premises of the wine manufacturer facility or on the premises of the wine manufacturer retail outlet.

This bill enables the holder of a beverage manufacturer license to have an on-premise license either on the premises of the manufacturing facility or on the premises of the beverage manufacturing retail outlet.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to wine manufacturer licenses and relative to on-premises licenses for beverage manufacturers.

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

1 Wine Manufacturer License. Amend RSA 178:8, VII to read as follows:

VII. The holder of a wine manufacturer license, or designee, may be issued an on-premises license at the discretion of the commission. The annual fee each license issued under this section shall be as required under RSA 178:29. For the purposes of this paragraph, the on-premises license may be on the premises of the manufacturer facility or on the premises of the wine manufacturer retail outlet.

2 Beverage Manufacturer License; Location. Amend RSA 178:12, II to read as follows:

II. The holder of a beverage manufacturer license may be issued one on-premises license [for the manufacturer’s premises], providing all requirements of the license are fulfilled. For the purposes of this paragraph, the on-premises license shall either be on the premises of the manufacturing facility or on the premises of the beverage manufacturing retail outlet. The annual fee for each license issued under this section shall be as required under RSA 178:29.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to wine manufacturer licenses and relative to on-premises licenses for beverage manufacturers.

FISCAL IMPACT:
The Legislative Budget Assistant has determined that this legislation, as amended by the House, has a total fiscal impact of less than $10,000 in each of the fiscal years 2024 through 2027.

AGENCIES CONTACTED:
Liquor Commission
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs</td>
</tr>
<tr>
<td>02/12/2024</td>
<td>H</td>
<td>Public Hearing: 01/11/2024 10:15 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/13/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/21/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 10:30 am LOB 302-304</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0950h (NT) 03/13/2024 (Vote 18-0; CC) HC 12 P. 4</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0950h (NT): AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0950h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Commerce; SJ 8</td>
</tr>
<tr>
<td>04/09/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 100, SH, 10:00 am; SC 15</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1076-FN, relative to wine manufacturer licenses and relative to on-premises licenses for beverage manufacturers.

Hearing Date: April 16, 2024

Time Opened: 10:07 a.m.
Time Closed: 10:10 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi, Innis and Chandley

Members of the Committee Absent: Senator Soucy

Bill Analysis: This bill enables a wine manufacturer licensee to hold an on-premises license on the premises of the wine manufacturer facility or on the premises of the wine manufacturer retail outlet.

This bill enables the holder of a beverage manufacturer license to have an on-premise license either on the premises of the manufacturing facility or on the premises of the beverage manufacturing retail outlet.

Sponsors:
Rep. Hunt

Who supports the bill: Representative John Hunt, Mike Appolo (Appolo Vineyards), Curtis Howland

Who opposes the bill: Kate Frey (New Futures)

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative John Hunt

- This bill would allow wine manufacturers and beverage manufacturers to have the same manufacturing abilities.
- Currently, a beverage or wine manufacturer can only do one thing despite an emergence in microbreweries and micro-wineries.
- Representative Hunt said this bill would allow small manufacturers to have a source of income by becoming an on-premises licensee.
Mike Appolo, Owner, Appolo Vineyards

- Mr. Appolo said his small winery is landlocked. To expand his business, he would be required to move elsewhere. While he could create another winery and pay $100 to the state, he wanted the law to reflect what they were trying to do.

Summary of testimony presented in opposition: None

Neutral Information Presented: None
HOUSE BILL 1178-FN

AN ACT relative to an employee's unused earned time.


COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill requires an employer to pay an employee for unused earned time.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to an employee's unused earned time.

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

1 New Section; Day's Work; Days of Rest; Unused Earned Time. Amend RSA 275 by inserting after section 35 the following new section:

275:35-a Unused Earned Time.

I. An employer that employs 15 or more employees and offers paid earned time to such employees shall comply with the following:

(a) Inform employees in writing of any policy regarding accrual or use of unused earned time and any limits on accrual or use. In the absence of an accrual system, earned time shall be paid on a prorated basis.

(b) Provide a means through which earned time requests and approvals are processed.

(c) Provide employees with an accounting of earned time used and unused earned time remaining.

(d) RSA 275:43, V-a.

II. For the purpose of this section, the terms "earned time," "vacation" or "vacation time," and "paid time off" have the same meaning.

2 New Paragraph; Protective Legislation; Wages. Amend RSA 275:43 by inserting after paragraph V the following new paragraph:

V-a. Notwithstanding RSA 275:43, V, if an employee is separated from an employer, as defined in RSA 275:35-a, I, because the employer's business closed, changed ownership or due to a layoff with no reasonable assurance of the employee being able to return to said employer, up to 30 days of unused paid time off such as vacation, holiday, and personal time, but not sick days, whether earned by accrual or awarded in some other manner shall be considered wages pursuant to RSA 275:42, III and due upon separation from employment pursuant to RSA 275:44.

(a) When an employer does not delineate the types of paid time off awarded to an employee, as described in RSA 275:43, I, the entire balance of unused paid time off shall be prorated upon separation from employment.

(b) In lieu of payment for unused paid time off an employee described in RSA 275:43, V-a, I may agree in writing that their unused paid time off can be carried forward and transferred to their subsequent employer following a change in ownership.

3 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to an employee's unused earned time.

FISCAL IMPACT:  [ ] State  [ ] County  [ ] Local  [ X ] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

None
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2023 and referred to Labor, Industrial and Rehabilitative Services</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/10/2024 11:15 am LOB 206-208</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Executive Session: 02/14/2024 09:45 am LOB 307</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 02/14/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>FLAM # 2024-0783h (Rep. M. Cahill): AA RC 199-179 02/22/2024 LOB 206</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0783h: MA VV 02/22/2024 LOB 206</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 LOB 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/06/2024 02:40 pm LOB 209</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Division Work Session: 03/20/2024 10:00 am LOB 212</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Executive Session: 03/26/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Majority Committee Report: Refer for Interim Study 03/28/2024 (Vote 13-11; RC) HC 14  P. 8</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Minority Committee Report: Ought to Pass with Amendment # 2024-1256h</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Refer for Interim Study: MF RC 188-193 04/11/2024 LOB 6</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1256h: AA DV 197-185 04/11/2024 LOB 6</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1256h: MA RC 198-183 04/11/2024 LOB 6</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Commerce; SJ 10</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 11:00 am; SC 16</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1178-FN, relative to an employee's unused earned time.

Hearing Date: April 23, 2024

Time Opened: 11:00 a.m. Time Closed: 11:46 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi, Innis and Chandley

Members of the Committee Absent: Senator Soucy

Bill Analysis: This bill requires an employer to pay an employee for unused earned time.

Sponsors:

Who supports the bill: Representative Michael Cahill, Senator Rebecca Perkins Kwoka, Representative Heath Howard, Representative Timothy Horrigan, Eric Pauer, Louise Spencer, Carol McMahon, Andrew Jones, Gary Devore, Kim Marie Fudge, Stephanie Thornton, Janet Lucas, Lois Cote, Elizabeth Cleveland, Claudia Istel, Susan Moore, David Holt, Joyce Cardoza, Richard DeMark, Ruth Perencevich, Ann Rettew, Nancy Brennan

Who opposes the bill: Representative Will Infantine, Andrea Chatfield (HR State Council), Nancy Rowell (Skillings & Sons), Gary Abbott (Associated General Contractors), Bruce Berke (NFIB), Tom Prasol (NH Retail Association), Julie Smith, Curtis Howland, Alison Milioto

Who is neutral on the bill: Dave Juvet (BIA), Lexie Rojas (NHDOL), Tracy McGraw (NHDOL)

Summary of testimony presented in support:

Representative Michael Cahill

- This bill does not have a fiscal note.
- In the House, they addressed various concerns.
  - Since the University System of New Hampshire offers a generous package in the event of a layoff, this bill would establish a 30-day cap on vacation time being paid.
Since there are seasonal workers, this bill would be applicable to layoffs where there is no reasonable assurance of returning to work.

- Representative Cahill said he worked with someone who had been laid off after 7 years because there was a slowdown in the business. If an employee left on good terms and they gave a notice, they were paid their time. There was a requirement that an employee had to ask for vacation two weeks in advance. Since she was laid off without notice, she could not request vacation time resulting in her losing $2,350.08.

- In his town, there were 5 employees who lost their time when their company was sold. Representative Cahill said there should be a reasonable expectation an employee is grandfathered in if they have remained. These employees lost several hundred dollars each.

- Representative Cahill said layoffs are more common, and they are beyond an employee’s control and there is no advance notice. He said an employee losing money they have earned was unconscionable.

- This bill applied to companies with 15 or more employees.

- Representative Cahill provided the Committee with information on the frequency of wage claims involving vacation time, which is when someone has contacted the Labor Department to arrange a hearing. On average, 25 percent of wage claims involved vacation pay.

Summary of testimony presented in opposition:

**Representative Will Infantine**

- This bill came out of Committee without recommendation, but it passed the House. The House Finance Committee recommended Interim Study, but the motion was overturned by the House.

- There are different businesses throughout the state, and they have to make changes when the environment changes.

- Companies have begun to shift away from separate vacation and sick time; instead, it is paid time off for an employee to use as they would like.

- Some seasonal employers take 2 to 3 percent of their employees pay through an agreement, and they pay employees for the months the plants are closed.

- Representative Infantine said he had difficulty trying to put everyone into the same box.

- There are employers who want employees to take time off, and they do not want employees to take it as a bonus when they leave.

- If a company has been sold and an employee works for it, Representative Infantine agreed they should have their accrued time carried over to their new employer. If a business is closing, and they have money, Representative Infantine agreed it should be given to the employees.
• Representative Infantine had difficulties with the layoff provision. There are partial layoffs where an employee can go from 40 hours to 20 hours, and New Hampshire Employment Security will pay them some of the difference.
• Representative Infantine said reasonable assurance was too broad. When hearing officers are making decisions, it would be difficult for there to be consistency from one officer to another.
• Representative Infantine provided the Committee with an amendment addressing if businesses are sold or closed down.
• Representative Infantine said employers should do what is best for themselves and their employees. This bill would supersede employee manuals, which he said the Legislature should not do. He also questioned if this bill would supersede private union contracts.

Andrea Chatfield, Legislative Director, HR State Council
• The Council had serious concerns; therefore, they opposed the bill.
• Attorney Chatfield said the state should not legislate the terms and conditions of these policies. She has reviewed thousands of handbooks, and she said no paid time policies are alike.
• Policies take time to administer and craft because they are complex, and they have a lot of details that need to be covered. There are policies with separate buckets for vacation time and personal time. Attorney Chatfield said one of her clients has a sick/personal time bucket.
• Attorney Chatfield said personal time is a fringe benefit that was not intended to be paid out or considered earned; instead, it was granted to someone who needed to be away for a compelling personal reason.
• Vacation, personal, and sick time are considered wages when they are due under RSA 275. When they are due is dependent on what an employer has put in their written policies.
• The Department of Labor regulations require employers to tell employees in written form when benefits are changed.
• Attorney Chatfield said there is a balance under existing law between protecting employees, while also recognizing employers should have flexibility to come up with policies that are appropriate and affordable.
• As the bill is written, Attorney Chatfield raised questions about holiday pay. It is unclear if this bill would require pay for holidays that have not happened or future holidays.
• Some employers have unlimited PTO policies because it increases flexibility and eases administrative burdens. Attorney Chatfield was unsure how this bill would impact this.
• In the absence of an accrual system, this bill would require earned time to be paid on a pro-rated basis.
• Attorney Chatfield understood when a company has changed ownership, employees should not be shortchanged on their accrued time. The last provision
of the bill is problematic because it states an employee may consent to have their time transferred to their subsequent employer. When a company is being bought and sold, potential liability for earned time and fringe benefits are negotiated into the purchase price. Often times, employees do not know a business has been sold until the deal has been finalized, which this bill does not take into account.

- Attorney Chatfield said it is ironic that the bill would require monies to be paid out when a business could be laying off or closing due to reduced revenues or bankruptcy.

**Nancy Rowell, Skillings & Sons**

- Ms. Rowell was concerned about how they would administer the policy in this bill.
- In 2002, their company changed to PTO because it allowed for flexibility. If they had to separate time off, Ms. Rowell said it would cost a lot of time to develop a new policy, put it in writing, and have the payroll provider design it to their specifications.
- Besides requiring fringe benefits to be in writing and clearly defined, New Hampshire has taken a hands-off approach.
- Ms. Rowell asked the Committee to consider the impact this bill would have on employers by changing the policy for something as significant as time off.
- Ms. Rowell said they did not want employees to keep their time; instead, they wanted them to use it for rest and relaxation.
- **Senator Gannon** asked if employees knew they were not banking time.
  - Ms. Rowell said it is in their procedure and policy handbook, and it is one of the most significant benefits outside of health insurance.

**Gary Abbott, Executive Vice President, Associated General Contractors of New Hampshire**

- Mr. Abbott said the language of the bill was vague, and it did not specify if it was permanent. In the bill, it references if there is no reasonable assurance of an employee coming back to work. If a person is laid off, and they are a seasonal contractor, there is no assurance they would come back.
- Companies have their own policies, and Mr. Abbott said they do not want the state to write them for everyone.
- Mr. Abbott said they agreed with the conditions if a company closes or sells; however, they did not agree it should apply to existing companies in the process of layoffs.
- When a person is laid off in the winter, they must use earned vacation time before they are on unemployment. Mr. Abbott said they are paid what was earned under the company policy at the time of a layoff.
- If an employee is not paid their time, they can go to the Labor Department to contest it. Since layoffs are already covered, this language was unnecessary.
Mr. Abbott said they supported the amendment from Representative Infantine, which addressed two unique situations. However, they did not support the bill as it came from the House.

**Bruce Berke, on behalf of the National Federation of Independent Business**

- Mr. Berke said the state should not be getting in between employees and employers. In the past, for example, the state has repeatedly decided not to get involved in union activity.
- Employers ranging from small to large already have policies in place, and they are designed with flexibility in mind.
- When an employee goes to work, they have agreed to their pay rate, paid time off, and health benefits.
- As drafted, Mr. Berke said this bill would invade on the employer-employee relationship.
- While the amendment from Representative Infantine was a step in the right direction, Mr. Berke was hesitant to endorse it because it could create a slippery slope. If amended, however, Mr. Berke believed it would dovetail with existing state law and private policies.

**Neutral Information Presented:**

**Dave Juvet, Senior Vice President, Business & Industry Association**

- The Association has opposed the idea of paying unused vacation time because employers should design their own benefit packages, not the state.
- Mr. Juvet suggested Representative Cahill focus on employees who through no fault of their own were in a situation where they had accrued time, yet they did not have an opportunity to use it. They had identified three situations, which were layoffs, if a business closed, or if a business changed ownership and they did not recognize approved time.
- If this bill were passed, it would help employees who could lose their vacation time if these circumstances were met. On the other hand, however, companies have varying ways of handling things. Some companies have vacation time, some allow time to be carried over year to year, some have use it or lose it policies, and some have personal time.
- If this bill were passed, it could create issues for some employers who will have to decide how to deal with it. Consequently, it could result in less vacation time for employees.
- Senator Ricciardi asked if there are unemployment protections for employees who are laid off.
  - **Mr. Juvet** said there are unemployment protections if they have met minimum qualifications. Unemployment is designed to provide an employee and their family with resources until they have found new
employment. While unemployment does exist, it does not reimburse employees for their accrued vacation time.

**Lexie Rojas, Inspection Division Director, New Hampshire Department of Labor, and Tracy McGraw, Attorney, New Hampshire Department of Labor**

- From their perspective, Attorney McGraw said this bill would try to make use it or lose it a violation of the statute. There are some cases where employees had an opportunity to use their vacation time, then there was a layoff resulting in them losing their time.
- There are some companies who have use it or lose it policies in their manuals. Attorney McGraw said the Department would be able to administer any bill that would reflect this concept.
- The Department was unsure of what reasonable assurance was. Any time there is a layoff, there is no guarantee employees would return. Attorney McGraw said it would be a difficult process for a hearing officer to listen to and review evidence to determine what is a reasonable assurance.
- There are employers who put time off into a single bucket whether it is sick time, paid time, or vacation time. Attorney McGraw asked how it would be distributed and how it would be considered if all hours are in a single bucket.
- Attorney McGraw said proration had not been sufficiently defined for inspectors. This information is crucial for hearing officers to understand before issuing a decision.
- The Department has had cases where there is unpaid earned time that employees have requested upon their termination. In those cases, hearings were conducted and decisions were issued. The Department is capable of inspecting and conducting a hearing as long as there is criteria to follow.
- In Section 1, RSA 275:35-a refers to unused earned time. In Section 2, however, RSA 275:43, V-a refers to paid time off. Attorney McGraw said consistency was helpful in the litigation process.

AJ
Date Hearing Report completed: April 26, 2024
HOUSE BILL 1380-FN

AN ACT relative to brew pub licenses.

SPONSORS: Rep. Hunt, Ches. 14

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill allows a brew pub licensee to also hold an on-premises or off-premises license.

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

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

1 New Paragraph; Brew Pub; On-Premise and Off-Premise Licenses. Amend RSA 178:13 by inserting after paragraph XIV the following new paragraph:

XV. Nothing in this section shall prevent a holder of a brew pub license from holding an on-premise or off-premises license under this chapter, provided that:

(a) The brew pub licensee does not hold any other type of manufacturing license under this title; and

(b) An on-premises or off-premises licensees holding 2 or more brew pub licenses shall not sell more than 2,500 barrels of beer or cider to any New Hampshire licensed retailer.

2 Effective Date. This act shall take effect 60 days after its passage.
HB 1380-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2024-0872h)

AN ACT relative to brew pub licenses.

FISCAL IMPACT: [ X ] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

The Liquor Commission states this bill would allow a licensed brewpub to hold an additional on-premise or off-premise license as long as the licensee does not hold any other type of manufacturing license. The bill restricts a licensee holding 2 or more brewpub licenses from selling more than 2,500 barrels of beer or cider to any NH licensed retailer. The Commission provided the following information and assumptions concerning the fiscal impact of the bill:

• The bill will require the commission to audit licensees holding 2 or more brewpub licenses to ensure compliance with the sales limitation in the bill. The Commission anticipates this will increase the number of audits performed by the Commission to ensure compliance with the law.

• Currently there are 33 brewpubs licensed by the Commission. The Commission is unable to provide an accurate estimate of how many, if any, of the current brewpubs would seek an additional license.

• The Commission assumes it is likely that existing licensees with other license types will switch to the Brew Pub licenses, since they would now be allowed an additional on-premises or off-premises license. This would result in additional revenue from new licensing fees and additional beer tax revenue.
AGENCIES CONTACTED:

Liquor Commission
Amendment to HB 1380-FN

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

1 New Paragraph; Brew Pub; On-Premise and Off-Premise Licenses. Amend RSA 178:13 by inserting after paragraph XIV the following new paragraph:

XV. Notwithstanding the provisions of RSA 179:11 Holders of Beverage Manufacturer, Wholesale Distributor, Beverage Vendor, and Other Licenses; Prohibited Interests, nothing in that section shall prevent a holder of a brew pub license from holding an on-premises or off-premises license under this chapter, provided that:

(a) The brew pub licensee does not hold any other type of manufacturing license under this title; and

(b) Brew pub licensees holding one or more on-premises or off-premises licenses shall be limited to self-distributing to not more than one on-premises license owned by the brew pub licensee and shall not exceed 2,500 barrels of beer and/or cider during their licensing period. Nothing in this section shall authorize the holder of multiple brewpub licenses to self-distribute to more than one commonly owned on-premises or off-premises license.

2 Effective Date. This act shall take effect July 1, 2024.
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs HJ 1</td>
</tr>
<tr>
<td>02/12/2024</td>
<td>H</td>
<td>Public Hearing: 01/11/2024 11:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/13/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/21/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 10:30 am LOB 302-304</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0872h 03/13/2024 (Vote 18-0; CC) HC 12 P. 8</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0872h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0872h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Commerce; SJ 8</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 100, SH, 10:10 am; SC 16</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1826s, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1380-FN, relative to brew pub licenses.

Hearing Date: April 30, 2024

Time Opened: 10:12 a.m. Time Closed: 10:42 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi, Innis and Chandley

Members of the Committee Absent: Senator Soucy

Bill Analysis: This bill allows a brew pub licensee to also hold an on-premises or off-premises license.

Sponsors: Rep. Hunt

Who supports the bill: Representative John Hunt, Ian Buckley (Lost Cowboy Brewing)

Who opposes the bill: 148 individuals were in opposition. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@leg.state.nh.us).

Who is neutral on the bill: Mark Armaganian (NHLC), Matt Culver (NHLC), Mike Somers (NHLRA), Kate Frey (New Futures)

Summary of testimony presented in support:

Representative John Hunt

- Representative Hunt hoped they could clarify the statute to reflect the intent of the Legislature.
- When the brew pub statute was enacted, it violated the three-tier system because a beverage manufacturer could self-distribute to its own location, and they could have a restaurant.
- Representative Hunt said they were not overturning the three-tier system; instead, they were trying to clarify in statute that they are aware that brew pubs are violating the system.
- When Representative Hunt joined the Legislature, he filed legislation for Lucknow who was frustrated with the three-tier system because they wanted to self-distribute their beer.
• At that time, the Beer Distributors determined that 5,000 gallons could be self-distributed before a distributor was needed. Through this statute, they wanted to allow brew pubs to self-distribute to their own restaurants. Representative Hunt said brew pubs would realize it is more costly and inefficient to self-distribute.

• This bill mirrored the 5,000-gallon limit; however, the Beer Distributors had concerns, so it was reduced to 2,500 gallons.

• The House Commerce and Consumer Affairs Committee believed brew pubs were already violating the statute.

• Representative Hunt said they should keep it simple, and the bill has narrow language.

• The Legislature should be pro-business; however, they should not pass legislation to protect a handful of individuals.

• Representative Hunt said it should be enabling legislation to provide individuals with opportunities. If a business is getting good at what they do, then they would have to change their business model and work with the Beer Distributors.

**Ian Buckley, Lost Cowboy Brewing**

• Over the past several years, Mr. Buckley said they have converted a 17,000 square foot property into a restaurant, bar, and brewery.

• When they decided on the concept for their business, they went to the Commission. Since they have an on-premises license, they were prohibited from opening a physical brew pub. The Commission stated they needed to obtain an on-premises license and a nano brewing license.

• Mr. Buckley said they are not distributing on a mass level; instead, they are going to produce enough to sell on 7 to 8 draft lines. The remainder of the beer would be given to distributors.

• Mr. Buckley said they have invested $14 million into the facility, and they have hired 50 to 60 employees for it. In total, they have over 500 employees in southern New Hampshire.

• There is another bill that would eliminate the nano brewery licensing category. While those licensees can obtain another license, Mr. Buckley said they are not able to.

• Mr. Buckley supported a proposed amendment by the Beer Distributors and the New Hampshire Lodging and Restaurant Association that would limit the amount that can be distributed. Mr. Buckley said it was not their intention to distribute mass amounts of their product around the state.
Summary of testimony presented in opposition:

Joe Bellavance, President, Bellavance Beverage Company, and Scott Schaier, Executive Director, Beer Distributors Association

- Mr. Bellavance said they were concerned this bill would allow for expanded locations where beer is not produced or sold on their premises. This would lead to an expansion of an unlimited number of potential locations, which would have an impact on businesses and breweries. Draft lines that are available would go away because someone brewing their own beer could sell it to themselves.
- Mr. Schaier said the issues were about the three-tier system, not about brew pubs being able to operate in all three tiers.
- Under cross-tier ownership, they are operating under a manufacturing license, so they have a retail and self-distribution privilege. Restaurants have a retail license, so they can sell products on-premises or off-premises. In this situation, however, a business is allowed to own both a manufacturers license and a retail license. This is in violation of the prohibited interest clause in RSA 179:11.
- Mr. Schaier reiterated that the issue was about the ecosystem. If changes are made, it can have a ripple effect leading to unintended or negative consequences.
- Mr. Schaier said craft breweries are thriving, and the system has been working.
- Mr. Schaier said the proposed amendment made sense because the language of the bill needed to be tweaked.
- Senator Chandlely said SB 137-FN was in the House, so it could have an effect. She asked who this would hurt and why.
  - Mr. Schaier said SB 137-FN would reduce the existing licensing types, and the nano brewery license would no longer exist. As a result, some businesses would not be able to operate. Nano breweries were an option for a cross-tier situation because they were omitted from RSA 179:11. This loophole was not intended, but businesses were able to legally open. They are trying to legalize cross-tier ownership, so a business can own restaurants and one brew pub if they wanted to make their own beer. He said this was a reasonable compromise because beverage manufacturer retail outlets are an extension of a brewery, and wine manufacturer retail outlets are an extension of a winery. While this was a reverse situation, there would be parity.
Neutral Information Presented:

Chief Mark Armaganian, Director of Enforcement and Licensing Division, and Lieutenant Matt Culver, Enforcement and Licensing Division, New Hampshire Liquor Commission

- Chief Armaganian said the Commission was trying to make it easier for businesses, not cumbersome.
- The Commission has been working with the stakeholders on a proposed amendment.
- Lieutenant Culver said the correct fix to this issue was in the brew pub statute because the license was intended for a small manufacturer to produce enough to supply their restaurant.
- The brew pub statute is the only statute to cross all of the tiers.
- Lieutenant Culver said adding on-premises and off-premises licenses to this statute made sense. The contention has been around distribution, but the Commission has compromised on that language, so it works for wholesalers, manufacturers, and retailers.

Mike Somers, President and CEO, New Hampshire Lodging and Restaurant Association

- The Association agreed with the concept of common ownership between restaurants and brew pubs, but the issue has been how it is worked out.
- If brew pubs are licensed, they would only be able to distribute to one location.
- If SB 137-FN is passed, it would put some individuals in a precarious position.

Kate Frey, Vice President of Advocacy, New Futures

- Ms. Frey appreciated there was a compromise, and they are concerned any time the system is weakened or dismantled.
House Bill 1540-FN

AN ACT relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing.


COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill revises the definition of full course meal and full service restaurant for purposes of alcohol licensing.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing.

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

1. Alcoholic Beverages; Definitions of Full Course Meal and Full Service Restaurant. Amend RSA 175:1, XXXII and XXXIII to read as follows:

   XXXII. "Full course meal" means a diversified selection of food which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking.

   XXXIII. "Full service restaurant" means a room or rooms capable of seating, at one or more tables with chairs or at booths, at least 20 guests at one time, unless granted an exception from the liquor commission. [The dining room and kitchen shall be sufficiently staffed. Meals shall be readily available, promoted and served to the table. The menu shall contain a variety of full course meals and a sandwich menu may be substituted at the noon meal.] Meals shall be readily available and served to the table.

2. Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:
The Liquor Commission indicates this bill would amend the requirements for an applicant to acquire and retain a “full service restaurant” license to sell beer, wine and liquor by changing the definitions of full course meal and full service restaurant in RSA 175:1. The Commission provided the following information and assumptions concerning the fiscal impact of the bill:

• Due to the change in eligibility requirements the Commission anticipates the number of requests to waive the 20 guest size requirement will increase significantly.

• With the reduced requirements the Commission expects restaurant licensees servicing beer and wine will seek a waiver and apply for a full service restaurant license.

• The bill would result in an indeterminable number of licensees who will pay the additional fees required to change from a license that cost $480 per year to a license that costs $840 per year.

AGENCIES CONTACTED:
Liquor Commission
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs HJ 1</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>==CANCELLED== Public Hearing: 01/31/2024 02:15 am LOB 302-304</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Public Hearing: 01/31/2024 11:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/13/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/21/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 03/06/2024 10:30 am LOB 302-304</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>03/18/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0939h 03/13/2024 (Vote 18-0; CC) HC 12 P. 9</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0939h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0939h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Commerce; SJ 8</td>
</tr>
<tr>
<td>04/09/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 100, SH, 10:40 am; SC 15</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1540-FN, relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing.

Hearing Date: April 16, 2024

Time Opened: 10:50 a.m. Time Closed: 10:54 a.m.

Members of the Committee Present: Senators Gannon, Ricciardi, Innis and Chandley

Members of the Committee Absent: Senator Soucy

Bill Analysis: This bill revises the definition of full course meal and full service restaurant for purposes of alcohol licensing.

Sponsors:

Who supports the bill: Representative Jared Sullivan, Representative Keith Ammon, Curtis Howland

Who opposes the bill: Julie Smith, Daniel Richardson

Who is neutral on the bill: No one

Summary of testimony presented in support:

Representative Jared Sullivan

- Representative Sullivan said this bill did not receive opposition from the Liquor Commission or the industry.
- Representative Sullivan said the food requirements to sell alcohol were onerous.
- To sell alcohol, the current statute defines food as something that cannot be easily eaten while standing and it generally requires tableware. Representative Sullivan said questions were raised if pizza, burritos, or tacos counted as food.
- After working with the Commission, “full course meal” was defined as a diversified selection of food.
- Representative Sullivan said establishments could work with the Commission, so they are not just selling products like Cheez-Its.
• Senator Innis said they had a beer and wine license, but they did not have a full license because the requirements for a full kitchen were tough. He asked if this bill would allow someone with a license to serve appetizers and small plates.
  o Representative Sullivan said this bill would reduce confusion, and he agreed there were some regulations that were burdensome.

Summary of testimony presented in opposition: None

Neutral Information Presented: None
HB 147 - AS AMENDED BY THE HOUSE

21Mar2024... 1272h

2023 SESSION

23-0314
09/10

HOUSE BILL 147

AN ACT relative to membership of the advisory committee on the education of students with disabilities.


COMMITTEE: Education

ANALYSIS

This bill revises the membership of the advisory committee on the education of students with disabilities.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to membership of the advisory committee on the education of students with disabilities.

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

1 Advisory Committee on the Education of Students with Disabilities. RSA 186-C:3-b, II and III are repealed and reenacted to read as follows:

II. The committee shall be composed of individuals involved in, or concerned with, the education of children with disabilities. A majority of the committee membership shall be composed of individuals with disabilities or parents of children with disabilities. The committee membership shall be as follows:

(a) Fourteen individuals with disabilities or parents of children with disabilities (ages birth through 26), appointed by the governor.

(b) One individual with disabilities who may have received special education services and who may be a high school student, appointed by the governor.

(c) One teacher who is a special education teacher, appointed by the governor.

(d) One administrator of a public special education program, appointed by the governor.

(e) One representative of a private school approved for special education, appointed by the governor.

(f) One representative of a chartered public school, appointed by the governor.

(g) One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor.

(h) One state and a local educational official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, appointed by the governor.

(i) One representative from the department of health and human services responsible for foster care, recommended by the commissioner of the department of health and human services and appointed by the governor.

(j) One representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services, and appointed by the governor.

(k) Representatives from the state juvenile and adult corrections agencies, both of whom are responsible for administering the provision of special education or special education and related services, appointed by the governor.
(l) One licensed health care provider who specializes in working with children.

(m) One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the governor.

(n) One non-voting state education official from the departments of education, appointed by the commissioner of education, to serve in a technical support role.

III. (a) Committee members shall be appointed to staggered 2-year terms, and members may succeed themselves.

(b) A chairperson and a clerk shall be selected by a majority of the committee members on an annual basis.

2 Effective Date. This act shall take effect 60 days after its passage.
### Docket of HB147

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/28/2022</td>
<td>Introduced 01/04/2023 and referred to Education</td>
</tr>
<tr>
<td>01/05/2023</td>
<td>Public Hearing: 01/11/2023 10:20 am LOB 205-207</td>
</tr>
<tr>
<td>01/25/2023</td>
<td>Executive Session: 01/31/2023 09:45 am LOB 205-207</td>
</tr>
<tr>
<td>02/15/2023</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>05/10/2023</td>
<td>Full Committee Work Session: 05/30/2023 01:00 pm LOB 205-207</td>
</tr>
<tr>
<td>09/20/2023</td>
<td>Full Committee Work Session: 10/05/2023 10:00 am LOB 205-207 SC 38</td>
</tr>
<tr>
<td>10/10/2023</td>
<td>Full Committee Work Session: 10/18/2023 11:00 am LOB 205-207 SC 41</td>
</tr>
<tr>
<td>10/25/2023</td>
<td>Full Work Session: 10/31/2023 11:00 am LOB 205-207 SC 43</td>
</tr>
<tr>
<td>10/10/2023</td>
<td>Executive Session: 11/13/2023 09:30 am LOB 205-207 SC 41</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>Lay HB147 on Table (Rep. Myler): MA VV 01/03/2024 HJ 1 P. 97</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>Remove from Table (Rep. Noble): MA RC 190-185 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>FLAM # 2024-1272h (Rep. Noble): AA DV 191-183 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>Ought to Pass with Amendment 2024-1272h: MA RC 192-183 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>Reconsider HB147 (Rep. Sweeney): MF DV 182-194 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>Introduced 03/21/2024 and Referred to Education; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>Hearing: 04/16/2024, Room 101, LOB, 09:40 am; SC 15</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>Committee Report: Referred to Interim Study, 05/02/2024; Vote 5-0; CC; SC 17</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>Sen. Ward Moved to Remove HB 147 from the Consent Calendar; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>Special Order to 05/16/2024, Without Objection, MA; 05/02/2024 SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
Senate Education Committee

Pete Mulvey 271-4063

HB 147, relative to membership of the advisory committee on the education of students with disabilities.

Hearing Date: April 16, 2024

Time Opened: 11:05 a.m. Time Closed: 11:31 a.m.

Members of the Committee Present: Senators Gendreau, Lang, Prentiss and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis: This bill revises the membership of the advisory committee on the education of students with disabilities.

Sen. Ward

Who supports the bill: 32 individuals signed in support of HB 147. Contact Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).


Who is neutral on the bill: N/A.

Summary of testimony:

Representative Kristin Noble

Hillsborough – District 2

- The State Advisory Committee on the Education of Students with Disabilities was required under federal law, namely the Individuals with Disabilities Education Act.
- The SAC on Education of Students with Disabilities advised the Department of Education on issues related to special education, promoting collaboration.
- The Committee has grown beyond its mandate; each new member required even more to maintain membership ratios and requirements.
- The SAC on Education of Students with Disabilities now had 47 members and was characterized as dysfunctional.
- As amended, HB 147 trimmed the SAC to its federally mandated extent, while providing for the inclusion of a licensed healthcare provider specialized in children, and a nonvoting state education official to serve in a technical support role.
• Rep. Noble read letter in support from parents of the committee.
  o Parents supported removing certain positions as it would facilitate compliance with the law easier.
  o The individuals being removed were not incapable of providing valuable input as member of the public.
  o There were currently 20 nonparent active members and only 12 parent members. Under HB 147, membership is changed to 15 nonparent members, and 15 parent members/members with disabilities.
  o Of the 12 current parent members, four of them had not attended a meeting in over a year. They were not consulted. Of the 8 active parent members, 7 supported HB 147 and the eight sought more information.

Karen Rosenberg, esq.
Policy Director, Disability Rights Center

• The Disability Rights Center had a member onboard the SAC on the Education of Students with Disabilities since its inception.
• HB 147 would remove the Disability Rights Center’s representative to the SAC.
• Ms. Rosenberg did not find the committee’s struggles as a valid reason to remove the parent information center and disability rights center; the two organizations with the most expertise.
• The pandemic was extremely challenging for the State Advisory Committee.
• Ms. Rosenberg recommended that the committee amend the laws surrounding the SAC to enable the creation of bylaws and to extend nominating powers to the SAC.
• HB 147 would reduce student participation on the SAC to just one individual, which Ms. Rosenberg found peculiar.
• Sen. Fenton noted that HB 147 added 14 individuals with disabilities to the SAC, although the committee dealt specifically with students with disabilities. Sen. Fenton was curious on reducing the number of disabled individuals who were not students.
  o Ms. Rosenberg said reduction of the committee was difficult given federal standards. It was a requirement that the committee be comprised predominantly of individuals with disabilities or their parents, among many other conditions.
  o Ms. Rosenberg maintained that more parents and students were necessary among the SAC, in addition to nominating powers and more expedient communications among other state bodies.
• Sen. Prentiss asked if Ms. Rosenberg found that parents and/or the disabled were best suited to sit on the SAC.
  o Ms. Rosenberg agreed.
• Sen. Prentiss asked if the pandemic presented unforeseen quorum issues and referred to legislative commissions and boards minimizing their numbers to mitigate those issues, rather than eliminating entire positions.
  o Ms. Rosenberg elaborated that quorum issues were partially mitigated with legislation relaxing in-person quorum requirements and identified the recruitment and retention of parents and representatives with disabilities as particular struggles, hence the need for nominating powers.
• Sen. Prentiss asked if Ms. Rosenberg had discussed bylaws with primary stakeholders.
  o Ms. Rosenberg said those discussions had not been held, largely because the lack of privileges included as a part of the SACs enabling statute was a recent discovery.
Bonnie Dunham

Former Chair, State Advisory Council on the Education of Students with Disabilities.

Parent Information Center

- Ms. Dunham opposed the elimination of the disability rights center and parent information center from the SAC.
- Ms. Dunham believed that the groups slated to be removed provided a valuable frame of reference, specifically for underserved communities.
- In-Person attendance requirements were problematic during the pandemic as many members were parents to medically vulnerable children.
- Between 2021 and 2023, Governor Sununu appointed a single person to the SAC.
- The Governor’s office was promoted to re-nominate past members, which went unfulfilled. There was a point where only two members of the SAC had current appointments and nominations, meaning the SAC was technically just those two members.
- Ms. Dunham concluded that the parent information center played a large role providing resources and information and referred to her written testimony delivered to the Committee.

Rebecca Fredette

State Director for Special Education, New Hampshire Department of Education.

- The Department of Education took no position on HB 147 and provided technical assistance.
- Currently, there were five different positions included by HB 147 which would not meet federal requirements.
- Numerous roles, namely that of teacher, as well as administrator, private school representative, and representative from an institute of higher education, were all meant to be plural.
- The inclusion of a licensed health care provider and the removal of voting privileges from the State official were not in alignment with federal IDEA law.
- Many states ran into similar issues, and subsequently allowed non-parent members to fulfil dual roles.
- Ms. Fredette described a tug of war between achieving membership compliance in one category, and then having to redirect efforts towards compliance in another.
- Ms. Fredette clarified that recent special education audits revealed that the SAC must develop rules, as opposed to bylaws, to facilitate its operation.

Representative Peggy Balboni

Rockingham – District 38

- Rep. Balboni is a member of the SAC.
- Rep. Balboni explained that the House Education had been considering the underlying issue since January of 2023.
- Historically, reaching a consensus among the SAC had been a challenge.
- There was now new leadership among the SAC, and audits were ongoing; things were changing.
- Previous audits made many recommendations which the committee ought to consider.
- Rep. Balboni suggested that members were not the only issue and recommended that the underlying enabling legislation be revisited to be more comprehensive.
- Rep. Balboni urged the committee to consider HB 147 ITL or to refer it to interim study.
Representative Margaret Drye

Sullivan – District 7

- Rep. Drye supported HB 147.
- Rep. Drye believed the SAC was dysfunction at its current scale, and revisited statute to reduce the committee to its statutory minimum.
- Individuals cut from the committee were welcome to attend and speak at any SAC meeting. Rep. Drye found it doubtful that the chair would neglect to hear their input.
- Rep. Drye believed the primary mission was to reign the SAC to an operable size, and considered the inclusion of bylaws and other members to be secondary priorities.

PM
Date Hearing Report completed: April 22, 2024
HOUSE BILL 1205

AN ACT relative to women's school sports.


COMMITTEE: Education

ANALYSIS

This bill requires schools to designate athletics by sex and prohibits biological males from participating in female athletics. This bill further creates various causes of action based on violations of the provisions in the bill.

Explanation:

Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to women’s school sports.

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

1 New Subdivision; School Athletics. Amend RSA 193 by inserting after section 40 the following new subdivision:

School Athletics

193:41 School Athletics.

I. In this subdivision, "school" means a public high school in which any combination of grades 9 through 12 are taught or a public middle school in which any combination of grades 5 through 8 are taught. This shall not apply to students in any grade kindergarten through fourth grade.

II.(a) An interscholastic sport activity or club athletic team sponsored by a public school or a private school whose students or teams compete against a public school must be expressly designated as one of the following based on the biological sex at birth of intended participants:

(1) Males, men, or boys;
(2) Females, women, or girls; or
(3) Coed or mixed.

(b) Athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

III. For purposes of this subdivision, the sex of a student for the purpose of determining eligibility to participate in an interscholastic sport activity or club athletic team shall be determined by the student’s biological sex on the student’s official birth certificate or certificate issued upon adoption, and is considered to have correctly stated the student’s biological sex only if the certificate was:

(a) Issued at or near the time of the student’s birth; or
(b) Modified to correct any type of scrivener or clerical error in the student’s biological sex.

IV. If a birth certificate provided by a student pursuant to paragraph III does not appear to be the student’s original birth certificate or does not indicate the student’s sex upon birth, then the student must provide other evidence indicating the student’s sex at the time of birth. The student or the student’s parent or guardian must pay any costs associated with providing the evidence required.
V. The state board of education, each local school board, and each governing body of a public charter school shall adopt and enforce policies to ensure compliance with this subdivision in the public schools governed by each respective entity.

VI. This subdivision shall not be construed to restrict the eligibility of a student to participate in intramural activities designated as coed or mixed.

VII. A government entity, any licensing or accrediting organization, or an athletic association or organization shall not entertain a complaint, open an investigation, or take any other adverse action against a school for maintaining separate interscholastic sport activities or club athletic teams for students of the female sex.

193:42 School Athletics; Causes of Action.

I. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a school knowingly violating RSA 193:41 shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school.

II. Any student who is subject to retaliation or other adverse action by a school or athletic association or organization as a result of reporting a violation of RSA 193:41 to an employee or representative of the school or athletic association or organization, or to any state or federal agency with oversight of schools in the state, shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school or athletic association or organization.

III. Any school that suffers any direct or indirect harm as a result of a violation of RSA 193:41 shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the government entity, licensing or accrediting organization, or athletic association or organization.

IV. All civil actions must be initiated within 2 years after the harm occurred. Persons or organizations who prevail on a claim brought pursuant to this subdivision shall be entitled to monetary damages, including for any psychological, emotional, and physical harm suffered, reasonable attorneys' fees and costs, and any other appropriate relief.

2 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

3 Effective Date. This act shall be effective 30 days after passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>House</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Public Hearing: 01/29/2024 02:00 pm LOB 205-207</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Executive Session: 03/06/2024 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 03/06/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Amendment # 2024-0973h: AA DV 190-177 03/21/2024  HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0973h: MA RC 189-182 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Reconsider (Rep. Sweeney): MF DV 178-194 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Education; SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 101, LOB, 09:00 am; SC 17</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1205, relative to women's school sports.

Hearing Date: April 30, 2024

Time Opened: 9:00 a.m.  Time Closed: 11:30 a.m.

Members of the Committee Present: Senators Ward, Gendreau, Lang, Fenton and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill requires schools to designate athletics by sex and prohibits biological males from participating in female athletics. This bill further creates various causes of action based on violations of the provisions in the bill.

Sponsors:

Who supports the bill: 104 individuals signed in support of HB 1205. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

Who opposes the bill: 423 individuals signed in opposition to HB 1205. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

Who is neutral on the bill: N/A.

Summary of testimony:

Representative Louise Andrus

Merrimack – District 5

- HB 1205 was developed with the Newbury conservative coalition.
- HB 1205 was undertaken to protect women’s sports.
- Three additional states had passed similar legislation since HB 1205’s drafting.
- Similar legislation in twenty other states was reviewed for the drafting of HB 1205.
- Language from West Virginia’s legislation was incorporated in HB 1205 as their bill was considered constitutional.
- Rep. Andrus believed there were inherent differences between biological men and women.
Differences were cause for celebration as determined by the 1996 US v. Virginia SCOTUS decision.

The 1981 SCOTUS decision, Michael M. v. Sonoma County, was cited as validating inherent differences between men and women and justified sex-based distinctions as a result.

Men and women were not equally situated regarding contact sports, according to Rep. Andrus.

Biological men would substantially displace biological women if enabled to compete. Rep. Andrus indicated that the 1982 ninth circuit opinion regarding Clark, etc. v. Arizona Interscholastic Association recognized this.

Rep. Andrus referred to the 2020 SCOTUS Bostock v. Clayton decision; establishing gender identity as a separate and distinct concept from biological sex, in that the two are not indicative of one another.

Rep. Andrus referred to a NBC new report which showed that 70% of Americans did not want biological males in female sports.

Rep. Andrus said men had greater muscle mass, size, and threfor strength as a result.

Rep. Andrus believed that biological females deserved a level playing field.

Rep. Andrus considered it unfair for hard-working women to have to compete with biological men.

The National Association of Interscholastic Athletics’ council of presidents determined that only students whose biological sex was female may compete in women’s sports.

Rep. Andrus suggested that the updated title IX policy from the Biden Administration enabled biological men to play on women’s teams, which was considered radical and unequitable.

Rep. Andrus promoted alternatives; a segregated transgender league; transgender students competing alongside males; or scoring trans athletes in women’s sports separately while prohibiting competition against other biological women.

Sen. Prentiss asked what kinds of testing, enforcement, and discretion would meet the standards of HB 1205.
  o Rep. Andrus found a birth certificate sufficient.

Sen. Prentiss asked for specifics regarding testing and further determination in the event a student did not have an up-to-date birth certificate.
  o Rep. Andrus believed the Department of Education would make such determinations when the bill was passed.

Sen. Prentiss asked if there were any cases of displacement among girls’ sports locally.
  o Rep. Andrus said Kearsarge Regional School District had a biological male compete and win in high jump.
  o People called and were against the concept of biological males in women’s sports.

Sen. Prentiss asked if any student had been displaced from a team because of local policies regarding biological sex in sports.
  o Rep. Andrus indicated that she was not aware of any such instance.

Sen. Fenton asked how many students HB 1205 would affect.
  o Rep. Andrus said the law applied among grades 5-12; It did not affect kindergarten and did not affect college following changes from the house education committee.

Sen. Fenton asked how many trans gender students there were currently.
  o Rep. Andrus approximated that two percent of students were trans gender.

Sen. Fenton asked how many of them played sports.
  o Rep. Andrus was uncertain.

Sen. Fenton asked if Rep. Andrus supported the idea of a separate trans gender league.
  o Rep. Andrus said it could be a solution, albeit imperfect. Rep. Andrus indicated that the primary concern was unfairness.

Sen. Fenton asked Rep. Andrus if she knew how many trans gender students would be affected by the bill, and how many of them played sports.
  o Rep. Andrus indicated she did not.
Stephen Scaer  
Nashua

- Mr. Scaer spoke in favor of HB 1205.
- Mr. Scaer quoted Dr. Colin Wright, defining females by their capacity to reproduce.
- Mr. Scaer reported that intersex individuals comprised 0.18% of the population.
- Girls had a categorical disadvantage compared to boys regarding size, weight, strength, and respiratory/cardiovascular capacity.
- In 2017, a group of boys, 15 or younger, beat the United States Women’s National Soccer team in a scrimmage.
- Men stole women’s spots on the podium according to Mr. Scaer.
- In 2023, a policy group recorded 578 male victories in female sports.
- Mr. Scaer believed even one was too many.
- Mr. Scaer found treatments for trans-students to be dangerous and experimental, according to the NHS Cass review published in April of 2024.
- Mr. Scaer said puberty blockers could lead to cardiovascular disease, among other conditions.
- Mr. Scaer didn’t believe It was the responsibility of girls to sacrifice their own well-being to comfort the needs of boys.
- Sen. Gendreau asked Mr. Scaer if he felt the discussion would be happening if society still believed in two genders.
  - Mr. Scaer said it was impossible to have a reasonable discussion on the topic without falling into stereotypes or circular reasoning.

Rep. Glenn Cordelli  
Carroll – District 7

- HB 1205 was predicated on protecting fairness in women’s sports.
- Rep. Cordelli considered the matter a women’s rights issue.
- Since 2020, 23 states passed laws limited trans gender participation in sports.
- The world athletics council and international cycling union have policies which barred trans gender women from elite women’s competitions, to maintain fairness and integrity according to Rep. Cordelli.
- NAIA had banned trans gender athletes from women’s sports competitions.
- Rep. Cordelli referred to a gallop poll from June of 2023, in which 69% of respondents believed trans gender students should play in a league according to their biological sex.
- Rep. Cordelli referred to a Massachusetts basketball team forfeiting a game earlier in 2024, following three teammates being injured by a trans gender player.
- Additionally, a volleyball player received a concussion following a trans student spiking the ball.
- Rep. Cordelli considered the matter as one of safety and fairness.
- Sen. Prentiss noted that injuries were prevalent and indiscriminate, and asked if it was better to work within limited instances as opposed to considering an outright ban.
  - Rep. Cordelli said that while injuries were common, they were a mutually understood given between two equals. Trans gender athletes had abilities and characteristics which were substantially advantageous compared to biological women.
- Sen. Prentiss sought clarity upon if athletics as a construct was being contemplated, or if a precedent were being set in response to one situation.
  - Rep. Cordelli did not believe it was necessary to change game rules to limit injuries or competition, rather, he wanted to ensure safety and fairness given physical differences.
- Sen. Fenton asked how HB 1205 was not discriminatory against trans girls, given that they were banned from girls’ sports.
• Rep. Cordelli thought it was important to consider the initial struggle for title IX.
• Trans girls may participate on male athletics teams.
• Rep. Cordelli contemplated how gender fluid athletes should be accommodated given that athletics are based upon gender rather than sex.
• Sen. Fenton shared that the West Virginia Supreme Court of appeals overruled the aforementioned West Virginian statute and told Rep. Cordelli that it seemed unconstitutional.
  o Rep. Cordelli said it was just a circuit decision, and believed the SCOTUS would eventually weigh-in.
  o Rep. Cordelli said many cases were being actively filed across the country regarding updated title IX policies; there would always be litigation in regard to these matters.
• Sen. Fenton asked if Rep. Cordelli thought HB 1205 would go to the courts.
  o Rep. Cordelli was hesitant to speculate upon legal outcomes, and ultimately considered it a possibility.
• Sen. Prentiss asked Rep. Cordelli to recall the court case referred to previously in his testimony.
• Sen. Lang asked if Rep. Cordelli agreed that non-medicated, post-pubescent males had advantages compared to biological females.
  o Rep. Cordelli agreed.
• Sen. Lang asked if the aforementioned created a fundamental and inherent unfairness.
  o Rep. Cordelli agreed.

Rep. Alicia Lekas

Hillsborough - District 38

• Rep. Lekas characterized competing objectives surrounding HB 1205 as mitigating safety concerns and ensuring athletic accessibility respectively.
• Rep. Lekas believed both objectives were accommodated by HB 1205.
• HB 1205 protected women’s sports while allowing trans gender students to engage in athletics.
• Line 14 on the first page of HB 1205 provided for COED or mixed sports.
• Rep. Lekas believed if the opposition were motivated toward COED sports, everyone could participate.
• Rep. Lekas concluded that girls should not compete against males that were larger, stronger, and faster.

Rep. Kristine Perez

Rockingham - District 16

• Rep. Perez clarified that testing was not mentioned in HB 1205, rather evidence must be provided to determine sex.
• Rep. Perez referred to the DOT automotive-deaths sign on I-93 and related it to HB 1205; one injured child was too many.
• Hockey for children was COED, but segregated beyond that age, as the rules and physicality of the game were enhanced.
• Rep. Perez referred to a 12-year-old hockey player who broke her clavicle after being checked by a 12-year-old boy.
• As far as schools were concerned, safety was a huge issue. Every sport was predicated on safety, it was the reason for rules of a game.
• HB 1205 regarded children’s safety in sports.
Sen. Prentiss believed usage of the terms biological and evidence; in specific relation to determining sex given outdated or insufficient documents, would imply medical testing and sought Rep. Perez’s thoughts.
  o Rep. Perez noted that biological men and women had different testing levels, and parameters in her nursing experience, therefore disclosure of birth sex was required; Rep. Perez would ask if they were born biologically male or female.
  o Rep. Perez believed asking for biological sex would satisfy the requirement for evidence.

Sen. Prentiss asked if Rep. Perez identified the existence of different tests to confirm biological sex.
  o Rep. Perez clarified that there were different values for men and women when tested. Rep. Perez was not saying testing was necessary to determine biological sex, rather, she would need to be aware to accurately evaluate yielded results.

Sen. Prentiss reiterated her curiosity on how biological sex was to be measured or determined with evidence.
  o Rep. Perez believed the explicit question would be the first asked going into sports. Rep. Perez believed if someone truly wanted to participate, they would answer honestly.

Rep. Rick Ladd

Grafton - District 5

- Rep. Ladd supported HB 1205.
- HB 1205 regarded women’s rights, fairness, and safety.
- Rep. Ladd is a father of athletes.
- Rep. Ladd shared that his daughter ran for Texas A&M, his granddaughter captained track at the University of Maine, and his son’s played basketball in college as well.
- Athletes faced challenges, they were driven, and believed in fairness.
- A student in Maine lost to a trans gender student in a regional cross-country race. Williams, the runner up, reported that it was an expected outcome given the participation of the trans gender runner.
- Rep. Ladd’s granddaughter ran against the Division II national champion for the United States, who was trans gender.
- Rep. Ladd added that the Division II champion in question was banned from the Olympic trials.
- Rep. Ladd suggested that collegiate athletics be included in HB 1205.
- 16 former and current NCAA athletes have filed suit against the NCAA as of March 14th of 2024 regarding trans gender student athletes.

Rep. Loren Selig

Strafford – District 10

- Rep. Selig is a former teacher and a mother.
- Rep. Selig’s daughter played pee wee soccer with a trans student.
- Following a hit to the face from a cisgendered girl, Rep. Selig’s daughter retired from soccer.
- Rep. Selig’s daughters swam against significantly taller girls, who would often win.
- Rep. Selig reported that her daughters have been concussed cheerleading or playing basketball and noted that all were incurred by a cisgender peer.
- HB 1205 was discriminatory and hurtful.
- Sen. Prentiss asked Rep. Selig how evidence may be provided to determine biological sex.
  o Rep. Selig did not believe there were other means to verify gender beyond stripping an individual of their pants.
- Rep. Selig shared that puberty blockers prevented development of secondary sex characteristics and were also used as treatment for premature puberty.
- Sen. Fenton asked who would determine and verify the evidence for biological sex.
  - Rep. Selig was uncertain and characterized the notion of tasking an individual with gender verification as horrifying.
  - Aside from genetic testing, which schools were not qualified for, Rep. Selig found potential means for verification questionable, particularly for those who were intersex.

Parker Tirrell

Freshman, Plymouth Regional High School

- Parker shared that she was trans gender.
- Parker opposed HB 1205.
- Parker did not find herself a threat nor did she possess any unfair advantage.
- Parker loved soccer for the comradery, and the opportunities it presented.
- Parker questioned why her safety was less important than her peers; participation on a boys’ soccer team would present significant risk, and importantly, Parker was not a boy.
- Parker clarified that the basketball players injured which Rep. Cordelli had referred to, were in fact not injured by the trans gender player; One was, the other two were not.
- Parker herself was hurt playing soccer, by a cisgender girl, just last week.
- Parker’s soccer team had one substitute. Spots were not taken. Parker believed teams needed to grow if anything.

Sara Tirrell

Mother of Parker

- Ms. Tirrell urged the committee to consider HB 1205 ITL.
- Ms. Tirrell embraced Parker’s journey, who came out at 13 years of age.
- Athletics played a pivotal role in Parker’s life.
- Parkers soccer team had been a steadfast source of comradery and support.
- Soccer offered Parker acceptance and comfort in a world which often marginalized her.
- Ms. Tirrell characterized Parker’s transition as one of resilience, patience, and gradual progression in consultation with specialists and therapists.
- Ms. Tirrell described hateful comments which Parker was subjected to by former classmates.
- Proponents of HB 1205 claim it safeguards biological females in sports; Ms. Tirrell found that alternative measures, namely the hiring of trainers or improved referee training, would address everyone’s safety.
- Trans gender athletes did not receive scholarships.
- The Keene Sentinel reported that .5% of athletes identified as trans gender. Ms. Tirrell believed continued legislative efforts despite the size of the group detracted from legitimate safety.
- Ms. Tirrell urged the Committee to prioritize exclusivity, compassion, safety and fairness.

Ann Marie Banfield

Parental rights advocate

- Ms. Banfield played volleyball in middle school.
- Ms. Banfield played softball as she got older, eventually joining a coed team.
- Out of fear of injury, Ms. Banfield decided to walk away from coed softball.
- Ms. Banfield questioned why an injury had to happen before something were done.
• Ms. Banfield referred to Massachusetts athletes forfeiting out of fear of injury following their teammates being hurt mid-game.
• Ms. Banfield alleged that a trans student threw other girls on the ground.
• Women were losing scholarships, awards, and basic rights according to Ms. Banfield.
• Sen. Lang asked Ms. Banfield if post pubescent, non-medicated males had advantages over girls.
  o Ms. Banfield agreed.
• Sen. Lang asked if said advantages created a fundamental unfairness.
  o Ms. Banfield agreed.

Maelle Jacques

Newbury
• Sports were always integral to Maelle.
• Maelle played soccer and ran track for Kearsarge Regional School.
• Maelle began transitioning in the 6th grade and was welcomed on girls’ teams.
• playing sports created normalcy for Maelle.
• Sports were not predicated on domination for Maelle; Trans athletes were subject to too much bullying and hatred just to win a game.
• Maelle found joining a male team unlikely, as they were not a boy, and considered the boys verbally aggressive.

Rep. Hope Damon

Sullivan - District 7
• Rep. Damon was opposed to HB 1205
• Rep. Damon urged kindness and respect for all.
• Rep. Damon affirmed that trans girls were girls, and not men in drag.
• Rep. Damon characterized the fear of men feigning transition to join women’s teams for athletic advantage as unrealistic.
• Injuries were prevalent in all sports.
• There were winners and losers in sports, which was important for development and resilience.
• HB 1205 was harmful to all children, not just trans girls.
• Rep. Damon considered HB 1205 as another bite into the pursuit of happiness for trans children.
• Rep. Damon reminded the committee that policy like HB 1205 was unanimously rejected three years ago.
• Rep. Damon urged the Committee to respect the civil rights of all, to oppose the extermination of minorities, and to legislate productively.

Chris Erchull, esq.

GLAD
• Mr. Erchull reiterated GLAD’s opposition to HB 1205.
• Mr. Erchull clarified that trans athletes had not gotten scholarships.
• The West Virginian bill referred to by the prime sponsor was found unconstitutional by the fourth circuit of appeals in BPJ v. West Virginia.
• BPJ v. West Virginia considered the SCOTUS precedent established in Bostock v. Clayton County holding that title VII prohibited discrimination against trans gender employees.
• Title IX was considered as well; categorical exclusion of trans girls from athletics was a plain violation of title IX.
• New title IX rules from the Department of Education made clear that discrimination against trans gender students was a violation of title IX and constituted sex-based discrimination.
• Schools may be subject to withheld funding in the event they are not compliant with title IX.
• Mr. Erchull asked the committee to consider HB 1205 inexpedient to legislate.
• Sen. Prentiss asked Mr. Erchull what would constitute evidence for biological sex and asked if other legislation had similar standards.
  o Mr. Erchull provided a hypothetical: A girl, with corroborating documentation, joins a team. Said girl is subject to suspicion, with HB 1205 being utilized to contest their participation. Mr. Erchull noted that it was unclear what would transpire beyond that point.
  o A confrontation, and collection of evidence would occur. Mr. Erchull was unable to conceptualize a means of verification beyond physical examination.
  o Anyone would be subject to the aforementioned process if prompted, whether they were trans or not.
  o Hecox v. Little contemplated the invasiveness of natal sex determination, which Mr. Erchull urged the committee to consider.
• Sen. Fenton sought elaboration on Hecox v. Little and BPJ v. West Virginia.
  o BPJ v. West Virginia was the first decision from an appeals court reviewing the final decision of a lower trial court; the decision may be subject to SCOTUS certiorari, yet Mr. Erchull found it unlikely.
  o BPJ v. West Virginia was the most prominent decision associated with the issue, although it was not binding precedent in New Hampshire.
  o Hecox v. Little was decided on a preliminary injunction; categorical bans against trans girls were a violation of title IX in the 9th circuit.
  o Mr. Erchull referred to state-law cases which aligned with the aforementioned circuit decisions.
  o Apart from Florida, Mr. Erchull found that most state courts were largely unanimous in maintaining that title IX protected trans girls in sports.
• Sen. Fenton asked if language like HB 1205 was overturned in other states.
  o Mr. Erchull said yes and clarified that decisions had dissent. Regardless, the overwhelming outcome was invalidation of the law.
• Sen. Lang asked if no scholarships had been given to trans girls.
  o A scholarship was offered to a student that people speculated was trans, which was unsubstantiated and went unaccepted regardless.
• Sen. Lang replied that the University of Washington offered a scholarship to a trans athlete in December.
  o Mr. Erchull indicated that was what he spoke of and countered that the student came out as trans gender.
• Sen. Lang asked Mr. Erchull if gender identity and biological sex were the same.
  o Mr. Erchull said legally they terms were used interchangeably.
• Sen. Lang said sex was biological, and gender was identity in the medical field.
  o Mr. Erchull said a trans gender woman may simultaneously be considered equally at risk for prostate cancer as a biological man, and breast cancer as a biological woman, and did not consider the matter as simple as Senator Lang posited it.
• Sen. Lang asked if Mr. Erchull believed if post pubescent, non-medicated biological males had physiological advantages.
  o Mr. Erchull referred to a New York Times article examining the performance of trans athletes.
  o HB 1205 was relative to trans girls, not post-pubescent unmedicated men.
The NYT found that there were mixed outcomes with trans athletes.

- Sen. Lang reiterated the same question and asked if Mr. Erchull disagreed with medical science.
  - Mr. Erchull did not disagree and reiterated that HB 1205 did not address that question.
- Sen. Lang asked if there would be fundamental unfairness with an unmedicated, post pubescent male.
  - Mr. Erchull said sports lent essential life lessons, and instructed students how to be a leader, how to cooperate, and how to have self-discipline. Mr. Erchull urged providing those opportunities for all.
- Sen. Lang asked if boys and girls teams provided the same lessons.
  - Mr. Erchull said the opportunities would not be the same for a trans individual.
- Sen. Lang asked if the terms gender or transgender were in HB 1205.
  - Mr. Erchull said HB 1205 indisputably excluded transgender girls from girls' sports teams.
- Sen. Lang asked if HB 1205 banned transgender girls from playing sports as a whole.
  - Mr. Erchull referred to BPJ v. West Virginia and said that giving transgender girls the option to play on boy's teams was no option at all.

Eric Cole-Johnson

- Mr. Johnson described a week spent with his daughter in a hospital and mental health facility, describing her as depressed, suicidal, and feeling like a burden.
- Mr. Johnson opposed HB 1205
- Mr. Johnson's daughter has been competing alongside girls in cross-country and Nordic skiing.
- Mr. Johnson urged for New Hampshire to be known as a state where all can prosper and flourish, which included competing in sports congruent with one's gender identity.
- Mr. Johnson's daughter was not a threat, and we should not kick people out of things giving them joy in life.
- More experiences broadened our understanding as a society.
- Mr. Johnson's daughter placed halfway through races, did not take away athletic scholarships or opportunities, parents did not harass her. Fellow competitors cheered her on, and she cheered them on.
- Mr. Johnson commended his daughter's strength and courage. Mr. Johnson urged the committee to block HB 1205.

Jennifer Smith

- Dr. Smith is a former physician, and trans woman.
- Dr. Smith reiterated previous testimony for similar bills.
- HB 1205 did not mention intersex individuals.
- People with identical medical conditions could have opposite notations of sex on the birth certificate.
- Intersex people frequently experienced gender dysphoria.
- There wasn't absolute separation of sex and gender in medical literature to Dr. Smith's knowledge.
- There was danger in contact and collision sports.
- Given the fraught subject, Dr. Smith felt that HB 1205 should be rejected and contemplated if a study committee were appropriate.
- Dr. Smith understood the problematic nature of unmedicated and/or post pubescent trans athletes competing. Dr. Smith maintained that HB 1205 marginalized trans gender girls who typically had biological disadvantages, not advantages.
Sen. Lang noted the distinction between gender and sex and referred to a Yale Medical School article from September of 2021, which said they were no longer interchangeable.
  - Dr. Smith clarified for Sen. Lang said plenty of things are said in medical articles and journals that are not incorporated in medicine.
  - The question was whether you were going to stigmatize more masculine looking women and girls, trans gender or not.
  - Dr. Smith did not consider herself the tallest, strongest, or fastest tennis player among the women she plays with.
  - Dr. Smith did not believe HB 1205 was useful.
Sen. Lang asked if biological men had physiological advantages.
  - Dr. Smith said that while testosterone mattered, levels varied, and said there was evidence that elite women’s sports had more women with PCOS and higher levels of testosterone than other women’s sports.
  - Dr. Smith noted that many trans girls were on cross-sex hormones and puberty blockers.
Sen. Lang asked if Dr. Smith were aware of European authorities rescinding the distribution of blockers.
  - Dr. Smith clarified that there was increasing pressure to study the effects of hormones and blockers more and noted the push back against said efforts.

Rep. Timothy Horrigan

Strafford - District 10
  - Rep. Horrigan described himself as an avid women’s sports fan.
  - HB 1205 went far to ban an entire class of students.
  - CeCe Telford, a sprinter for Franklin Pierce University, is a trans woman who ran one division two championship and won.
  - Ms. Telford was ruled ineligible by the Olympic Committee and did not meet their time requirements.
  - All students should be encouraged to play sports,
  - The NHIAA recognized the issue was complicated.
  - Rep. Horrigan asked the committee to consider HB 1205 inexpedient to legislate.
  - Rep. Horrigan believed HB 1205 would be subject to adjudication and litigation.

Giles Bissonette, esq.

Legal Director, NH ACLU
  - The ACLU of NH was opposed to HB 1205.
  - HB 1205 permitted discrimination and violated federal law.
  - Trans kids deserved cohesion, belonging, and a sense of self-esteem.
  - HB 1205 prohibited trans kids from participating and violated title IX.
  - Schools would face an impossible situation between liability of noncompliance or losing title IX funding.
  - Mr. Bissonette urged the committee to consider his written testimony.
Rep. Mike Ouellet  
Coos – District 3  
- Rep. Ouellet described his extensive experience in coaching and described his daughter’s athletic achievements.  
- The express strength that biological males had made sports unsafe.  
- Rep. Ouellet supported HB 1205.  
- Rep. Ouellet provided a letter from the Chairman of the Colebrook Academy School Board supporting HB 1205.  

Nancy Biederman  
New Boston  
- Biological sex was different than a person’s sense of self.  
- Feelings and identities changed and were not based on common sense or fact.  
- Ms. Biederman supported HB 1205.  
- Ms. Biederman asked for athletic differentiation be based solely on biological sex and not identity.  
- Ms. Biederman rejected the legitimacy of transition and considered those who felt otherwise delusional.  
- A New Hampshire indoor high jumper lost their chance to attend a meet following their loss to a trans student, which Ms. Biederman considered cheating and nonsense, as they would not have qualified as a boy.  
- It was time to stand up for women’s sports.

Kate McCarty  
- Opposed to HB 1205.  
- Ms. McCarty did not play sports in school.  
- Ms. McCarty’s autism and ADHD was undiagnosed in her childhood, resulting in an isolating experience.  
- Ms. McCarty wondered how athletics may have changed her experience. The camaraderie and acceptance of a team as opposed to loneliness would have made a difference.  
- Ms. McCarty believed the fear surrounding trans individuals was a misplaced fear of men.  
- The committee was urged to consider HB 1205 inexpedient to legislate.

Sam Hawkins  
Public policy assistant, NAMI NH  
- Opposed HB 1205  
- Trans and non binary youth had negative health and social outcomes, and deserved freedom from stigma and discrimination.  
- Communal acceptance was pivotal for positive mental health.  
- The Committee was urged to consider HB 1205 inexpedient to legislate.  

Linds Jakows  
- Opposed HB 1205  
- Trans athletes varied in athletic ability.
Those concerned about trans performance routinely preformed as well as if not better than the trans girls.

There was immense variation among cisgender girls and women.

Genetic makeup and external anatomy were not good indicators for athletic performance.

Young athletes were overwhelmingly supportive of trans teammates.

Ms. Jakows referred to Lane Jocelyn’s experience, which had been reiterated in previous hearings by Ms. Jakows for similar legislation.

Sen. Prentiss asked how evidence for biological sex would be collected.

Linds considered examining the body parts of minors to be an invasive requisite for sports, characterizing it as complete inappropriate and government overreach.

Jonah Sutton-Morse

Canterbury

Mr. Morse affirmed that trans girls were girls.

HB 1205 would exclude some girls from school sports.

HB 1205 treated a birth certificate as a proxy for someone’s medical history, which Mr. Sutton-Morse found questionable if challenged.

Mr. Sutton-Morse emphasized that trans girls who followed medical advice would seek gender affirming care, mitigating concerns of the proponents for HB 1205.

Mr. Sutton-Morse, requiring corrective lenses, is not asked to provide his birth certificate to prove his safe operation of a vehicle, because a birth certificate is not sufficient for medical history.

HB 1205 was about excluding girls across New Hampshire from participation in sports according to Mr. Sutton-Morse.

Deborah Howes

President, AFT NH

Ms. Howes and AFT NH opposed HB 1205.

All students had a constitutional right to a public education.

Title IX protected access to academic programs, and after school activities.

RSA 354-a further protects the rights of all students.

HB 1205 would deny some students the right to fully participate in their education.

Leadership, sportsmanship, and lifelong friends were made in athletics.

HB 1205 violated title IX, and the title IX practice of equivalent teams.

Under title IX, teams must be coed unless there was another segregated team.

There was not equal opportunity otherwise.

Ms. Howes noted that there were unintended consequences to legislation like HB 1205.

A trans boy in Texas won the girls wrestling championship in compliance with a law similar to HB 1205, despite the fact that he was on testosterone, and therefor had a significant artificial advantage.

Ms. Howes believed students would be subject to harassment and suspicion for appearance and masculine features, regardless of trans identity or not. Bigotry and stereotyping will be encouraged by HB 1205.

Ms. Howes urged the committee to treat all students fairly, and with respect to their rights.

The committee was urged to consider HB 1205 inexpedient to legislate.

Sen. Lang asked Ms. Howes if she agreed that post-pubescent non medicated males had an advantage.
Ms. Howes said it depended as all people were among a large spectrum. Ms. Howes said she may be stronger and more physical than some men.

Nancy Brennan

Weare

- Ms. Brennan opposed HB 1205.
- HB 1205 was one of many bills across the country that hurt and ostracized an extremely small group of people.
- While in high school, Ms. Brennan supposed that she did not know any gay individuals but later understood that they had simply not come out. As a teacher, she observed that a similar dynamic persisted for trans students.
- Ms. Brennan emphasized the need for kindness and fairness and did not believe religion needed to be part of the conversation.
- The contemporary issue presented bullying and harassment for cisgender and trans gender students.
- Ms. Brennan referred to a NYT article determining fairness measures for trans gender athletes in elite sports.
- The international Olympic committee did not believe there was a blanket solution.

Devan Quinn

Director of Policy, NH Women’s foundation

- Opposed HB 1205.
- HB 1205 discriminated against trans girls.
- HB 1205 violated title IX.
- HB 1205 was inconsistent with NHIAA policies and NH anti-discrimination statutes.
- Student athletes sought equity and resources, not bans.

Emma Sevigny

Children’s behavioral health policy coordinator, New Futures

- New futures opposed HB 1205.
- Students had better mental health outcomes when enabled to participate in sports aligning with their identity.
- Discrimination directly corresponded with higher rates of depression and suicidality.
- Sports also contributed to leadership, confidence, decision-making, and discipline.

Michelle Cilley-Foisey

Temple

- Opposed HB 1205.
- Former student athlete.
- Ms. Cilley-Foisey felt more at home and more herself when playing soccer or in runner shoes.
- Ms. Cilley-Foisey was a record holder for Londonderry high and achieved second place in the State for long jump and many other events.
- Athletes learned very important lessons from losses. Humility was important.
- Ms. Cilley-Foisey was recruited and given an athletic scholarship at northeastern.
• Ms. Cilley-Foisey is a mother of six athletes.
• Ms. Cilley-Foisey’s seventeen-year-old survived suicide attempt resulting from gender dysphoria and depression.
• The isolation induced by HB 1205 would make discrimination far worse.
• Ms. Cilley-Foisey believed that sports ought to be an embrace of diversity.

Terese Bastarache

Registered Nurse

• Title IX was created to provide equality and to give girls opportunities.
• Biological sex was necessary to know for medical providers. There were credible differences in values and metrics.
• An environment was being created in which the benefit of a few came at the cost of the majority of girls.
• High School athletes were giving up because trans athletes were usurping them according to Ms. Bastarache.
• A simple answer to the title IX compliance question would be coed sports.
• Ms. Bastarache questioned if these considerations may open the opportunity for a 30-year-old to try and participate on children’s teams.
• HB 1205 penalized female athletes and was a slippery slope.
• Ms. Bastarache noted that testing was easily done with DNA.
• Sen. Prentiss asked Ms. Bastarache if a DNA test would satisfy the evidence requirement in HB 1205.
  o Ms. Bastarache said DNA lab values or a written document from a primary care provider would suffice.
HOUSE BILL 1288-FN

AN ACT relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.


COMMITTEE: Education

ANALYSIS

This bill establishes certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

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

1 New Chapter; Due Process Protections for Students, Student Organizations, and Faculty of Public Colleges and Universities. Amend RSA by inserting after chapter 188-I the following new chapter:

CHAPTER 188-J
DUE PROCESS PROTECTIONS FOR STUDENTS, STUDENT ORGANIZATIONS, AND FACULTY OF PUBLIC COLLEGES AND UNIVERSITIES
188-J:1 Declaration of Purpose. The purpose of this chapter is to establish for students, student organizations, and faculty members of publicly funded New Hampshire colleges and universities the right to certain due process protections when disciplinary proceedings are brought against them by such institutions.
188-J:2 Definitions. In this chapter:
I. “Disciplinary proceeding” means an action or proceeding instituted against a student, student organization, or faculty member of a public institution of higher education that could result in the student or faculty member being suspended, expelled, or terminated, or result in a student organization being deprived, either temporarily or permanently, of any of the rights or privileges accorded to other student organizations duly recognized or approved by the institution.
II. “Criminal allegation” means any allegation of wrongdoing of a nature that would constitute a criminal offense under New Hampshire law, regardless of whether such an offense also constitutes a breach of rules promulgated by the institution of higher education.
III. “Faculty member” means a full- or part-time member of the faculty of a public institution of higher education.
IV. “Public institution of higher education” means a post-secondary institution of higher education publicly funded by the state of New Hampshire, including all component colleges and universities of the university system of New Hampshire and all component colleges of the community college system of New Hampshire.
V. “Student” means a person who is enrolled either full- or part-time in a course of study at a public institution of higher education.
VI. “Student organization” means an organization or group of students who share similar interests or activities and which is recognized or approved by, or has sought recognition or approval from, a public institution of higher education which remains in the process of adjudication or appeal.

188-J:3 Due Process Rights Established.

I. In all disciplinary proceedings against a student, student organization, or faculty member, the student, student organization, or faculty member shall be entitled to a hearing under published procedures that include, at a minimum, all of the following:

(a) The right to receive written notice at least 7 days prior to the hearing of the allegations upon which proceeding is based, and the specific provisions of law, rule, regulation, or code of conduct that allegedly were violated.

(b) The right to receive at least 5 days before the hearing a listing of all known witnesses who have provided or will provide evidence or information against the student, student organization, or faculty member, as well as copies of all written documents, statements of witnesses, photographs, electronic data, tangible evidence, and all other relevant inculpatory or exculpatory information.

(c) The right to the presumption that no violation occurred. This presumption may be overcome only if the public institution of higher education establishes by a preponderance of the evidence that the violation alleged was committed by the student, student organization, or faculty member charged.

(d) The right against self-incrimination, and that invocation of this right may not afford a basis for the decision-maker to draw an adverse inference against the person who does so.

(e) The right to confront and cross examine witnesses who testify against the student, student organization, or faculty member.

(f) The right to present a defense and call witnesses in support of the defense.

(g) The right to an impartial hearing officer or panel.

(h) The right to have the assistance of an advisor, advocate, or legal representative, at the student, student organization, or faculty member’s own expense, who shall be allowed to be present at and directly participate in all aspects of the proceeding. Such advisor, advocate, or legal representative shall not serve in any other role in connection with the proceeding, including as investigator, witness, decider of fact, hearing officer, panel member, decider of an appeal, or advisor to any of the foregoing.

(i) The right to have a verbatim record of the hearing made and preserved for use in the event there is an appeal.

(j) The right to appeal a final adverse decision to the vice president of student affairs or equivalent official or body specifically designated by the institution to hear such appeals. The person or persons comprising the appeal tribunal shall not have directly participated in any other aspect of the proceeding in question.
II. The procedural rights, including the hearing, specified in paragraph I shall be afforded to a student, student organization, or faculty member prior to the imposition of any discipline; provided, however, that in cases where the public institution of higher education can show a substantial likelihood of an imminent threat of physical injury to any person or significant damage to property before a hearing can be held, the institution may immediately take such actions as are necessary to prevent or ameliorate the threat and shall thereupon hold a hearing as soon as reasonably practicable after it has taken such actions.

III. A student, student organization, or faculty member may waive any or all of the rights specified in paragraph I, provided that such waiver is made knowingly, intelligently, and voluntarily.

IV. In matters concerning a criminal allegation brought before any New Hampshire court, the findings of any postsecondary institution disciplinary proceeding shall not be admissible as evidence. Where criminal charges have been brought against any student, or where a protective order exists, a postsecondary institution may not proceed with its own disciplinary proceedings based on the same allegations until such a time that the criminal charges have been adjudicated by the courts. During such a period while criminal charges are in adjudication by the courts, or a protective order is in place, temporary disciplinary actions may be taken by the college pending final resolution of the criminal proceedings.

Any New Hampshire public institution of higher education may adopt rules, regulations, policies or procedures that afford students, student organizations, or faculty members more due process protections than those provided in this chapter, but no such institution shall adopt or utilize any rules, regulations, policies, or procedures that afford students, student organizations, or faculty members facing a disciplinary proceeding less protections than those afforded them herein.

2 Effective Date. This act shall take effect on July 1, 2025.
AN ACT relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

FISCAL IMPACT:  [ ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
• Does this bill authorize new positions to implement this bill?  [X] N/A

METHODOLOGY:

This bill establishes certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

Community College System of New Hampshire

The Community College System of New Hampshire (CCSNH) has identified the following areas to which they may incur a cost relative to this bill, along with estimated impacts:

- Paying outside counsel to
  - overhaul existing CCSNH policy and procedures for the affected groups;
  - assess how the provisions of the bill affect requirements under any other relevant laws, regulations, or authority such as Title IX of the Education Amendments of 1972, CCSNH collective bargaining agreement provisions, or other, and costs to renegotiate CBAs to align with elements of proposed new law;
  - prepare for and attend hearings which will, under the bill, also involve the participation of attorneys for the person who is the subject of the hearing;
• Paying to create and maintain the required verbatim record of every hearing/proceeding;
• Costs for one new position to coordinate adjudication procedures across CCSNH and train all affected personnel on requirements of new procedures; and
• Additional costs for employee participation on panels

<table>
<thead>
<tr>
<th></th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside Counsel Costs</td>
<td>$256,000</td>
<td>$250,000</td>
<td>$250,000</td>
</tr>
<tr>
<td>Verbatim Records Costs</td>
<td>$10,000</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>New Position (Adjudication Coordination)</td>
<td>$100,000</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>Additional Staff Costs for Panels</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$386,000</strong></td>
<td><strong>$380,000</strong></td>
<td><strong>$380,000</strong></td>
</tr>
</tbody>
</table>

University System of New Hampshire
The University System of New Hampshire (USNH) states this bill would afford due process rights to all University System students, faculty, and student organizations facing disciplinary action that could result in expulsion, suspension, or termination, or, in the case of student organizations, the deprivation of customary rights and privileges. Numerous specified due process rights include the right to a hearing, to cross-examine witnesses, and to appeal. This bill includes the requirement to suspend institutional disciplinary proceedings in situations where criminal charges have been brought against a student or where a protective order exists based on the same allegations, until the criminal charges are adjudicated.

USNH states this bill is estimated to increase USNH operating expense by a minimum of $500,000 per year. One component office (Community Standards) of the University of NH produces an estimate of $215,000 per year to support the salaries and benefits of three (3) additional staff members to manage increased workload in that office to support statutory compliance. Adding in expenses for other disciplinary areas beyond community standards, for other University System campuses, and for increased training and investigation and expanded volunteer management for additional panel hearings, a conservative estimate is $500,000 in increased University System expenses annually. There is potential further increased expense and/or lost revenue associated with the threat of liability, federal fines, or federal funding revocation given the conflict with federal law discussed below. Because the potential impact would be situational, an estimated range of expense for this aspect cannot be provided but could be substantial.

USNH states the provision suspending disciplinary proceedings pending the adjudication of criminal charges directly conflicts with federal guidance that requires postsecondary institutions to act quickly to respond to certain kinds of violations. Compliance with state law could result in violation of sub-regulatory guidance on Title IX and Title VII, while also exposing the community to foreseeable harm by failing to take action against students who have
committed egregious acts. Such inaction by the institution could increase exposure to civil litigation and federal fines and jeopardize Title funding (student financial aid).

AGENCIES CONTACTED:

Community College System of New Hampshire and University System of New Hampshire
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 09:15 am LOB 205-207</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/30/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/31/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>02/05/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/12/2024 01:00 pm LOB 205-207</td>
</tr>
<tr>
<td>02/05/2024</td>
<td>H</td>
<td>Executive Session: 02/14/2024 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 02/14/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0332h: AA VV 02/22/2024</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0332h: MA RC 192-185 02/22/2024</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/05/2024 01:00 pm LOB 209</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass 03/26/2024 (Vote 13-12; RC) HC 14 P. 9</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Lay HB1288 on Table (Rep. Luneau): MF RC 180-186 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA RC 196-184 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Education; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 101, LOB, 09:00 am; SC 16</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1288-FN, relative to establishing certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.

Hearing Date: April 23, 2024

Time Opened: 9:00 a.m.  Time Closed: 9:55 a.m.

Members of the Committee Present: Senators Ward, Gendreau, Lang and Prentiss

Members of the Committee Absent: Senator Fenton

Bill Analysis: This bill establishes certain due process rights for students, student organizations, and faculty members facing disciplinary actions by state institutions of higher learning.


Who supports the bill: 15 individuals signed in support of HB 1288-FN. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

Who opposes the bill: 68 individuals signed in opposition to HB 1288-FN. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

Who is neutral on the bill: N/A.

Summary of testimony:

Representative Bob Lynn

Rockingham – District 17

- HB 1288-FN establishes certain due process protections that students, organizations, and faculty at higher education institutions must be afforded prior to expulsion, termination, and deprivation of rights.
- Students would have: The right to advanced disclosure of evidence and witnesses, the right to a presumption of innocence, the right against self-incrimination, the right to confront and cross examine witnesses, the right to call witnesses in their own defense, the right to an impartial hearings officer, the right to have a lawyer present at their own expense, a right to records and the right to appeal.
- Rep. Lynn noted that the civil standard requiring a preponderance of evidence was extended to the university system proceedings.
• Rep. Lynn emphasized that opponents may reiterate that the community college and state university system already had procedures reflective of HB 1288-FN.
• Rep. Lynn pointed to a provision of HB 1288-FN permitting an institution to utilize their own procedures if equivalent to those in HB 1288-FN.
• Rep. Lynn countered the belief that HB 1288-FN would conflict with Title IX and the Clery amendments.
• The Department of Education had just updated Title IX, which Rep. Lynn found to be far more relaxed than HB 1288-FN and found no prohibition upon more due process protections with one possible exception.
  o Section 106.46(g) of Title IX provided that when a college decided to hold a live hearing, the parties on request had to be able to participate from separate locations.
  o Rep. Lynn found the notion that the federal government could preclude a state institution from considering greater due process protections unreasonable.
  o Rep. Lynn clarified that confrontation did not mean a sexual assault victim may be accosted or threatened during proceedings, rather the provision provides for questioning like a court proceeding.
• Sen. Lang asked what the reason or impetus was for HB 1288-FN.
  o Rep. Lynn said there wasn’t a particular impetus but considered the denial of due process at collegiate institutions to be a growing issue.
  o Rep. Lynn pointed to several other states, namely Florida, Arizona, Indiana, and Louisiana, as employing due process statutes for students.
  o Obama era Department of Education regulations were characterized as red flags by Rep. Lynn, as he found they were unaccommodating to a fair hearing.
  o The Trump administration revised the guidelines significantly, providing for confrontation among other things.
  o The Biden administration has subsequently revised the guidelines again, in a manner comparable to the Obama era.
  o Rep. Lynn said he did not and understood that there were many ways in which the USNH regulations were similar. Rep. Lynn noted that HB 1288-FN had key differences and reiterated the equivalency-based deferment provision.
• Sen. Lang asked if HB 1288-FN would supersede the grievance and termination provisions of collective bargaining agreements.
  o Rep. Lynn believed the answer would be yes and added that the collective bargaining agreement may have equivalent due process procedures fit for retention under HB 1288-FN.
  o Rep. Lynn added that there weren’t any unions testifying in opposition to HB 1288-FN.
• Sen. Lang was concerned that HB 1288-FN paused disciplinary processes for criminal processes, which may leave victims in limbo.
  o Rep. Lynn said the provision in question was not part of HB 1288-FN as introduced; The House Education Committee suggested the change.
  o Rep. Lynn reiterated that HB 1288-FN permitted an educational institution to take interim action, namely suspension or protective orders pending adjudication.
• Sen. Lang clarified that sexual assault cases were protracted and potentially years long. Sen. Lang was concerned that schools may have to wait years to offer a final determination.
  o Rep. Lynn believed that a sexual assault case being as protracted as Sen. Lang supposed was highly unlikely and said that the Senate Education Committee may remove that provision without contention from him.
• Sen. Prentiss asked if problems in other states, not New Hampshire, led to HB 1288-FN being considered.
Rep. Lynn agreed that several states enacted similar legislation.

- Sen. Prentiss sought clarification if HB 1288-FN was generated from a state-specific problem and found existing due process within the USNH to be sufficient.
  - Rep. Lynn agreed there were standing processes in place and did not have a specific impetus to draw upon.
  - Rep. Lynn did not believe there was sufficient information to know with certainty whether there was a problem with collegiate due process.

Tyler Coward

Foundation for Individual Rights and Expression

- Mr. Coward shared that FIRE was a nonpartisan nonprofit protecting free speech and free thought.
- Mr. Coward and FIRE supported HB 1288-FN.
- Mr. Coward reiterated that several states passed similar legislation in a bipartisan fashion.
- The live hearings accommodated for in HB 1288-FN were a critical change compared to the single investigator model of the Obama era title IX regulations according to Mr. Coward.
- Under the single investigator model, one individual would investigate, report, determine guilt, and sometimes punish those convicted.
- The 2022 title IX regulations eliminated the single investigator model.
- Mr. Coward said some institutions would ambush students with claims or allegations with no warning or notice, violating due process and preventing a student’s ability to defend themselves.
- Mr. Coward suggested that the ‘clear and convincing’ intermediate standard was more appropriate for sexual assault, or other offenses in which a student faces suspension or expulsion, as opposed to the civil standard.
- The key provision of HB 1288-FN was that enabling active assistance of counsel or an advisor.
- 2020 title IX regulation required that cross examinations be conducted by an advisor or attorney.
- Before an institution acts upon a student’s enrollment, they ought to offer fair and reliable due process.
- Mr. Coward clarified that title IX already accommodated for pauses in disciplinary proceedings, namely for students being incarcerated because of their conduct.
- Mr. Coward added that HB 1288-FN would provide protections for drug and alcohol cases in addition to sexual assault cases.
- Sen. Lang asked if Mr. Coward had reviewed current USNH procedures.
- Mr. Coward indicated that he had not and said he would review and provide a written analysis.
- Mr. Coward described a national trend of universities being compliant with title IX and due process in certain respects, while being non-compliant in others. HB 1288-FN maintained consistency.
- Sen. Lang noted that advisors were allowed and enabled to participate at the student’s expense under the USNH student due process procedure. Sen. Lang further clarified that panel review was part of the USNH procedure, not the single investigator, and wondered why HB 1288-FN was necessary given that no one looked at the USNH procedure.
- Mr. Coward indicated that many of the due process provisions in HB 1288-FN were verbatim from title IX and was interested to see what the position of the universities was.
Chad Pimentel
General Counsel, University System of New Hampshire

- Mr. Pimentel believed current USNH procedure provided due process.
- HB 1288-FN sought fundamental fairness through ten very specific requirements.
- Disciplinary procedures varied on the nature of the conduct, policies governing relationships, and the individuals involved.
- HB 1288-FN would replace varying procedures with a one-size-fits-all model according to Mr. Pimentel.
- HB 1288-FN would interfere with discipline against faculty; most were unionized and under CBA’s.
- Faculty are eventually subjected to a jury of their peers, which is intentionally informal to determine a settlement.
- HB 1288-FN would provide additional duplicative processes; perhaps the informal faculty meeting would become a formalized trial.
- HB 1288-FN also provided for an appeal, which would go back to someone at the university who may not have been involved in the preceding procedures.
- HB 1288-FN would add cost and complexity to the management and treatment of organizations.
- Mr. Pimentel believed deprivation of privileges for students and student groups were different. A student organization should not require a trial to have its privilege over reserved space revoked following their hypothetical uncleanliness.
- The pause of proceedings while criminal procedures were ongoing was problematic. Mr. Pimentel said just earlier this month one of his colleagues testified for a case which initiated almost four years ago.
- Mr. Pimentel clarified that there were limits to how long someone may be subject to interim action for.
- State law may prohibit action against a student, meanwhile federal law would prohibit any interim discipline.
- Mr. Pimentel asked that the Senate Education Committee find HB 1288-FN ITL.

Pamela Keilieg
Public policy specialist, NH Coalition against Sexual and Domestic Violence

- NHCASDV was the umbrella organization for New Hampshire’s 12 crisis centers.
- Ms. Keilieg opposed HB 1288-FN.
- NHCASDV passed a bipartisan bill in 2020 creating a model policy to address collegiate sexual misconduct, which would be upended by HB 1288-FN.
- The NHCASDV bill provided consistency between private and public institutions, whereas HB 1288-FN only addressed public institutions.
- HB 1288-FN would create a dangerous conflict between the criminal justice system and the University’s disciplinary processes.
- Criminal charges rarely resulted in immediate arrest and convictions took years according to Ms. Keilieg.
- School disciplinary process must be allowed to persist for immediate relief to the victim and to prevent continued harassment on part of the perpetrator.
- Victims may be forced to share dorms or classrooms with their perpetrators given no civil or criminal recourse available.
- Sexual assault was the most underreported crime. Victims deserved all tools available to them.
- Ms. Keilieg did not want victims making the choice between criminal or disciplinary procedure.
• HB 1288-FN would have adverse effects for victims of stalking and domestic violence, which protective orders were the front line.
• Survivors usually shared classes, programs, or activities with their abuser, necessitating immediate relief.
• Some survivors may require protective orders going beyond state-lines which HB 1288-FN would complicate.
• 67% of survivors indicated that assault had a negative impact on their academic performance.
• Ms. Keilieg read testimony from Sophia, a local survivor, opposing HB 1288-FN.
• Campuses would be significantly less safe.
• Sophia was assaulted within two weeks of her freshman year; the assault was reported criminally and through title IX. The criminal case took two years to go to court. If it were not for title IX processes in place, Sophia would have had to share campus with her abuser indefinitely.
• Sophia, Ms. Keilieg, and NHCASDV urged the committee to consider HB 1288-FN ITL.

Debra Howes

President, AFT New Hampshire

• HB 1288-FN was unnecessary; the Universities had robust due process.
• A pause against university action against the accused while criminal proceedings are ongoing would privilege the rights of the accused over the accuser.
• Students deserved access to the education which they paid for.
• HB 1288 interfered in contracts already bargained for and agreed upon between parties. The state did not need to step in and change that.
• Grievance and termination procedures were outlined in the contracts for faculty, outlining certain steps for when there was a complaint.
• Ms. Howes urged the committee to consider HB 1288-FN ITL.

PM
Date Hearing Report completed: April 29, 2024
HB 1298-FN - AS AMENDED BY THE HOUSE

28Mar2024... 1127h

2024 SESSION

24-2469
02/08

HOUSE BILL 1298-FN

AN ACT relative to the definition of part-time teachers.


COMMITTEE: Education

ANALYSIS

This bill defines "part-time teachers" and subjects them to the board of education's professional code of ethics and professional code of conduct.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the definition of part-time teachers.

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

1  New Section; Part-time Teachers. Amend RSA 189 by inserting after section 39-b the
2  following new section:
3    189:39-c Part-time Teachers; Adjunct Authorization.
4   I. For a part-time teacher to be eligible for adjunct authorization in a content area, the
5   following conditions must be met:
6       (a) A public school or school district in the state shall employ the individual to work as a
7       teacher on a part-time basis for less than 20 hours per week in a local or statewide teacher shortage
8       content area.
9       (b) The individual must have earned a bachelor’s degree or higher with a major in, or
10      related to, the field of authorization and must submit passing scores on the content knowledge exam
11      or exams required for the authorization area if one exists.
12       (c) The individual must submit verification of 5 years of occupational experience in or
13      related to the content field of the authorization for which the individual is applying. If the New
14      Hampshire department of education determines that this requirement is not met, the individual and
15      the employing public school or district may apply to the New Hampshire department of education for
16      a determination as to whether adequate occupational experience is documented to justify the
17      issuance of an adjunct authorization.
18   II. The local school district shall seek a criminal history record check clearance
19      authorization from the department of education as outlined in RSA 189:13-a prior to receiving a final
20      offer of employment.
21   III. The adjunct authorization issued under this option shall not lead to a standard educator
22      certificate, but may be renewed as indicated for the content area. An educator who has been issued
23      an adjunct authorization who wishes to pursue a standard educator certificate may do so through
24      completion of an approved traditional educator preparation program or through an approved
25      alternative program.
26   IV. Any person who has had a teaching credential, teaching license, or other teaching
27      certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be
28      employed as a teacher under another provision of law, shall not be eligible to teach under this
29      section.
30   V. The state board of education shall adopt rules pursuant to RSA 541-A to implement this
31      section.
2 Rulemaking; Professional Code of Ethics. Amend RSA 21-N:9, II(cc)(2) to read as follows:

(2) The professional code of ethics and the professional code of conduct shall apply to all teachers, **part-time teachers**, specialists, and administrators who are licensed or certified by the department.

3 Effective Date. This act shall take effect July 1, 2025.
AN ACT relative to the definition of part-time teachers.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>Indeterminable Increase ($100 Per Individual)</td>
<td></td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>Restricted - Education Credentialing Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
• Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill, presumed effective for the 2025-2026 school year, defines a part-time teacher in NH public schools and requires criminal history record check clearance authorization from the Department of Education. The Department states it has no information to estimate how many individuals may seek to be authorized as a part-time teacher, however, notes the Department charges a $100 fee for the criminal history record check clearance. Therefore, to the extent individuals seek this designation, there would be an increase in state restricted education credentialing revenue in FY 2025 and beyond.

AGENCIES CONTACTED:

Department of Education
Amendment to HB 1298-FN

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

1 New Section; Part-Time Teacher; Defined. Amend RSA 189 by inserting after section 39-b the following new section:

189:39-c Part-Time Teacher; Defined. A part-time teacher is not required to hold a state board of education credential provided that:

I. They work less than 30 hours per week.
II. They seek a criminal history record check clearance authorization from the department of education as outlined in RSA 189:13-a prior to receiving a final offer of employment.
III. They are subject to the code of conduct and code of ethics.
IV. Any person who has had an educator credential, educator license, or other educator certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be employed as an educator under another provision of law, shall not be eligible to teach under this section.

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

This bill defines "part-time teacher."
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education</td>
<td>HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/05/2024 12:45 pm LOB 205-207</td>
<td></td>
</tr>
<tr>
<td>02/05/2024</td>
<td>H</td>
<td>Executive Session: 02/13/2024 09:45 am LOB 205-207</td>
<td></td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/06/2024 09:30 am LOB 205-207</td>
<td></td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/18/2024 10:00 am LOB 205-207</td>
<td></td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1127h</td>
<td>03/18/2024 (Vote 20-0; CC) HC 12 P. 11</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1127h: AA VV 03/28/2024 HJ 10</td>
<td></td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1127h: MA VV 03/28/2024 HJ 10</td>
<td></td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Education; SJ 8</td>
<td></td>
</tr>
<tr>
<td>04/03/2024</td>
<td>S</td>
<td>Hearing: 04/09/2024, Room 101, LOB, 09:10 am; SC 14</td>
<td></td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1808s,</td>
<td>05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1298-FN, relative to the definition of part-time teachers.

Hearing Date: April 9, 2024

Time Opened: 9:20 a.m. Time Closed: 10:06 a.m.

Members of the Committee Present: Senators Ward, Gendreau, Lang and Fenton

Members of the Committee Absent: Senator Prentiss

Bill Analysis: This bill defines "part-time teachers" and subjects them to the board of education's professional code of ethics and professional code of conduct.

Sponsors:

Who supports the bill: 10 individuals signed in support of HB 1298-FN. Contact committee aide Pete Mulvey for details (peter.mulvey@leg.state.nh.us).

Who opposes the bill: 85 individuals signed in opposition to HB 1298-FN. Contact committee aide Pete Mulvey for details (peter.mulvey@leg.state.nh.us).

Who is neutral on the bill: N/A

Summary of testimony:

Representative Glenn Cordelli

Carroll – District 7

- HB 1298-FN would enable districts to hire part-time teachers.
  - Part time is defined as 20 hours a week or less.
  - Prospective educators would be expected to have a bachelor's degree or higher in a specific content area to be instructed.
  - Occupational experience would be expected; however, teaching certificates would not be.
- HB 1298-FN contained standard criteria regarding background checks, including past license revocation being considered a dis-qualifier.
- Sen. Gendreau asked if part time educators would be subject to code of ethics and conduct.
• Sen. Lang asked if there would be flexibility for elective instructors, namely artists, regarding the degree requirement within HB 1298-FN.
  o Rep. Cordelli indicated that HB 1298-FN was predominantly concerned with core subject areas as opposed to specialties such as art, and added the degree requirement was consistent with other states’ initiatives.

Representative Corrine Cascadden

Coos – District 5
• Rep. Cascadden voiced strong opposition to HB 1298-FN.
• Uncertified individuals were not teachers according to Rep. Cascadden.
• State law already accommodated teaching outside the scope of practice or license as an educator, so long as you held a degree and dedicated less than 50% of your time to the subject.
• Pathways for bon-a-fide certification were available; instructors were typically given four years to follow a professional development and certification plan.
• Reduced certifications and standards would act to the detriment of student metrics.
• Sen. Lang, noting that school boards were responsible for hiring, asked Rep. Cascadden to elaborate on her apprehension towards enabling school boards to procure and evaluate part-time educators.
  o Rep. Cascadden said school boards already had the flexibility to mitigate the present issues and found HB 1298-FN unnecessary.

Representative Rick Ladd

Grafton – District 5
• Representative Ladd believed the fixation on certification was a barrier toward providing skilled educators in classrooms.
• Amendment 1127h changed the entire bill: part time status was redefined as 20 hours a week or less, as opposed to 30, and adjunct-authorization was included, as opposed to temporary certification.
• Rep. Ladd referred to efforts by the community college system to provide professors as educators for high schools, which were hampered by high school educational certification requirements.
• Rep. Ladd clarified that requisite exams were still required when relevant, in addition to a bachelor’s degree and five years of occupational experience.
• Rep. Ladd believed that HB 1298-FN went beyond the standard options available to school boards referred to by Rep. Cascadden and suggested that he would have appreciated this flexibility during his tenure as a principal.

Aubrey Freedman

Bridgewater resident
• Mr. Freedman had firsthand experience with the teacher shortage; SAU 4 had routine turnover.
  o Mr. Freedman believed HB 1298-FN was a creative solution.
• Part time educators would provide valuable real-world experience to classrooms, which may engage students more and imbue a greater sense of credibility.
• Lack of certification did not indicate a lack of expertise according to Mr. Freedman.
Brian Hawkins

NEA - NH

- Mr. Hawkins was opposed to HB 1298-FN.
- HB 1298-FN would be detrimental because although an uncredentialed part time educator may be highly intelligent and experienced, they were not properly trained on how to best convey said expertise to children.
- While degree requirements were an improvement, pedagogical standards were still lacking in HB 1298-FN.
- Mr. Hawkins maintained that senate testimony from special education administrators concerning conflict with federal regulations were still relevant and applied to HB 1298-FN.
- Mr. Hawkins reiterated that there were preexisting mechanisms for alternative certification.
- Mr. Hawkins did not recall the onboarding of part time educators as a recommendation of the Committee to Study New Hampshire Teacher Shortages and Recruitment Incentives.
- NEA was curious if HB 1298-FN relieved local school districts of conducting their own background checks, deferring to the Department of Education instead.
- Mr. Hawkins was concerned that HB 1298-FN would allow perpetual renewal of adjunct authorization, circumventing requirements imposed upon preexisting means of alternative certification.
- Mr. Hawkins found the code of conduct difficult to enforce given that the Department of Education could not act against a violator’s non-existent credentials.
- Sen. Fenton asked if the Department of Education had experience in reviewing and evaluating occupational experience as required in HB 1298-FN.
  - Mr. Hawkins added that the same section of HB 1298-FN referred to by Sen. Fenton provided an appeal for determinations which would also go to the Department of Education, which was circular.
  - With respect to evaluating occupational experience, Mr. Hawkins believed the process would have elements reflective of the content certification process but was uncertain.
- Sen. Fenton asked if content recertification would be required for reauthorization of adjunct status under HB 1298-FN, or if reapplication was all that was necessary.
  - While HB 1298-FN made references to testing, it was largely unclear. Mr. Hawkins reiterated that in addition to comprehension of content, teaching ability and recognizing students needs were equally important qualities.

Debra Howes

President, AFT - NH

- Mr. Howes and AFT-NH opposed HB 1298-FN.
- The onboarding of uncertified, part-time educators would act to the detriment of students.
- Successful teaching required competency in lesson planning, activity coordination, engagement and motivation, dynamic presentation, and a keen sense of awareness of the classroom’s capabilities and cognition.
- Ms. Howes referred to her high school geometry teacher being replaced with a mechanical engineer for just a week. The former defense contractor, while conceptually an expert, was pedagogically insufficient and was ultimately a poor communicator.
  - Ms. Howes urged the committee to consider the educational implications of her experience, albeit protracted and on a larger scale.
• Sen. Gendreau asked if Ms. Howes would agree that even certified teachers may struggle with communication.
  o Ms. Howes said if there were teachers with those struggles, local administrators had the means to address those deficiencies with professional development plans.
• Sen. Gendreau clarified that she pictured a similar framework for the adjunct educators.
  o Ms. Howes reiterated that there were no clear requirements for administrative performance feedback and continued development for the proposed adjunct educators.
• Sen. Gendreau suggested that school districts may naturally have a similar sensitivity regarding performance observations for adjunct faculty and full-time faculty, mitigating Ms. Howes’ concerns.
  o Ms. Howes reiterated that the students were so important that it was critical to ensure all staff had essential tools at their disposal and urged preexisting alternative certification for experts seeking to enrich classrooms with their experiences.
• Sen. Ward asked if an assessment of communicative skills would intrinsically be a part of the interview process of an adjunct educator and suggested that professional development plans could be extended to adjunct staff as they were for certified staff.
  o Ms. Howes maintained that while those evaluations would occur, they were not always enough.
  o Ms. Howes reiterated her concern that experts lacking communications skills would be left to their own devices with little support or recourse for students.

Becky Wilson

NH School Boards Association

• Ms. Wilson asserted that HB 1298-FN only enabled individuals uninterested in certification to continue educating in perpetuity.
• Currently, local school boards may hire unlicensed staff for up to five years before a license obligation would be imposed.
  o Ms. Wilson elaborated that emergency certifications provided two years of eligibility, and alternative plans provided for three years of certification.
• The New Hampshire School Boards Association delegation produced a resolution to endorse legislation streamlining reciprocity; recruiting and credentialing educators from other states.
• It was questionable as to where adjunct staff would fall under a collective bargaining agreement according to Ms. Wilson.
• Onboarding of CTE instructors had stalled given the general expectation for parity in compensation among private sector and public sector roles, which Ms. Wilson found unfeasible en masse.
• Ms. Wilson believed the soft skills of educating; development of curriculum, implementation of programs, pedagogy, communication, accommodation, etc., were a significant lift for an individual with zero teaching preparation.
• Ms. Wilson reiterated the concern that the Department of Education would have difficulty enforcing the code of ethics and conduct for an uncredentialed district-employee.
• Sen. Gendreau asked Ms. Wilson if aging professionals with valuable experiences were being excluded by maintaining certification standards.
  o Ms. Wilson suggested that those same individuals may have a difficult time with parent teacher conferences, assessments, IEP accommodations and modifications, and other duties which a part time educator would still be relied upon to perform.
• Sen. Gendreau asked if those duties and expectations would be considered and deliberated in the onboarding phase.
Ms. Wilson did not believe HB 1298-FN addressed those areas nor those touched upon by the Committee to Study New Hampshire Teacher Shortages and Recruitment Incentives.

Ms. Wilson reiterated that industry professionals and experts had the means at their disposal to collaborate with districts and educators.

- Sen. Gendreau asked if many teachers had aides or paraeducators at their disposal.
  - Ms. Wilson said districts handled support staff differently, and for different reasons.
  - Ms. Wilson added that paraeducators were typically assigned to students and clarified that they too were licensed by the department of education.

- Sen. Fenton, maintaining that expertise in a concept did not translate to expertise in educating, asked Ms. Wilson if she felt HB 1298-FN equated the two, understating the duties of education.
  - Ms. Wilson maintained that the pedagogical component of educating was a critical part of a School Board's considerations beyond content knowledge.
HOUSE BILL 1312

AN ACT requiring parental notification of student health or well-being and certain curricula by school districts.


COMMITTEE: Education

AMENDED ANALYSIS

This bill expands notice requirements by school districts to parents for certain curriculum course material, and prohibits school districts from adopting policies that prohibit employees from answering questions from parents about students' well-being.

Explanation: Matter added to current law appears in \textit{bold italics}. Matter removed from current law appears \textit{[in brackets and struckthrough.]} Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1312 - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT requiring parental notification of student health or well-being and certain curricula by school districts.

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

1 Duties of State Board of Education. Amend RSA 186:11, IX-c to read as follows:

IX-c. Require School Districts to Adopt a Policy Allowing an Exception to Specific Course Material Based on a Parent's or Legal Guardian's Determination that the Material is Objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of any curriculum course material used for instruction or program of human sexuality, [sexual education, sexual orientation, gender, gender identity, or gender expression. The policy shall address the method of delivering notification to a parent or legal guardian. The policy shall also acknowledge that no notice is required if a school employee is responding to a question from a student during class. To the extent practicable.] A school district shall make curriculum course materials available to parents or legal guardians for review upon request. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2 New Paragraph; Parental Notification of Changes in Student Mental Well-Being. Amend RSA 186:11 by inserting after paragraph IX-d the following new paragraph:

IX-e. Require School Districts to Adopt a Policy on Parental Notification of Changes in Student’s Mental and Emotional Well-Being, or Related Services. A school district may not adopt policies, procedures or student support forms that prohibit school district personnel from answering questions from a parent about his or her student's mental, emotional, or physical health or well-being, sexuality, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. This paragraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect pursuant to RSA 169-C:3.
3 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education  HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>02/05/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/13/2024 09:45 am LOB 205-207</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/20/2024 09:15 am LOB 205-207</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 02/21/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Amendment # 2024-0774h: AA VV 03/14/2024  HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0774h: MA RC 186-185 03/14/2024  HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Education;  SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 101, LOB, 09:10 am;  SC 17</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-1;  SC 19</td>
</tr>
</tbody>
</table>
HB 1312, requiring parental notification of student health or well-being and certain curricula by school districts.

**Hearing Date:** April 30, 2024

**Time Opened:** 11:30 a.m.  
**Time Closed:** 12:25 a.m.

**Members of the Committee Present:** Senators Ward, Gendreau, Lang, Fenton and Prentiss

**Members of the Committee Absent:** None

**Bill Analysis:** This bill expands notice requirements by school districts to parents for certain curriculum course material, and prohibits school districts from adopting policies that prohibit employees from answering questions from parents about students' well-being.

**Sponsors:**
- Rep. K. Perez
- Rep. Panek
- Rep. A. Lekas
- Rep. Andrus
- Rep. Dunn
- Rep. Quaratiello
- Rep. Kofalt
- Rep. Love
- Sen. Innis

---

**Who supports the bill:** 222 individuals signed in support of HB 1312. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

**Who opposes the bill:** 345 individuals signed in opposition to HB 1312. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

**Who is neutral on the bill:** One individual was neutral for HB 1312. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

**Summary of testimony:**

Rep. Kristine Perez

Rockingham – District 16

- HB 1312 was requested by a constituent.
- The concern was that the RSA 186 policies were only applied to health and sex education classes.
- There were no policies prohibiting conversations of equally sensitive topics in other classrooms without parental notification.
- HB 1312 simply added the word 'any' before the word 'curriculum' to provide clarity in the law.
• Performance metrics were dropping, student health was decreasing, therefore parents deserved to know what their children were taught.
• Rep. Perez said that if see something say something could not be implemented, then parents should at least get clear answers to their questions when prompted.

Rep. Glenn Cordelli

Carroll – District 7

• Rep. Cordelli supported HB 1312.
• Current law required school districts to notify parents two weeks in advance when instructions or programs were given related to sex or sexuality.
• HB 1312 included topics such as sexual orientation, and gender identity to require advanced notice.
• HB 1312 Prohibited schools from adopting policies enabling silence regarding parental questions.
• There was a protection against disclosure in HB 1312 for instances which may lead to abuse or neglect of a child.
• Rep. Cordelli felt that some wanted to insert government into a parenting role.
• Rep. Cordelli cited the 1925 SCOTUS decision Pierce v. Society of Sisters, which determined that a child is not a creature of the state.
• Sen. Prentiss asked Rep. Cordelli if human sexuality did not encompass sexuality or identity, and if the specific inclusion of those terms was necessary.
  o Rep. Cordelli said it was necessary to include those terms as there was confusion whether they applied to strictly sexual education or other settings.
  Sen. Prentiss asked if there was a preexisting mechanism to raise objections, and if it were Rep. Cordelli’s position that more language was necessary.
  o Rep. Cordelli said it was for clarity.
• Sen. Prentiss referred to a section of HB 1312 which was similar to the parental bill of rights, which was indefinitely postponed in the House. Sen. Prentiss asked if pressure was being applied to teachers.
  o Rep. Cordelli said too many times overreach had occurred on behalf of the school tapping into parent’s responsibilities.
  o Rep. Cordelli said that SB 341 had differences with HB 1312 and was in a different section of law.
• Sen. Prentiss said it effectively dealt with the same general topic.
  o Rep. Cordelli agreed they both dealt with the same general topic.
• Sen. Fenton wondered if in the event a child withheld information from a parent, if HB 1312 now made sure the teacher told the parent the information in question.
  o Rep. Cordelli said he was making sure parents knew what was going on in schools.

Stephen Scaer

Nashua

• Mr. Scaer supported HB 1312.
• HB 1312 helped parents protect their children from exploitation and indoctrination into transgenderism according to Mr. Scaer.
Mr. Scaer referred to the Cass review from the National Health Service in England, which led to the closure of the world’s largest gender clinic and concluded that puberty blockers improved mental health.

Mr. Scaer believed public schools taught that identity was immutable and would result in suicide if not affirmed.

Schools secretly affirmed identifies with new names and new pronouns, resulting in attempts to help children achieve comfort in their own bodies being labeled as conversion therapy.

Schools were becoming pipelines for self-diagnosed students to seek physicians.

Mr. Scaer suggested that the findings of the Cass review were corroborated in Swedish and Finnish reviews.

Mr. Scaer asked the committee to consider HB 1312 ought to pass.

Sen. Fenton contended the notion that students were being indoctrinated into transgenderism and sought elaboration from Mr. Scaer.

Mr. Scaer described a display he observed in a public-school instructing student on how to seek medical interventions in accordance with several gender identities.

Sen. Fenton asked if a poster was the impetus for Mr. Scaer’s testimony.

Mr. Scaer said the committee could rely on other testimony, namely that of the AFT NH, to understand that there were policies affirming trans gender identities. Mr. Scaer said the religious symbols of transgenderism were prevalent in schools in June.

Giles Bissonette, esq.

Legal Director, ACLU NH

- Opposed HB 1312
- HB 1312 made changes to preexisting provisions in law, and dealt with disclosures and obligations.
- The ACLU’s oral testimony highlighted the changes to RSA 186, meanwhile written testimony in collaboration with GLAD spoke to the bill in its entirety.
- Mr. Bissonette believed that HB 1312 would result in the self-censoring of all undefined programs which referenced LGBTQ+ individuals or content.
- Any curriculum course material used for instruction would necessitate notice, regardless of significance.
- HB 1312 targeted and stigmatized any instruction regarding the LGBTQ+ community.
- Mr. Bissonette found implementation to be questionable given the broad scope of HB 1312.
- HB 1312 may apply to a book in history class which refers to or is related to the Stonewall protests.
- HB 1312 required notification for content related to sexuality or gender across the board, meaning that even content related to hetero normative relationships could be implicated. All people had prominently displayed orientations, even if they were not homosexual.
- Sen. Fenton asked if heterosexually adjacent content would require notification under HB 1312 as well.
  - Mr. Bissonette confirmed that the term sexuality encompassed straight and gay relationships. Romeo and Juliet may be implicated by HB 1312.

Chris Erchull, esq.

GLAD

- Mr. Erchull was opposed to HB 1312.
- Teachers must never encourage lies and such was not the appropriate position for teachers.
- Mr. Erchull had never heard credible information that teachers lied in New Hampshire.
- School policies did not endorse lying.
- Schools could not adequately do their job if not partnered with parents.
- School was a public place, where information would always get back to parents.
- It was important to respond to sensitive inquiries with encouragement, such as offering resources for parents to host sensitive conversations with their children.
- Under HB 1312, instruction on King Henry VIII could be subject to disclosure. Henry VIII had six wives. If such content weren’t subject to notification and opt-out, Mr. Erchull questioned why that would be the case.

Rep. Timothy Horrigan

Strafford – District 10

- The term parent was restrictive; some people had guardians and stepparents.
- Everyone had a gender identity and gender expression.
- Chartered public schools were referred to, yet HB 1312 said nothing about public academies or private schools which accepted funding through the EFA program.
- HB 1312 would not prevent the emergence of these difficult issues.

Nancy Biederman

New Boston

- Ms. Biederman is a concerned parent, and former teacher.
- In SAU 19, a middle school bulletin board had information regarding sexual and gender identity. Ms. Biederman did not appreciate that 10-year-olds and 15-year-olds were being exposed to gender identity concepts.
- Parents were upset because the superintendent changed the board because it was out of season, and not because it was considered obscene and inappropriate by the concerned parents’ standards.
- No proof of a permission slip to see or display the bulletin was ever shown.
- A Trevor project poster displayed in SAU 19 detailing phone numbers, social media contacts, and chat/social network resources was characterized as disbursing by Ms. Biederman.
- Ms. Biederman suggested that the Trevor project resources were comprised of aggressive and perverse content/information.

Jonah Sutton-Morse

Canterbury

- Mr. Sutton-Morse opposed HB 1312.
- HB 1312 enabled parents to take their children out of lessons regarding the experiences of their own peers.
- Classrooms were full of curriculum about sexuality and gender, which predominantly reinforced hetero normative concepts. Mr. Sutton-Morse questioned why contemplating alternatives and inclusivity was labeled an ideology.
Deborah Howes
President, AFT NH

- AFT NH opposed HB 1312.
- Ms. Howes maintained that preexisting mechanisms were sufficient.
- Ms. Howes questioned the limits of disclosure and notification requirements as configured in HB 1312.
- It was questionable whether civil rights, Shakespeare, or the wage gap could be instructed without notification.
- Students’ ability to have a robust academic experience was limited by HB 1312.
- Ms. Howes wondered why a book with two mothers and no sexual content required parental notification, and wondered if the same book with a mother and a father would be held to the same standard.
- HB 1312 would increase student’s stress and anxiety.
- All students deserved to feel safe and welcome.
- Ms. Howes urged for parents and students to hold conversations and urged the committee to consider HB 1312 inexpedient to legislate.

Brian Hawkins
NEA NH

- NEA NH opposed HB 1312.
- Mr. Hawkins thought HB 1312 would significantly limit the ability to teach given its vagueness surrounding violations and actionability.
- Mr. Hawkins believed section one of HB 1312 was exhaustively covered and believed the additions within HB 1312 created broad circumstances to a concerning extent, putting educators in a potentially vulnerable position.
- There were no adequate protections for an educator’s scope in response to student discussions or questions.
- Section two contained vague language which made it difficult for educators to comply with the law.
- There was not sufficient notice for educators regarding what may be afoul to HB 1312.
- Sen. Lang asked Mr. Hawkins regarding line 9, asking who was responsible for defining curriculum being used.
  - Mr. Hawkins said the school board would make that determination.
- Sen. Lang asked if we would know the content far in advance given its approval by the school board.
  - Mr. Hawkins said the material referred to in HB 1312 could cover a variety of instances and areas. Mr. Hawkins wondered if a two-week notice be required for any mention of gender in a history class even if insignificant.
- Sen. Lang asked who was responsible for curriculum, and if teachers could deviate.
  - Mr. Hawkins noted that social studies courses frequently cover current events, which a school board could not review in advance. Mr. Hawkins did not believe dynamic conversations could happen compliantly under HB 1312.
  - Mr. Hawkins asked Sen. Lang to consider at what point during a conversation would a teacher have to shut down the discussion, and wondered how they would make that determination in compliance with the vague standards of HB 1312.
Representative Alicia Lekas
Hillsborough – District 38

- Rep. Lekas noted how the Manchester school recognized a student’s right to keep privacy once trans gender nonconforming presentation occurs in school. School personnel were advised to not disclose such information, unless legally compelled or authorized, as it was considered confidential.
- Rep. Lekas said schools were still pushing that parents shall not be notified of their children’s sexual orientation and gender identity.

Michelle Cilley-Foisy
Temple

- Ms. Cilley-Foisy opposed HB 1312.
- Ms. Cilley-Foisy believed children had equal rights to adults.
- Parents did not exist to control children, but to love, support and guide them.
- Ms. Cilley-Foisy shared her daughter’s journey of recovery and transition, and considered supports beyond the home essential, and did not consider outside supports threatening.
- Being able to live authentically was one of the healthiest experiences you could have as a person.
- Ms. Cilley-Foisy believed that HB 1312 claimed to protect parental rights but led to direct harm of LGBTQ youth.
- Sen. Lang asked if any point parents should be notified what is taught beyond core subjects.
  - Ms. Cilley-Foisy said involved parents would likely be aware of those things conversationally and indicated that parents’ ought to reach out to the teachers.

PM
Date Hearing Report completed: May 6, 2024
HOUSE BILL  1570-FN-A-LOCAL

AN ACT requiring the department of education to conduct a facility assessment of public schools and public chartered schools.

SPONSORS: Rep. Ladd, Graf. 5

COMMITTEE: Education

AMENDED ANALYSIS

This bill directs the department of education to contract with a vendor to conduct a facility assessment of public schools and public chartered schools and directs the department to request additional funding for this purpose.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1570-FN-A-LOCAL - AS AMENDED BY THE HOUSE
8Feb2024... 0336h
11Apr2024... 1037h

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT requiring the department of education to conduct a facility assessment of public schools and public chartered schools.

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

1 Grant for School Construction; Facility Assessment Required. Amend RSA 198:15-a, V to read as follows:

   V.(a) The department of education shall develop and maintain a 10-year school facilities plan of potential school building grant projects. Potential projects shall include, but not be limited to, criteria pursuant to RSA 198:15-c, II(b). The 10-year plan is intended to create a method to identify and enhance school facilities in a safe, healthy, and efficient manner while providing adequate learning environments for New Hampshire's students. The 10-year plan shall be updated every biennium to provide the department a summary of projects and school facility capital expenditures that are anticipated for the next 10 years. The plan shall identify new construction, renovation, and emergency projects, and describe the overall condition of projects contained in the plan. In support of the 10-year plan, it is recommended that each district have in place and provide the department a long-range capital improvement program that identifies school facility goals, provides projected expenditures, and outlines procedures and guidelines to be followed to accomplish goals. Each district is encouraged to review and update the district’s anticipated school facility capital improvement plan on a 2-year recurring basis or as needed. The department shall use this information to better plan, prioritize, and project new anticipated capital construction and renovation expenditures relative to the state building aid program. The state board of education shall adopt rules pursuant to RSA 541-A relative to this paragraph.

   (b) To comply with requirements in subparagraph V(a), the department of education shall contract with a vendor to conduct a facility assessment of public schools and chartered public schools, and to create a ranked list of schools most in need of construction or renovation. The contractor will be selected through the statewide contracting process, pursuant to RSA 4:15.

2 Appropriations.

   I. For the fiscal year ending June 30, 2025, the commissioner of education may request the fiscal committee of the general court authorize additional funding for the purpose of meeting the requirements of RSA 198:15-a, V(a) and (b), relative to contracting with an outside vendor to conduct a facility assessment of public schools and public chartered schools, and to create a ranked list of schools most in need of construction or renovation. Amounts requested under this paragraph shall be
a charge to the education trust fund. For funds requested and approved, the governor is authorized
to draw a warrant from any money in the treasury not otherwise appropriated.

II. For the fiscal year ending June 30, 2026, and each year thereafter, the department may
include in its efficiency expenditure request under RSA 9:4 sufficient funds for the continued cost of
complying with the provisions of RSA 198:15-a, V(a) and (b).

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT requiring the department of education to conduct a facility assessment of public schools and public chartered schools.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:
Under current law (RSA 195:15-a, V), the Department of Education is required to develop and maintain a 10-year school facilities plan of potential school building grant projects. This bill requires the Department to comply with RSA 198:15-a, V, by contracting with an outside vendor to conduct a facility assessment of public schools and chartered public schools, and to create a ranked list of schools most in need of construction or renovation. Since the bill merely mandates the Department use an outside vendor to complete the assessment that is already required, this bill has no new fiscal impact. The Department states the initial assessment could cost anywhere between $5,000,000 and $10,000,000, and an additional $250,000 to $500,000 in each year thereafter to update. It should be noted there is no funding currently available to the Department for this purpose, nor is there any funding provided by this bill.

AGENCIES CONTACTED:
Department of Education
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/18/2024 10:45 am LOB 205-207</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/30/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 01/31/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0336h (NT) 01/30/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Amendment # 2024-0336h: AA VV 02/08/2024 HJ 4 P. 7</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0336h: MA VV 02/08/2024 HJ 4 P. 7</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Referred to Finance 02/08/2024 HJ 4 P. 7</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Division II Work Session: 03/05/2024 11:20 am LOB 209</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/15/2024 01:00 pm LOB 209</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Executive Session: 03/26/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1037h 03/28/2024 (Vote 25-0; RC) HC 14 P. 12</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1037h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1037h: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Education; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 101, LOB, 09:15 am; SC 16</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1570-FN-A-LOCAL, requiring the department of education to conduct a facility assessment of public schools and public chartered schools.

Hearing Date: April 23, 2024

Time Opened: 9:56 a.m. Time Closed: 9:59 a.m.

Members of the Committee Present: Senators Ward, Gendreau and Prentiss

Members of the Committee Absent: Senators Lang and Fenton

Bill Analysis: This bill directs the department of education to contract with a vendor to conduct a facility assessment of public schools and public chartered schools and directs the department to request additional funding for this purpose.

Sponsors:
Rep. Ladd


Who opposes the bill: Janet Lucas and Kathleen Malsbenden.

Who is neutral on the bill: N/A.

Summary of testimony:

Representative Rick Ladd

Grafton – District 5

- HB 1570 dealt with the Department of Education’s ability to contract with vendors for facility assessments.
- The Department of Education was required by law to develop 10-year facility plans, which included potential projects coming forward.
- During the moratorium period, the demand for renovation and construction accumulated.
- Rep. Ladd sought to ensure limited aid went to the neediest.
- Rep. Ladd found employing a custodian or principal for condition assessments was insufficient.
- Facilities ought to be assessed by qualified architects and engineers.
- New Hampshire has 33,000,000 square feet of school buildings.
- At a minimum cost of 15 cents per square foot, contracted assessment would approach $5m.
- Rep. Ladd reiterated the Commissioner of Education’s quote from 1885, emphasizing the importance of school facilities and their maintenance.
HB 1656-FN-LOCAL - AS AMENDED BY THE HOUSE

22Feb2024... 0603h
11Apr2024... 1211h

2024 SESSION

HOUSE BILL

1656-FN-LOCAL

AN ACT relative to adequate education grant amounts for pupils receiving special education services.


COMMITTEE: Education

AMENDED ANALYSIS

This bill provides for categories of special education services for application to the calculation of differentiated aid in adequate education grant amounts.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1656-FN-LOCAL - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to adequate education grant amounts for pupils receiving special education services.

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

1  Cost of an Opportunity for an Adequate Education; Differentiated Aid; Special Education.
2 RSA 198:40-a, II(d) is repealed and reenacted to read as follows:
3  (d)(1) An additional $2,642 for each pupil in the ADMR who is receiving special
4  education services with a category A disability, $5,285 for each pupil in the ADMR who is receiving
5  special education services with a category B disability, and $7,927 for each pupil in the ADMR who
6  is receiving special education services with a category C disability.
7  (2) For this subparagraph, “category A disability” applies to pupils receiving special
8  education services inside regular class 80 percent or more of the day; “category B disability” applies
9  to pupils receiving special education services inside regular class less than 40 percent of the day and
10  inside regular class 40 percent through 79 percent of the day; and “category C disability” applies to
11  pupils receiving special education services in separate schools, residential facilities, or
12  homebound/hospital placements. Categories A, B, and C apply to pupils ages 5 in kindergarten
13  through 21, inclusive. Any pupil receiving special education services identified by the department
14  that was not identified in the department’s data collection efforts to determine categories A, B, and
15  C, shall default to category A.
16  2 Effective Date. This act shall take effect July 1, 2024.
AN ACT relative to adequate education grant amounts for pupils receiving special education services.

FISCAL IMPACT:  [ X ] State  [ ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>District Public Schools</td>
</tr>
<tr>
<td>FY 2025 - Increase of Approximately $17,700,000</td>
</tr>
<tr>
<td>FY 2026 and Beyond - Indeterminable Increase</td>
</tr>
<tr>
<td>Charter Public Schools / Education Freedom Accounts</td>
</tr>
<tr>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Education Trust Fund</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Statutory Open Warrant Exists for Adequacy Payments</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Education Trust Fund</td>
</tr>
<tr>
<td>• Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A</td>
</tr>
<tr>
<td>• Does this bill authorize new positions to implement this bill? [X] N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2025 - Increase of Approximately $17,700,000</td>
</tr>
<tr>
<td>FY 2026 and Beyond - Indeterminable Increase</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>$0</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill, effective FY 2025, replaces the current special education differentiated aid flat rate of $2,079.89 for each pupil in the ADMR (average daily membership – residence) who is receiving special education services with three categories of differential aid as follows:

- An additional $2,642 for each pupil in the ADMR who is receiving special education services for less than 80 percent of the school day (category A disability);
- An additional $5,285 for each pupil in the ADMR who is receiving special education services for 80 percent or more of the school day (category B disability);
- And an additional $7,927 for each pupil in the ADMR who is receiving special education services in separate schools, residential facilities, or homebound/hospital placements (category C disability).

Any pupil receiving special education services not identified in the Department’s data collection efforts to determine categories A, B, and C, shall default to category A.

<table>
<thead>
<tr>
<th>Category</th>
<th>ADMR</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>20,639.34</td>
</tr>
<tr>
<td>B</td>
<td>5,363.56</td>
</tr>
<tr>
<td>C</td>
<td>330.87</td>
</tr>
<tr>
<td>Catch All (Category A)</td>
<td>4,630.93</td>
</tr>
<tr>
<td>Total</td>
<td>30,964.70</td>
</tr>
</tbody>
</table>

When incorporating this method to the FY 2025 adequacy formula, and using the ADMR data above, a final state grant was determined to be $1,072,401,133, an increase of $17,727,172 when compared to the current law Final State Grant amount of $1,054,673,961.

It should be noted that this estimate does not consider chartered public schools nor education freedom accounts, which would have an indeterminable impact.

AGENCIES CONTACTED:

Department of Education
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education HJ 1 P. 28</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Public Hearing: 01/10/2024 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 01/11/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 01/19/2024 10:00 am LOB 209</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>==CANCELLED== Subcommittee Work Session: 01/26/2024 10:00 am LOB 209</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/02/2024 10:00 am LOB 209</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/07/2024 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/14/2024 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0603h (NT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>02/14/2024 (Vote 19-1; CC) HC 5 P. 26</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0603h: MA VV 02/22/2024 HJ 6 P. 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0603h: AA VV 02/22/2024 HJ 6 P. 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6 P. 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/05/2024 03:30 pm LOB 209</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Division Work Session: 03/15/2024 01:00 pm LOB 209</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Division Work Session: 03/27/2024 10:00 am LOB 209</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Executive Session: 04/02/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-1211h</td>
</tr>
<tr>
<td></td>
<td></td>
<td>04/02/2024 (Vote 21-4; RC) HC 14 P. 16</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Minority Committee Report: Ought to Pass with Amendment # 2024-1327h</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1211h: AA VV 04/11/2024</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1327h: AF RC 187-187 04/11/2024</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1211h: MA RC 349-26 04/11/2024</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Education; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 101, LOB, 09:30 am; SC 16</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
Senate Education Committee

Pete Mulvey  271-4063

HB 1656-FN-LOCAL, relative to adequate education grant amounts for pupils receiving special education services.

Hearing Date:   April 23, 2024

Time Opened:    10:00 a.m.      Time Closed:    10:26 a.m.

Members of the Committee Present:  Senators Ward, Fenton, Prentiss and Gendreau

Members of the Committee Absent:  Senator Lang

Bill Analysis:   This bill provides for categories of special education services for application to the calculation of differentiated aid in adequate education grant amounts.

Sponsors:
Sen. Altschiller

Who supports the bill:  58 individuals signed in support of HB 1656-FN. Contact committee aide Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

Who opposes the bill:  Julie Smith, Kathleen Chadwick, Arnold Scott, Letitia Ufford, and Dorothea Vecchiotti.

Who is neutral on the bill:  Brian Eaton and Mark Manganiello.

Summary of testimony:

Representative Cam Kenney

Strafford - District 10

- HB 1656 separated special education students into three categories based upon need, each receiving different aid accordingly.
- Representative Kenny had a personal stake regarding individualized education programs (IEPs) and found HB 1656 to be a bipartisan priority.
- Representative Kenney noted that HB 1656 passed the House of Representatives with significant majorities.
Representative Mary Heath

Hillsborough – District 41

- HB 1656 was considered by a bipartisan subcommittee comprised of representatives from education, ways and means, and finance, and was selected to go forward.
- The crux of HB 1656 was a reevaluation of the costs associated with special education.
- Rep. Heath reported a sharp increase in the number of students with disabilities.
- School districts were struggling with the high costs related to IEPs.
- The New Hampshire School Funding Fairness project determined that local school districts spent over $842m annually.
- The federal government had reneged on its obligations, and state aid was meager according to Rep. Heath. The school districts carried the majority of the burden for long enough.
- HB 1656 provides an additional $2,642 for each child among average daily membership (ADM) receiving a Special Education within the category ‘a’.
- Category B students received an additional $5280, and category C students received an additional $7920.
- Each category was distinguished by the time and severity of the handicaps in question.
- HB 1656 cost a total of $17m.
- Rep. Heath had an amendment to accommodate a $35m cost as agreed upon by the bipartisan subcommittee, however the amendment failed.
- Rep. Heath urged the committee to consider the language of her amendment, as it also sought to address and mitigate concerns surrounding recent court orders related to adequacy aid.

Rep. Rick Ladd

Grafton – District 5

- There were 13 categories of IEP students to be reported to the state and federal government.
- Rep. Ladd noted that many of those categories grew exponentially following the COVID-19 pandemic.
- An annual data fact sheet was required by part b of the individuals with disabilities in education act (IDEA), which contained three weighted categories.
- Rep. Ladd suggested that HB 1656 would result in effectively the same information being collected and reported, as opposed to the standard 13 categories being reformatted into the three larger groups.
- Category A was defined as students with IEPs who were in the regular general education classroom 80% of the time.
- Category B was defined similarly, although those students were in the general education classroom 79% or less of the time.
- Category C was relegated for children who were homebound, hospitalized, living in residential facilities, or specialized schools.
- Adequacy within differentiated aid needed to be reevaluated; a flat rate for all levels was unsatisfactory, and burdened districts.
- Rep. Ladd observed that although special education aid was approximately $30m, it was not sufficient in covering costs, and was determined by a formula which smaller communities could not accommodate.
- Rep. Ladd recalled two students with IEPs arriving within one school year, resulting in $200k+ in expenses resulting in the issue of a tax anticipation note.
- Rep. Ladd clarified that the funds apportioned for special education differentiated aid were not targeted funds.
• Approximately 30,000 children had IEPs and had not changed since Rep. Ladd’s election in 2008.

Representative Hope Damon

Sullivan – District 8

• Rep. Damon was in support of HB 1656.
• HB 1656 was valuable for every school district.
• Rep. Damon clarified that greater screening and greater awareness contributed to the increasing rate of students in special education.
• Given that local districts had to fund special education, if state aid were lacking, the education of non-special education students had to be diminished and reconfigured to compensate.
• Rep. Damon urged adopted of the initial bipartisan subcommittee recommendation, as opposed to the version as amended by the house given the reduction in the appropriation.

Carolyn Drury

New Hampshire Academy of Audiology

• Ms. Drury testified in support of HB 1656.
• Ms. Drury believed the tiered support model being considered would enhance funding.
• In addition to the services themselves, technology and tools utilized for special education supports have grown in cost as well.

Zach Sheehan

Executive director, New Hampshire School Funding Fairness Project

• Mr. Sheehan testified in support of HB 1656.
• Mr. Sheehan encouraged the committee to consider the original $35m appropriation.
• The state only provided on average $5k per student in the form of adequacy according to Mr. Sheehan.
• Given that the cost to educate a student was approximately 20k per student, the state had highly variable tax-rates.
• Special education costs were significant contributors to local taxes.
• Approximately 20% of all students received some form of special education services.
• It cost $27,000 on average to educate student within special education.
• Special education costs were $842m 2021-2022, comprising roughly 25% of public-school expenditures.
• The state only contributed 7.3% of the $842m according to Mr. Sheehan.
• Mr. Sheehan offered written testimony from 11/13 NH mayors supporting the bill as amended.

Brian Eaton and Mark Manganiello

Bureau of School Finance, New Hampshire Department of Education

• Senator Ward asked if special education was being reduced from 13 to three categories.
• Mr. Eaton reiteratated that 13 categories were collected and would be contained within the three-tiered categories.
• Mr. Manganiello added that HB 1656 was the product of many previous renditions and was introducing a tiered funding approach to special education in New Hampshire.
• Sen. Ward asked if it were easier for the department of education to consider three categories as opposed to 13.
• Mr. Manganiello did not believe there would be a difference in how data is aggregated by the department.
• Sen. Ward sought confirmation that the Department was neutral regarding HB 1656.
• Mr. Manganiello confirmed the Department’s neutrality.

Scott Gross

Business administrator, SAU 19

• Mr. Gross clarified that local taxpayers, some of whom were childless and/or on a fixed income, bore the burden of added costs, and not the school district itself.
• Anecdotally, Mr. Gross noted serious debate among local deliberative sessions regarding budget cuts given rising costs.
• Mr. Gross recalled that it may cost $450 a day, or $80k annually, to transport a special needs student.
• School districts paid some specialists, namely speech pathologists and occupational therapists, as much as $150 an hour.
• Out-of-district and residential placements cost hundreds of thousands of dollars; small communities could not afford those costs.
• HB 1656 was desperately necessary for smaller communities and Mr. Gross hoped for its adoption.

PM
Date Hearing Report completed: April 29, 2024
HOUSE BILL 1665-FN

AN ACT relative to student eligibility for the education freedom accounts program.


COMMITTEE: Education

ANALYSIS

This bill changes the annual household income limit to qualify for the education freedom account program.

Explanation: Matter added to current law appears in **bold italics**. Matter removed from current law appears [in brackets and struckthrough]. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to student eligibility for the education freedom accounts program.

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

1 Education Freedom Account; Definitions. Amend RSA 194-F:1, VI to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program is less than or equal to \( \frac{500}{250} \) percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). No income threshold need be met in subsequent years, provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to student eligibility for the education freedom accounts program.

FISCAL IMPACT:  [ X ] State    [ ] County    [ X ] Local    [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
- Does this bill authorize new positions to implement this bill? [X] N/A

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill increases the income eligibility threshold for the Education Freedom Account (EFA) program from 350 percent of the federal poverty guidelines to 500 percent. As of November 2023, 4,552 students were in the EFA program with an annualized cost estimated at $23.8 million with the typically grant averaging to be $5,235 per student. The current average education grant to public district schools is $6,217, which includes cost for an adequate education and extraordinary needs grant.

The Department of Education states this bill will result in an indeterminable number of new students accessing the program. Based on assumptions, it is estimated that an approximate 9.887% of New Hampshire households fall within 350 and 500 percent if evenly distributed. Based on this estimate, and the current number of students enrolled in the EFA program, this bill could potentially increase enrollment by approximately 450 students. Based on the typical
grant averaging $5,235, this would be approximately $2,355,750 in additional EFA spending per year. These estimated costs could first be incurred beginning in FY 2025.

The following is information relative to the different situations in which a student may access the EFA program:

- Students accessing the program by going from the non-public or home education systems and entering the EFA program would likely result in a grant of $5,235 for each student. The average grant size for these students would likely match the average grant provided to a district student. This would result in a net cost to the state as these students accessed the program through proposed removal of income requirements.
- Students leaving a charter public school would have a net cost savings to the state of $4,365 to the state; $9,600 (current average charter school per pupil cost) – $5,235 (average EFA) = $4,365.
- Student leaving a traditional district system would have a net cost to the state if the student left a community that had a statewide education property tax (SWEPT) grant in excess of the calculated cost of adequate education. This net cost would be $5,235 per student.
- Students leaving a non-excess SWEPT community would see the adequacy grant go to the EFA program for educating the student instead of the school district. This would result an approximate decrease of $982 ($6,217 - $5,235) in state adequacy grants, and a decrease in local revenues per student. This would also result in a net cost to the state due to the EFA phase-out grant being paid. The EFA phase-out grant compensates districts at a rate of 50 cents on the dollar in year one and 25 cents in year two, for the cost of an adequate education grant portion only ($5,248) for any student leaving the district and going to the EFA program. Therefore, this grant would cost on average $2,624 for each student leaving a district (50 percent of $5,248) in year one.

As students potentially leave traditional district schools and join the EFA program, districts may feel pressure to reduce their local expenditures to better fit the reduced population served. It is unknown the impact this would have on local expenditures, but this could potentially result in an indeterminable decrease.

AGENCIES CONTACTED:
Department of Education
Amendment to HB 1665-FN

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

AN ACT relative to student eligibility for education freedom accounts and the scholarship organization's costs of administering the program, extending phase-out grants for education freedom accounts, and revising the definitions of average daily membership in attendance and average daily membership in residence.

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

1 Education Freedom Accounts; Definitions. Amend RSA 194-F:1, VI to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program is less than or equal to [350] 400 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). No income threshold need be met in subsequent years, provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

2 Education Freedom Accounts; Authority and Responsibilities of the Scholarship Organization. Amend RSA 194-F:4, V to read as follows:

V. The scholarship organization may withhold from deposits or deduct from EFAs an amount to cover the costs of administering the EFA program, up to a maximum of [40] 8 percent annually.

3 Extension of Phase-Out of Grants to 2029. Amend RSA 194-F:10, II to read as follows:

II. The phase-out grants will terminate for new EFA students receiving an EFA effective July 1, [2026] 2029.

4 New Section; Education Freedom Accounts; Reporting Requirement. Amend RSA 194-F by inserting after section 12 the following new section:

194-F:12-a Department Reporting Requirement. On or before November 1, 2024, and each November 1 thereafter, the department shall submit a report to the governor and council and the legislative oversight commission established in RSA 194-F:12 regarding:

I. The amount of education adequacy aid provided to each school district attributed to students in the first year of the education freedom account program; and
II. Phase-out grants provided to each school district attributed to students in the second and third year of the education freedom account program.

5 School Funding; ADMA and ADMR; Home Educated Pupils and Pupils Participating in the EFA program. Amend RSA 198:38, I and I-a to read as follows:

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year. ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMA, each pupil who is home educated in compliance with RSA 193-A, or who is participating in an education freedom account in compliance with RSA 194-F, and who is enrolled in a school board approved public [high] school academic course in grades 7 through 12 shall count as an additional 0.15 pupil for each such academic course taken in a public [high] school. [The department of education shall only make grant payments for such pupils to the extent of available appropriations.] In this subparagraph, "public [high] school" shall have the same meaning as "[high] standard school" as defined in RSA [194:23] 189:24.

I-a.(a) "Average daily membership in residence" or "ADMR" means the average daily membership in residence, as defined in RSA 189:1-d, IV, of pupils in kindergarten through grade 12, in the determination year. ADMR shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMR shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMR, each pupil who is home educated in compliance with RSA 193-A, or who is participating in an education freedom account in compliance with RSA 194-F, and who is enrolled in a school board approved public [high] school academic course in grades 7 through 12 shall count as an additional 0.15 pupil for each such academic course taken in a public [high] school. [The department of education shall only make grant payments for such pupils to the extent of available appropriations.] In this subparagraph, "public [high] school" shall have the same meaning as "[high] standard school" as defined in RSA [194:23] 189:24.

6 Effective Date. This act shall take effect 60 days after its passage.
AMENDED ANALYSIS

This bill:

I. Raises the annual household income threshold for eligible students and reduces the amount that the scholarship organization may retain to cover administrative costs.

II. Extends the phase-out grants provided under the education freedom account (EFA) program and directs the department of education to submit an annual report regarding EFA funding and costs.

III. Revises the definitions of average daily membership in attendance (ADMA) and average daily membership in residence (ADMR) for school funding from the education trust fund for the purpose of home educated pupils and pupils participating in the EFA program.
### Docket of HB1665

<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Action Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 02:30 pm LOB 205-207</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/30/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 01/31/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation  01/30/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA RC 190-189 02/08/2024  HJ 4  P. 29</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Referred to Finance 02/08/2024  HJ 4  P. 31</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Referral Waived by Committee Chair per House Rule 47(f) 02/08/2024  HJ 4  P. 33</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Reconsider (Rep. Sweeney): MF RC 186-192 02/08/2024  HJ 4  P. 33</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Education;  SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 101, LOB, 09:20 am;  SC 15</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1809s, 05/16/2024, Vote 3-1;  SC 19</td>
</tr>
</tbody>
</table>
HB 1665-FN, relative to student eligibility for the education freedom accounts program.

Hearing Date: April 16, 2024

Time Opened: 9:57 a.m.  Time Closed: 11:03 a.m.

Members of the Committee Present: Senators Gendreau, Lang, Prentiss and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis: This bill changes the annual household income limit to qualify for the education freedom account program.

Sponsors:

Who supports the bill: 212 individuals signed in support of Hb 1665. Contact Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

Who opposes the bill: 270 individuals signed in opposition to HB 1665. Contact Pete Mulvey for further details (peter.mulvey@leg.state.nh.us).

Who is neutral on the bill: N/A

Summary of testimony:

Representative Alicia Lekas

Hillsborough - District 38

• Rep. Lekas believed middle income families worked the most, paid the most taxes, and yet got the least support despite facing similar problems to other people.
• Middle-income families may struggle to change their child’s school to accommodate their needs, whether they be social or intellectual. Affordability was a concern.
• The EFAs were established as a result. Initially, there was no income cap; eventually 300% was decided upon which left many disappointed and stuck in their current schools.
• Rep. Lekas sought a greater understanding of what would be appropriate to set as an income range. The poor got scholarships, the rich could pay, and the middle-income earners got nothing.
• A 500% income limit was the new goal, which Rep. Lekas believed would capture most middle-income families.
• Sen. Fenton said 500% of the federal poverty line was $156,000 and asked if Rep. Lekas considered that median income.
  o Rep. Lekas believed that was an accurate figure for middle-income in New Hampshire given the cost of living.
• Sen. Fenton asked if HB 1665 had any language to continually verify income eligibility.
  o Rep Lekas said there was no such language and considered it unfair to redirect a child’s education in the event their parents made slightly more money.
• Sen. Lang asked if the definition for a family of four may encompass one parent with three children.
  o Rep. Lekas confirmed.

Robert Durant
• Mr. Durant testified in support of HB 1665.
• Mr. Durant considered the Child Scholarship Fund to be lifechanging, as it enabled him to insert his daughter in a more suitable school environment.
• Mr. Durant’s daughter struggled with the main-streaming of behaviorally disordered children and was victimized in-class.
• Since enrollment in an alternative school, Mr. Durant’s daughter had seen dramatic performance gains, emotionally and academically.

Judah King
• Judah spoke in support of HB 1665.
• The Children’s Scholarship Fund enabled children to start businesses.
• Judah hoped to be a successful business owner, like his parents.
• As a result of the Children’s Scholarship fund, Judah has been able to spend more time with his parents, which he appreciates.

Michael King
• Mr. King testified in support of HB 1665.
• The Kings homeschooled their children.
• The EFAs were pro-family, which yielded strong towns, and strong states.
• Time with family was irreplaceable.
• Mr. King noted that raising the income limit to 500% of the poverty level; $156,000, would not affect business leadership and CEOs but the working class, instead.
• States like Arizona had universal voucher programs with even larger benefits.
• Mr. King noted that homeschooling rose 800% in Massachusetts during the COV-19 Pandemic.
• There were broad preferences for holistic education, practical skill instruction, and self-discovery rather than collegiate preparation.
• Sen. Gendreau asked Judah what business he would like to start.
  o Judah said he would like to follow his brother’s footsteps into the engraving business.
  o Judah believed the Children’s Scholarship Fund would cover the cost of the CNC machine for Judah’s business.
Deborah Howes
President, AFT NH

- Ms. Howes spoke in opposition to HB 1665.
- Ms. Howes maintained that every granite state student had a constitutional right to a robust education, one with certified professional teachers, small class sizes, paraeducators, special education supports, nurses, etc.
- Public schools required adequate funding to provide the very goods and services parents suggest they left the school district over.
- Ms. Howes believed that the state needed to play its part fairly in regard to aid and funding, so burdens did not fall unjustly on singular towns.
- Any money spent on vouchers was money not being spent on public schools.
- Ms. Howes reminded the Senate Education Committee that state courts had determined that the State fell $500m short of its obligation to fund public education.
- Ms. Howes clarified that increasing the income limit to 500% of the federal poverty line would expand the EFAs annual costs to $66m.
- Ms. Howes added that approximately $43.5m would be new spending towards students already enrolled in private education.
- Given softening revenue projections, Ms. Howes considered it unaffordable to expand the EFA program especially given other outstanding and unfulfilled obligations.
- Sen. Fenton asked Ms. Howes to clarify that HB 1665 would expand EFA costs to $66m annually.
  - Ms. Howes said it could, depending on how many students utilize the benefit.
  - Other states which similarly expanded typically had a subsequent expansion in popularity.
  - The availability of subsidies was attractive, especially for something you already did.
- Sen. Fenton sought to clarify that parents who already had their children enrolled in private education were now using the EFAs to offset costs.
  - Ms. Howes confirmed Sen. Fenton’s observation. Most students in the EFA program were already enrolled in private education.
- Sen. Lang asked if the State had an obligation to educate every child in New Hampshire.
  - Ms. Howes said every student had a right to a public education according to the state constitution. Families had license to decide what was best fit for them, however the state funding obligation coincided with the right to a public education.

Shalimar M. Encarnacion
Manchester Mother

- Ms. Encarnacion spoke in support of HB 1665.
- HB 1665 made EFAs accessible to all families.
- Many communities did not have equitable access to educational resources beyond the school.
- Angel, soon to be 22, is Ms. Encarnacion’s youngest son, and struggled educationally.
- Angel was diagnosed with ADHD at age six, and non-verbal learning disorder at age nine.
- Ms. Encarnacion reported that the public schools refused many ideas regarding Angel’s IEP, did not fully accommodate his needs, and would frequently subject him to in-school suspension.
- Ms. Encarnacion and Angel's father utilized the Children Scholarship Fund to enroll Angel elsewhere.
- Angel preformed amazingly in 8th grade following his new placement. However, Angel’s father’s income rose to an extent which disqualified the family from the full benefit.
• Today, Angel is a high-school dropout. Ms. Encarnacion hoped to ensure that Angel’s son, and her other grandchildren, be eligible for the EFA to prevent an outcome similar to Angel’s from repeating.

Mary Wilke
• Ms. Wilke is a retired public-school teacher.
• Ms. Wilke considered it prudent to wait until the EFA audit was completed prior to further expansion.
• Ms. Wilke said that Education Commissioner Frank Edelblut had refused to give the Legislative Budget Assistant the data necessary for them to conduct their mandated audit. Commissioner Edelblut maintains that the Children’s scholarship fund has it, according to Ms. Wilke.
• The Children’s scholarship fund must provide, document and report as requested by the department according to law. Ms. Wilke believed this enabled Commissioner Edelblut to ask for the data.
• The EFA oversight committee had recently discovered that the Department of Education had been deleting reports from its website which listed vendors receiving significant sums from the EFA program.
• The vendor data in question was no longer readily accessible and only available upon request.
• Ms. Wilke believed the obfuscation and lack of transparency was indicative of concealment.
• Expansion of the EFA program given its ongoing audits and troubles would undermine public trust.
• Sen. Lang clarified that the LBA and Commissioner Edelblut came to an agreement to continue the audit.
  o Ms. Wilke reiterated that the audit was indeed going forward, albeit without the requisite data for auditors given the lack of communication between the Department and the Children’s Scholarship Fund.
  o Ms. Wilke added that the information in question was statutorily required.
• Sen. Fenton sought clarity that there had not been a completed audit.
  o Ms. Wilke confirmed that no audit had been completed, aside from a national audit in which the local Children’s Scholarship fund was one of many programs. There was no performance audit to determine controls to prevent fraud.

Brian Hawkins

NEA-NH
• Mr. Hawkins was opposed to HB 1665.
• NEA was particularly concerned that HB 1665 may triple the cost of the EFA program.
• It had not been a full year since the legislature increased eligibility previously.
• The Children’s Scholarship fund had testified to the EFA oversight committee that they already had 500 applications over their initial estimate for 2024 by April.
• The EFA program had only existed for three years, and had routinely gone over projected costs.
• The EFA audit had just began, therefore a dramatic expansion was premature.
• Mr. Hawkins observed that States which did significant expansions consistently reduced their obligations to public schools while increasing efforts to fund vouchers.
• Sen. Fenton asked Mr. Hawkins if it made more sense to wait for a completed audit before considering another EFA expansion.
  o Mr. Hawkins said it would make sense to wait, especially considering decreasing revenues given the elimination of the interest and dividends tax.
Sen. Lang asked if Mr. Hawkins thought New Hampshire had an obligation to educate all students, or just some.
  o Mr. Hawkins agreed that the State had an obligation to educate all students via public education. Mr. Hawkins noted that this was the opinion of the courts and reiterated that the EFA program was entirely optional and divorced from the obligation to fund public education.

Sen. Lang asked if education was compulsory regardless of where a student attended.
  o Mr. Hawkins reiterated that options were available for educating a child beyond public education for those interested and added that nearly 90% of families chose public schools.

Sen. Lang asked if parents were required by state law to educate their child.
  o Mr. Hawkins agreed and believed the fact spoke to the importance of robust funding for public education.

Sen. Lang asked again if parents were obligated by statute to educate their child.
  o Mr. Hawkins agreed that there was a statute which made education compulsory.

Sen. Lang characterized Mr. Hawkins’ testimony as an assertion that compulsory education solely applied to public school students.
  o Mr. Hawkins reiterated that it had been the longstanding opinion of the courts that the public education system was the vehicle to satisfy the compulsory nature of education. Mr. Hawkins maintained that the public education system was the state’s constitutional obligation, not a nascent, optional program.

Sen. Fenton asked if public school dollars were audited.
  o Mr. Hawkins confirmed that public schools were audited annually.

Sarah Robinson
Education Justice Campaign Director, Granite State Progress

Ms. Robinson offered an op-ed published in the Concord Monitor written by Beth Lewis and Demeris Allen detailing the budgetary impacts of universal school vouchers in Arizona.

Districts were choosing between mass-layoffs and closures.

Florida spent over $4bn on private schools, 65% of which were unaccredited.

Ms. Robinson reiterated that the ConVal court decision determined that the state fell $500m short of its funding obligation to public schools.

Ms. Robinson observed that state legislators often pushed higher property taxes on municipalities to compensate for the deficit.

Ms. Robinson maintained that New Hampshire students deserved open, honest, inclusive, fully funded schools with high academic standards.

Increased voucher spending had negative repercussions for the labor market, property market and homeownership, and the overall strength of our communities.

Andrew Yates
Director, Government Affairs, Yes Every Kid

Mr. Yates was in support of HB 1665

Mr. Yates provided written testimony to the Senate Education Committee.

Mr. Yates referred to a poll conducted by Ed Choice in March of 2024 which showed that 74% of New Hampshire school-aged parents supported the EFA program.
Lexi and Kinley

Acton Academy Students
- Lexi and Kinley testified in support of HB 1665.
- Families often had no other choice than to send children to public schools.
- 45% of Acton academy students used EFAs. Education was not a one size fits all model.
- Acton academy taught life skills, and accountability as well.
- Kinley did not enjoy her public-school experience.
- Acton academy provided valuable friends and outdoor time.

Kaylee and Addison

Acton Academy Students
- Financial assistance for alternative education was important for families.
- Acton academy is a welcoming school, which Kaylee hoped would provide other students respite from bullying and educational struggles.
- Kaylee believed public school’s staffing shortages, and one-size-fits-all policies were problematic.
- More students needed the ability to choose what type of school fit best for them.
- Acton academy provided lots of outdoors time, and smaller class-sizes.

Janet Powell

Educator
- Ms. Powell testified in support of HB 1665.
- Ms. Powell had several children and was a new resident to New Hampshire.
- Ms. Powell noted how the cost of living was very high in New Hampshire.
- The Powell children received access for free education in other states.
- Ms. Powell was concerned over the public school’s inability to assist with her son’s dyslexia.
- Ms. Powell’s younger daughter was too advanced for the public schools.
- The Powell family was on the fringe of EFA eligibility and were unable to access subsidies to facilitate outside supports or alternative education for their children.
- The EFA benefit provided extra funds to stimulate the local economy as well, according to Ms. Powell.

Kate Shea

- Ms. Shea spoke in support of HB 1665.
- Ms. Shea related quotes from Albert Einstein, and the Declaration of Independence to the EFA program and its importance.
- Ms. Shea has four children, some of whom are on the spectrum, which use EFAs.
- The assumption that middle-income families could find or finance a good fit was flawed according to Ms. Shea.
- The EFAs provided unique solutions for unique needs; Ms. Shea’s children were exposed to kickball, carpentry, engineering, karate and more.

Mitchell Scacchi

Josiah Bartlett Center for Public Policy
- Mr. Scacchi compared 400% income eligibility and 500%.
- The difference was far from trivial.
Many families would be caught under 500% but not 400%, such as a single nurse with a single child earning $83,400, a married waiter and secondary school teacher with two children earning $103,823 combined, and a Social Worker and Journalist with two children earning $125,720 combined.

- Mr. Scacchi referred to a Claremont family, which struggled to find a suitable fit for their child, until they discovered a micro-school in Newport. Earning $103k, they were ineligible for the EFAs and could not send their child to the Newport school.

**Representative Timothy Horrigan**

**Strafford – District 10**

- Rep. Horrigan was opposed to HB 1665.
- The EFA program was well intended albeit poorly designed.
- There were few guardrails; oversight was outsourced to a NYC-based company, which just so happened to have New Hampshire in the name in addition to a satellite office on Loudon Road in Concord.
- Rep. Horrigan advised against raising the income threshold.
- There would always be stragglers regardless of income level.
- Rep. Horrigan expressed caution towards the legitimacy of the many providers.
- Rep. Horrigan believed reputable private schools were taking advantage of the EFA program.
- The schools utilized a need-blind admissions process, pushing parents towards EFAs to enroll their children so the school does not have to draw from its other scholarship sources.
- Rep. Horrigan suggested that these private schools establish and utilize their own endowments as opposed to public tax money.
- Rep. Horrigan believed funding should go towards more flexibility in public schools and clarified that bullying should be paid attention to more, and found it pervasive in all types of schools, not exclusively public schools.
- The victim should not be removed from the environment, rather the bully should be dealt with.
- Rep. Horrigan concluded that HB 1665 lacked means testing, something commonplace in other programs, and urged the committee to consider the bill ITL.
HOUSE BILL 447-FN

AN ACT relative to the purchase of election equipment.


COMMITTEE: Election Law

ANALYSIS

This bill allows grants to be given to cities and towns for the purchase of election equipment.

Explanation: Matter added to current law appears in **bold italics**.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the purchase of election equipment.

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

1 Election Fund; Grants for Cities and Towns. Amend RSA 5:6-d, III to read as follows:

   III. The secretary of state [is authorized to] shall accept, budget, and, subject to the
   limitations of this paragraph, expend monies in the election fund received from any party for the
   purposes of conducting elections, voter and election official education, the purchase or lease of
   equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA
   659:13, V, reimbursing the department of safety for the actual cost of voter identification cards,
   election law enforcement, enhancing election technology, making election security improvements,
   and improvements to related information technology, including acquisition and operation of an
   automated election management system. Except as provided in this section, the secretary of state
   [With the exception of federal and state portions of funds associated with the 2018 Election
   Reform Program, the secretary of state] shall not expend any monies in the election fund unless the
   balance in the fund following such expenditures shall be at least 12 times the estimated annual cost
   of maintaining the programs established to comply with the Help America Vote Act of 2002, Public
   Law 107-252. The secretary of state shall expend funds in the election fund established in this
   section and those funds associated with the 2018 Election Reform Program and other
   funds received by the state under RSA 5:6-d, II to assist in an equitable manner the
   purchase of equipment by towns and cities for the use of conducting elections and
   improving election security through the purchase of technology, including ballot counting
   devices, electronic poll books, and dedicated laptops to be used to access the election
   information system established by the secretary of state. The funds used pursuant to this
   paragraph shall be administered, regulated, and maintained by the secretary of state and
   shall be subject to the following restrictions:

   (a) The principal amount of the election funds spent shall not exceed $3,000,000.

   (b) The amount awarded to each town and city shall be no more than one-half of
   the estimated cost of the requested technology. Each town and city shall return any excess
   funds to the secretary of state within 6 months of the purchase of the requested technology
   by the town or city.

   (c) The authority to disburse funds under this paragraph shall terminate upon
   the disbursement of $3,000,000 or December 31, 2027, whichever occurs first. Any funds not
   disbursed pursuant to this paragraph shall be returned to the election fund established in
   RSA 5:6-d, I by January 31, 2028.
Effective Date. This act shall take effect 60 days after its passage.
HB 447-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-2366h)

AN ACT relative to the purchase of election equipment.

FISCAL IMPACT: [ X ] State [ ] County [ X ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td><strong>Revenue Fund(s)</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
</tr>
<tr>
<td>Election Fund and General Fund</td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
- Does this bill authorize new positions to implement this bill? [X] N/A

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Local Revenue</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td><strong>Local Expenditures</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill authorizes the Secretary of State to use funds from the election fund, associated funds from the 2018 Election Reform Program, and additional funds received by the State for the purpose of assisting towns and cities in purchasing election equipment and enhancing election security through technology. The funds are to be used equitably and are subject to specific restrictions, including the principal amount of the election funds spent not exceeding $3,000,000, a limit of not more than 1/2 the estimated cost of technology awarded to each town and city, and a termination of the authority to disburse funds after reaching $3,000,000 or by December 31, 2027, whichever occurs first. Any remaining funds not disbursed are to be returned to the election fund by January 31, 2028.
The Department of State indicates this bill allocates up to $3,000,000 of the principal amount of the election fund to aid cities and towns with up to half of the anticipated expenses for requested election technology. Additionally, the Department interprets the bill to remove the requiring of the election fund to maintain twelve times the estimated annual cost, as well as, specifically excluding all spending authorized in RSA 5:6-d, III. Furthermore, the Department assumes the authority of the Secretary of State to allocate election fund funds for any purposes outlined in RSA 5:6-d, III is revoked. Consequently, with the assumptions stated above, all funding for the Department’s Help America Vote Again (HAVA) Office, including the maintenance of the statewide voted education system, accessible voting equipment, and election training, would be eliminated. Since these functions are essential, $1,000,000 to $1,200,000 of General Funds would need to be allocated to the Department to supplement the HAVA budget for FY 2025, with the Department requesting these additional General Funds in their budget request beginning with the FY 2026-2027 operating budget.

Additionally, the Election Fund will have an indeterminable increase in expenditures up to $3,000,000, across FY 2025 through FY 2028, for the payments made to the municipalities. This amount will be offset by the funding being removed for the HAVA office budget, however, the timing and the total amount of funds, up to $3,000,000, transferred to the municipalities is unknown.

The New Hampshire Municipal Association states they will see an indeterminable increase in aid up to $3,000,000 but is unable to calculate the exact amount. Additionally, the local expenditures will increase to the extent they require additional election equipment and security as municipalities are required to pay half of the cost.

AGENCIES CONTACTED:
Department of State and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/11/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Election Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HJ 3  P. 16</td>
</tr>
<tr>
<td>02/21/2023</td>
<td>H</td>
<td>Public Hearing: 02/28/2023 11:30 am LOB 206-208</td>
</tr>
<tr>
<td>03/02/2023</td>
<td>H</td>
<td>Executive Session: 03/07/2023 03:00 pm LOB 306-308</td>
</tr>
<tr>
<td>03/08/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>10/17/2023</td>
<td>H</td>
<td>Executive Session: 10/31/2023 10:00 am LOB 306-308  HC 42</td>
</tr>
<tr>
<td>11/14/2023</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2366h 10/31/2023 (Vote 19-1; RC) HC 49  P. 33</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Amendment # 2023-2366h: AA VV 01/03/2024  HJ 1  P. 123</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2366h: MA DV 311-62 01/03/2024  HJ 1  P. 123</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Election Law and Municipal Affairs;  SJ 5</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 103, LOB, 09:30 am;  SC 13</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 3-2;  SC 19</td>
</tr>
</tbody>
</table>
Senate Election Law and Municipal Affairs Committee  

Tricia Melillo 271-3077

HB 447-FN, relative to the purchase of election equipment.

Hearing Date: April 2, 2024

Members of the Committee Present: Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

Members of the Committee Absent: None

Bill Analysis: This bill allows grants to be given to cities and towns for the purchase of election equipment.

Sponsors:
Sen. Soucy

Who supports the bill: Senator Donna Soucy, Representative Laura Telerski, Representative Connie Lane, Representative Heath Howard, Kelsey Fisk, Kathryn Langille, Hayden Smith, Phil Hatcher, Laura Rundell, Lorraine Hansen, Bev Cotton, Janet Lucas, Julia Thompson, Krysten Evans, Ursula Maldonado, Susan Richman, Lois Cote

Who opposes the bill: David Scanlan- Secretary of State, Julie Smith

Summary of testimony presented in support:

Representative Laura Terleski

- HB 447 will create an opportunity for local municipalities to receive financial support through existing Help America Vote Act Funds to pay for the replacement of ballot counting devices and other election technology.
- Sponsors wanted to set towns up with the ability to update their technology and prevent an election day catastrophe of device failure and exhaustive hand counts and delayed results.
- Specifically, it earmarks funds from the HAVA balance to help replace the outdated AccuVote ballot counting machines that are no longer supported.
- The HAVA fund balance one year ago was around 12 million dollars.
- This legislation has been amended from the original version, to place guardrails and restrictions that the policy committee felt were needed.
- It caps the total amount for the program at 3 million dollars.
- Towns will need to initiate the process with the state to receive 50% towards the purchase of an approved new ballot counting device.
- The language also makes clear that any excess funds in the needs to be returned to the Secretary of State to go back into the HAVA account.
- The program will sunset by December 31, 2027 or when the 3 million dollars has all been used.
• The Special Committee on Elections recommended replacement of the old devices and that the state should help municipalities purchase them.
• This bill had strong support in the House and passed on a bipartisan vote.
• Senator Gray commented that there are implications that elections are not fair and accurate now and asked if that is what she believes.
  o Rep. Terleski apologized and stated that she is responding to the current dialogue in communities. After working as a select person in her ward and working elections, she has monitored election security closely and believes NH elections are fair, safe and secure.

Representative Connie Lane

• The intent of this legislation is to use a portion of the existing HAVA funds to assist towns in the purchase of new ballot counting devices.
• Using HAVA funds would allow municipalities to purchase them sooner rather than later.
• They understand that it is important to use the amount of funding that the Secretary of State believes is appropriate.
• They are open to this committee amending the amount if needed.
• The program is set up so that the Secretary of State can manage it as he sees fit.
• They locked in a sunset date so that the funding is not ongoing, it is available for a specific period of time.
• Currently towns are struggling to keep up with increasing budget expenses due to funding cuts.
• Senator Soucy asked if a new fiscal note has been drafted since the bill was introduced.
  o Rep. Lane replied that there is a revised fiscal note. The bill was amended to address the concerns expressed with the original.
• Senator Gray commented that currently the HAVA funds are earmarked for specific election related purposes and asked how the funds used in this legislation will be replaced.
  o Rep. Lane replied that she does not believe that they necessarily have to be replaced. These funds are beyond the 12 times of funding needed to conduct elections. It is money that is beyond the safety net and there for other uses.
• Senator Gray asked if the money currently in the HAVA fund is being spent on appropriate purposes like education and accessible voting machines
  o Rep. Lane replied that she will defer to the Secretary of State’s office on that but as far as she is aware, yes.
• Senator Gray commented that the bill does not address any of those other expenditures.
  o Rep. Lane replied that it does not limit them either.
• Senator Gray questioned that if you are taking money out of this fund to support additional purchases it would seem reasonable that you would provide for the current expenses.
  o Rep. Lane replied that they are already provided for. The funds they are requesting with this bill are surplus funds not needed for the expenditures he is referring to.
• Senator Abbas asked if another fund could be used or created for this purpose instead of touching the HAVA fund.
  o Rep. Lane replied that the Secretary of State’s office would have to answer that as it is a budgeting question. The idea of this was to use the surplus in the
election fund which is set in RSA 5:6-D III. Her understanding is that the HAVA funds are in that account as well as other monies.

- Senator Abbas asked if the other funds are accounted separate from the HAVA funds because he could see this becoming an accounting issue.
  - Rep. Lane replied that she does not know if the funds are segregated or not.

Kelsey Fisk – NH Campaign for Voting Rights

- This legislation is crucial to supporting New Hampshire towns and election officials.
- The current AccuVote device was introduced in 1989 and is no longer supported.
- HB 447 satisfies two recommendations made by the Special Committee on Elections.
- Between last August and October they spoke to towns and election officials across the state and 54 towns had not yet secured funding to purchase the new ballot counting devices.
- Utilizing a portion of the already available HAVA funds, is a fiscally responsible way to give municipalities the help they need.

Kathryn Langille - Open Democracy Action

- She is younger than the ballot counting device that she uses to cast her ballot.
- Communities would benefit greatly from state aid in the updating of these devices.
- The fiscal note lays out requirements for equitable distribution as well as a fair spending cap.
- She recommended including one-for-all and accessible voting when listing technology to be updated and maintained.
- Senator Murphy asked what the date on the form she passed out refers to.
  - Ms. Langille replied that it is the date that the current devices were purchased.
- Senator Gray commented that he sees this bill as a shifting of funding for voting machines from the cities and towns to the state and there is really not a whole lot out there and asked for her comment on that.
  - Ms. Langille replied that she sees the bill as partial funding because the towns and cities will be paying an equal share. Additionally, she likes that there is a cap on the spending. She believes this is a very fair way to appropriate the purpose of this fund.

Summary of testimony presented in opposition:

David Scanlan – Secretary of State

- This bill will restrict the Secretary of States ability to administer the HAVA funds.
- The current law states that the Secretary of State shall maintain 12X the amount that is needed to conduct the ongoing programs that the fund is paying for.
- Those programs include the maintenance and improvement of the statewide centralized voter database.
- His office is working on making major improvements in accuracy and keeping the list as clean as possible.
- Another program supported is accessible voting in every polling place, which is currently on the 3rd generation of devices.
- Poll worker training, voter education and security enforcement by the Attorney General’s office are also supported.
To support all of those programs it costs between $900,000 and $1.1 million of HAVA funds every year.

He has stated in the past that when there is a surplus in that account they would use the money for one-time programs that would enhance the elections and be permissible under the Help America Vote Act.

The account is in that position now.

Last year, New Hampshire’s HAVA account received 1 million dollars in federal funding and they were just notified that this year they will receive another million in funds.

That brings the balance of funds in that account to the range of 15 million dollars.

This is above the 12 million that is needed to provide the ongoing annual progrning which can be used for additional things.

There are a number of requests they have received for the surplus dollars.

His office has committed $100,000 to establish a new voter portal if that legislation passes.

Testing of the new generation of ballot counting devices is occurring and five towns used them in town elections.

On April 9th the second vendor is presenting their testing plan to meet the certification requirements required by the state.

Once that is done they may be able to use funds to help the towns purchase these ballot counting devices.

Many towns have gone to epoll books and do not use ballot counting machines.

He believes that if they are going to make money available, it should be available for all towns to improve technology.

There is a current effort to provide accessible voting equipment in polling locations for local elections which should be done at the municipal level but will be expensive.

He has a concern with the language in line one which he believes removes discretion from the Secretary of State when deciding to accept federal funds or not.

The money that they have accepted has been free of strings from the federal government but does require a certain percentage of matching funds from the state.

He needs the discretion to decide whether or not the state is able to satisfy federal requirements.

Another concern he has is the language regarding the sunset date.

He interprets it to say that once the 3 million dollars is spent or on December 31, 2027, the ability to disperse any of the HAVA funds goes away.

This bill is not necessary as they can do what is being requested with the authority he has in administering the HAVA funds.

Senator Perkins Kwoka asked if he has an update regarding his office working with cities and towns to develop programs for purchasing new ballot counting devices.

Secretary Scanlan replied that there are not any specifics for a program at the moment but they are in a major period of flux. There are two ballot counting devices that had been conditionally approved. One has been approved and is in service and the 2nd device is presenting their testing plan and hopefully will receive certification before they have to start printing ballots in mid-summer. More and more towns are moving to epoll books at a fast rate. He would like to make the fund as flexible as possible so it can be used for what each community thinks is important. He believes the best way is to have a plan that is easy to meet the federal auditing requirements when it comes time to account for the money sent to the cities and towns. They need to keep the program simple, if a town decides they need the money for a device then maybe the state provides a
certain amount for that. He believes that kind of program can be put together quickly without a lot of lead time.

- Senator Soucy commented that most towns that use ballot counting devices are running out of time with the old devices and asked if he has the authority to create a program for the purchase of new devices why has it not been done.
  - Secretary Scanlan replied that for the first time in a long time there is a surplus of HAVA funds. Right before the pandemic they received 3 million dollars in federal funding to update election security and the updates they needed did not use all of that. Another 3.2 million dollars came in during the pandemic and all of that went to cities and towns for increased election costs due to the pandemic. They have passed all of the required federal audits relating to that funding. Since then, the federal government has been distributing additional funds and there is now a surplus. His office has been able to update the online system for the first time in a long time. They are on a fast track of improvements now and hopefully by this summer they will have a plan for the surplus funds to go to the local communities.

TJM
Date Hearing Report completed: April 8, 2024
HOUSE BILL 463-FN

AN ACT relative to the establishment of an election information portal.


COMMITTEE: Election Law

ANALYSIS

This bill authorizes the secretary of state to develop an election information portal.

Explanation: Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the establishment of an election information portal.

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

1 Statement of Intent. It is the intent of the general court to modernize the application processes for new voter registration, requesting absentee ballots, and requesting changes to name, domicile, and party affiliation in the statewide voter database.

2 New Subdivision; Election Information Portal. Amend RSA 652 by inserting after section 27 the following new subdivision:

   Election Information Portal

   I. The secretary of state shall develop, in consultation with the city and town clerks and supervisors of the checklist, an online election information portal that all persons, including those with disabilities and active-duty members of the armed forces, may use to:

   (a) Complete a new voter application.

   (b) Request an absentee ballot.

   (c) Request changes to the statewide centralized voter registration database, such as name, domicile address, mailing address, and party affiliation.

   II. A new voter application to the election information portal shall not allow verification of identity, age, or domicile by affidavit under RSA 654:12. Verification of citizenship shall be permitted by a sworn statement provided by the election information statement.

   III. Any requests placed in the election information portal shall be submitted to the appropriate municipal official for verification and processing pursuant to and in a manner consistent with relevant election laws, including RSA 654, except that the information shall be provided in a format the secretary of state deems suitable for electronic submission. Any information submitted to the portal shall be retrievable and printable at any time including during the processing of the information. In addition, nonpublic data related to individual voter data shall remain confidential.

   IV. The online election information portal authorized herein shall be operational by May 1, 2026.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to the establishment of an election information portal.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill authorizes the Secretary of State to develop an election information portal allowing voters to access new voter application, request an absentee ballot or request changes to the statewide centralized voter registration database, such as name, domicile address, mailing address, and party affiliation.

The Department of State indicates the estimated cost for designing, building, and testing the portal is $426,000. Additionally, the Department anticipates annual maintenance fees of approximately $84,000 and the need for a new ongoing position, specifically a Program Assistant III, labor grade 23, to help get the portal project up and running and then transition to handle the increase call volume to assist voters and election officials with the new portal.

<table>
<thead>
<tr>
<th>Costs</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Portal Design and Construction</td>
<td>$426,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Maintenance Fees</td>
<td>$42,000</td>
<td>$84,000</td>
<td>$84,000</td>
</tr>
<tr>
<td>(6 months)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Assistant III Position</td>
<td>$87,000</td>
<td>$90,000</td>
<td>$93,000</td>
</tr>
<tr>
<td>Total</td>
<td>$555,000</td>
<td>$174,000</td>
<td>$177,000</td>
</tr>
</tbody>
</table>

It is assumed the fiscal impact from this bill will not occur until FY 2025. Additionally, this bill does not establish or provide an appropriation for the new position. Nor does it provide an appropriation for the new portal.
AGENCIES CONTACTED:

Department of State
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/11/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Election Law HJ 3 P. 17</td>
</tr>
<tr>
<td>02/28/2023</td>
<td>H</td>
<td>Public Hearing: 03/07/2023 11:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/08/2023</td>
<td>H</td>
<td>Executive Session: 03/15/2023 10:00 am LOB 206-208</td>
</tr>
<tr>
<td>03/15/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>10/17/2023</td>
<td>H</td>
<td>Executive Session: 10/31/2023 10:00 am LOB 306-308 HC 42</td>
</tr>
<tr>
<td>11/17/2023</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2023-2385h 10/31/2023 (Vote 16-4; RC) HC 49 P. 34</td>
</tr>
<tr>
<td>11/17/2023</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Amendment # 2023-2385h: AA VV 01/03/2024 HJ 1 P. 124</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2385h: MA DV 195-172 01/03/2024 HJ 1 P. 124</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Election Law and Municipal Affairs; SJ 5</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Hearing: 03/12/2024, Room 103, LOB, 09:40 am; SC 10</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 463-FN, relative to the establishment of an election information portal.

Hearing Date: March 12, 2024

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill authorizes the secretary of state to develop an election information portal.

Sponsors:

Who supports the bill: In total, 66 individuals signed in support of HB 463. The full sign-in sheets are available upon request to the Legislative Aide, Tricia Melillo (tricia.melillo@leg.state.nh.us).

Who opposes the bill: In total, 74 individuals signed in opposition of HB 463. The full sign-in sheets are available upon request to the Legislative Aide, Tricia Melillo (tricia.melillo@leg.state.nh.us).

Summary of testimony presented in support:

Representative Mark Paige

- The online election portal that this bill would establish has been worked on extensively by Senator Gray.
- HB 463 was introduced with different language but has been amended by the House to largely reflect what was in SB 70 in the last session.
- An online portal will modernize existing voter registration processes, allowing voters to complete a new voter application, update their information and request an absentee ballot.
- This will save the clerks time on election day with less people in line to register.
- Senator Gray said that some people think you can enter the portal, sign up, and be registered to vote right then when you close the portal. Is that the case?
  - Rep. Paige responded that is not the case.
- Senator Gray asked who the information is sent to for review?
  - Rep. Paige replied that the information on the portal would go to the town clerk or the city election official to be reviewed.
- Senator Gray asked if the procedure used in the portal is any different than what is already allowed in state law.
• Rep. Paige answered that this bill changes none of the requirements under current law. This is an efficiency mechanism. Town clerks approve of this because it will free up time before election day from the high traffic of people registering in person.
• Senator Gray asked if any of the regulations regarding providing domicile, age, and proof of identity have changed in this bill.
  o Rep. Paige replied no. None of those requirements change.
• Senator Gray asked if anything in this bill precludes the clerk from doing a video conference to actually see the documents provided by the voter.
  o Rep. Paige replied no.

Kathryn Langille – Open Democracy Action

• Current election law processes are not disregarded or overridden by this bill.
• 42 states have introduced online registration portals. This bill is a matter of efficiency.
• She quoted lines 1-3 of the bill that state the bill’s intent to modernize the registration process.
• Senator Gray asked if she has informed her sister that people can work the polls at 17 years old.
  o Ms. Langille replied that she has.

Autumn Raschick-Goodwin – Open Democracy Action

• This legislation will make the process of registering to vote more efficient.
• Many people are at work when the town clerk offices are open and this allows those people to register when it is convenient.
• HB 463 will save taxpayers money due to the cost of processing paper voter registrations.
• This bill also makes it easier for active duty members to register to vote and request an absentee ballot when they are unable to access a phone or be able reach a person at the clerk’s office.

McKenzie St. Germain – America Votes

• This bill carries the policy for the implementation and creation of the online registration system.
• This bill is very similar to the Senate bill passed last year.
• The House amendment clarifies that there must be proof of identity, age, and domicile in order to register through the portal.
• The information in the portal will be clearly written and easy to read and removes any issues regarding interpreting handwriting or other issues of the sort.
• This will also make it easier for voters to update their information in a timely manner if they move.
• The ease to register ahead of time and update information will reduce the lines of people registering on election day.

David Scanlan – Secretary of State

• He is in support of the version that passed in the Senate.
• The implementation of this portal will not change how a voter registers.
• The bill will streamline the process and improve the data collection.
• With this legislation, clerks will not have to transfer information from a written registration form to the online voter database.
• The online portal will improve the accuracy of registrations and the speed with which they can be processed.
• In reference to lines 16 and 17, he does not believe that language is needed because it would be easier for a voter to verify their citizenship face to face or fill out the qualified voter affidavit.
• The voter will still have to physically sign the registration form when they vote for the first time.
• Senator Gray asked what language does he suggest for those lines instead.
  o Secretary Scanlan replied that those lines can be removed altogether without a replacement.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: March 13, 2024
HOUSE BILL 1098

AN ACT relative to ballots delivered to elder care facilities.

SPONSORS: Rep. Edwards, Rock. 31

COMMITTEE: Election Law

ANALYSIS

This bill enables ballot clerks, assistant clerks, or clerks pro tem to deliver ballots to elder care facilities.

This bill is a request of the secretary of state.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to ballots delivered to elder care facilities.

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

1 New Section; Nursing Homes and Elder Care Facilities. Amend RSA 657 by inserting after section 17-a the following new section:

657:17-b  Nursing Homes and Elder Care Facilities. A clerk, assistant clerk, or clerk pro tem may deliver absentee ballots to residents of nursing homes or elder care facilities for the convenience of the residents. The persons authorized in this section shall ensure the process of receiving, marking, and returning the absentee ballots is fair, private, and properly handled. Any activity related to the delivery of ballots to nursing homes or elder care facilities that appears to be inconsistent with this title shall be reported to the secretary of state.

2 Effective Date. This act shall take effect 60 days after its passage.
Amendment to HB 1098

Amend the bill by replacing section 1 with the following:

1 New Section; Nursing Homes and Elder Care Facilities. Amend RSA 657 by inserting after section 17-a the following new section:

657:17-b Nursing Homes and Elder Care Facilities. A clerk, assistant clerk, or clerk pro tem may deliver absentee ballots to residents of nursing homes or elder care facilities for the convenience of the residents. The persons authorized in this section shall, to the extent possible, ensure the process of receiving, marking, and returning the absentee ballots is fair, private, and properly handled. Any activity related to the delivery of ballots to nursing homes or elder care facilities that appears to be inconsistent with this title shall be reported to the secretary of state.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 09:25 am LOB 306-308</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 03/05/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass: MA DV 192-175 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 103, LOB, 09:45 am; SC 15</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1703s, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1098, relative to ballots delivered to elder care facilities.

Hearing Date: April 16, 2024

Members of the Committee Present: Senators Gray, Abbas and Soucy

Members of the Committee Absent: Senators Murphy and Perkins Kwoka

Bill Analysis: This bill enables ballot clerks, assistant clerks, or clerks pro tem to deliver ballots to elder care facilities.

This bill is a request of the secretary of state.

Sponsors:
Rep. Edwards


Who opposes the bill: Hayden Smith, Susan Buxton

Who is neutral on the bill: Dan Healy, Erin Hennessey (Deputy Secretary of State), Joan Dargie

Summary of testimony presented in support:

Representative Ross Berry

- This is enabling language that allows the town clerk to deliver and handle absentee ballots at a nursing home.
- It is not a requirement for the clerks to do that, it is just an option.
- Voters living in nursing homes can vote in their old hometown or the nursing home and that creates a lot of confusion.
- Currently, these ballots are handled by nurses but the residents would be more comfortable if the clerks handled them.
- Senator Gray clarified that some clerks already do this.
  - Representative Berry replied that this is for absentee ballots and not voter registration.

Representative Clayton Wood

- They have had very strong testimony from constituents about people in nursing homes casting votes but not having the cognizant ability to do so.
- He believes that it should be mandatory for the clerks to do this.
Having this language in place will at least let the clerks know that they have to do more in those places that would like them there.

Additionally, it is not known what the chain of custody is for these ballots.

**Summary of testimony presented in opposition:**

**Susan Buxton – State Long Term Care Ombudsman**

- There are already processes in place for people to request absentee ballots.
- What concerns her the most about this bill is the question of capacity of the voters who live in nursing homes.
- Proving capacity is not required of any voter.
- While some in nursing homes may be at a diminished capacity, many are there for other reasons.
- She has worked with people that have a cognitive impairment who feel very strongly about their right to cast their vote.
- She would be very concerned if this bill was questioning that right because nobody has to prove capacity to vote.
- There are 78 nursing homes and 143 assisted living facilities in New Hampshire with approximately 14,000 residents.
- Senator Gray commented that he learned in a training many years ago that the duty of the moderator, if there is a question of cognitive ability, is to make an assessment. He continued that he will check on that with the Secretary of State but the process if nothing else would be a challenged voter affidavit where the person could be challenged.
  - Ms. Buxton stated that she is not sure who would make the determination of capacity.
- Senator Gray stated that it would be the moderator.

**Neutral Information Presented:**

**Dan Healey – City and Town Clerks Association**

- The clerks currently do this process but he has concern about some of the language in this bill.
- One of the sentences states that the clerk should make sure that the marking of the ballot is properly handled.
- They do not go to the nursing home and stand over a voter while they are filling out their ballot.
- There is not way for the clerks to know if the ballots are marked properly.
- He does go to nursing homes and had handed voters their ballots.
- It is not up to the clerks to determine the competency of the voter.
- The clerks are not medical professionals.
- If a voter requests a ballot it is the clerks job to make sure they get one.
- Delivering ballots and registering voters in nursing homes is a more complicated process than this bill covers.
- Senator Gray asked if he changed the wording in line 5 by adding “to the extent possible” would that be more acceptable.
  - Mr. Healy replied that definitely would be more acceptable.
Joan Dargie – NH City and Town Clerks Association

- Many times when she has shown up at nursing homes they are quarantined because of sickness.
- She believes this bill would require her to take the ballots back to her office and then return again.
- She would like to be able to give the ballots to the Director of the nursing home and let them hand them out.
- Senator Gray commented that as far as he knows, as long as they give you an application, you have their identification information.
  - Ms. Dargie explained that usually when they get the application for the absentee ballot and registrations, they have their IDs then. She will wait until she has a group of 20 or so and then bring them over.

Erin Hennessey – Deputy Secretary of State

- Their office has been working with the sponsor of this legislation for a couple of terms now.
- They have received complaints in the past from family members of those living in nursing homes or assisted living facilities who they fell have been coerced into voting a certain way or in a certain place.
- The intent of the sponsor is to make sure that there is more control over the process of distributing absentee ballots in group settings.
- They always recommend that if a clerk is going to do that, they should do it consistently.
- She believes that the language of this bill puts more controls over who a clerk can deputize to do this function.
- The language does not prevent anyone from requesting an absentee ballot through the mail.
- Senator Gray asked if she would have any problem with adding “to the extent possible” on line 5.
  - Deputy Secretary Hennessey replied that she has no problem with that and agrees with Mr. Healey’s assessment.
HOUSE BILL 1105-FN-LOCAL

AN ACT relative to application of a local tax cap.


COMMITTEE: Municipal and County Government

ANALYSIS

This bill provides clarification that all recommended appropriations in the warrant are included when determining the estimated amount of local taxes to be raised for the fiscal year under the local tax cap.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to application of a local tax cap.

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

1 Local Tax Cap. Amend RSA 32:5-b, I to read as follows:
   I. In a town or district that has adopted this section, the estimated amount of local taxes to
   be raised for the fiscal year as shown on the shall include the operating budget and all other
   warrant articles with a tax impact, certified by the governing body or the budget committee and
   posted with on the warrant for the annual meeting pursuant to RSA 32:5[]. The estimated
   amount of local taxes to be raised for the fiscal year shall not exceed the local taxes raised for
   the prior year, as shown on the same budget and adjusted as provided in paragraph I-a, by more
   than the tax cap authorized when this section was adopted.

2 Applicability; Required. RSA 32:5-b, as amended by section 1 of this act, shall apply to local
   tax caps and shall not require local amendment or re-adoption by the town or district.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to application of a local tax cap.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [ x ] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Municipal and County Government</td>
</tr>
<tr>
<td>01/08/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>01/16/2024</td>
<td>H</td>
<td>Executive Session: 01/24/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0212h 01/24/2024 (Vote 18-1; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0212h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0212h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Election Law and Municipal Affairs; SJ 6</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>S</td>
<td>Hearing: 03/19/2024, Room 103, LOB, 09:50 am; SC 11</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1105-FN-LOCAL, relative to application of a local tax cap.

Hearing Date: March 19, 2024

Members of the Committee Present: Senators Gray, Murphy, Abbas and Perkins Kwoka

Members of the Committee Absent: Senator Soucy

Bill Analysis: This bill provides clarification that all recommended appropriations in the warrant are included when determining the estimated amount of local taxes to be raised for the fiscal year under the local tax cap.

Sponsors:

Who supports the bill: Representative Diane Pauer, Julie Smith, Jean Holden, Daniel Richardson, Curtis Howland, Beth Scaer, David Hunt, Tony Piemonte, Kathleen Chadwick, Peter Hansen

Who opposes the bill: Tod Davis, Janet Lucas, Susan Moore

Summary of testimony presented in support:

Representative Diane Pauer

- She filed this bill upon the request of a number of her constituents.
- The purpose of this bill is to clarify current statute that is being incorrectly interpreted and improperly applied by towns and districts that have adopted a local tax cap.
- The problem being addressed is that some towns and school districts are erroneously interpreting the budget to mean the operating budget only.
- That interpretation is incorrect and is not the statutory intent of the local tax cap law.
- HB 1105 makes it clear that all warrant articles with a tax impact shall be subject to the local tax cap and not just the operating budget.
- The purpose of a tax cap is to limit the proposed appropriations that are presented at the annual meeting.
- This legislation in no way limits the voters authority to either increase of decrease the amount of any appropriation or the total amount of all appropriations.
- The bill in no way affects the voters ability to override the tax cap.
- It also does not affect the ability of towns or districts to raise and appropriate funds.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: March 22, 2024
HB 1150 - AS AMENDED BY THE HOUSE

2024 SESSION

HOUSE BILL 1150

AN ACT relative to advertising rates for political advertising.


COMMITTEE: Election Law

AMENDED ANALYSIS

This bill requires that rates for political advertising be the same regardless of candidate, political committee, party, or cause.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to advertising rates for political advertising.

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

1 Advertising Rates; Political Advertising. Amend RSA 664:16 to read as follows:

664:16 [Identification of Political Advertising] Advertising Rates. [Political advertising printed in newspapers, periodicals or billboards shall be marked at the beginning or at the end thereof “Political Advertising.” Rates for advertising shall be filed, no later than 30 days prior to the deadline for filing for office for an election, with the secretary of state by each person or business organization publishing a newspaper or periodical, operating a radio or television station, or selling billboard space. Such schedule shall be open to public inspection, and such schedules may be amended. However, rates in such amendments shall not take effect until 5 days after they are filed with the secretary of state.] No person or business organization publishing a newspaper or periodical, operating a radio or television station, or selling billboard space shall charge an advertising rate to any candidate, political committee, party, or cause that is different from that charged to any other candidate, political committee, party or cause.

2 Effective Date. This act shall take effect 60 days after its passage.
Amendment to HB 1150

Amend the bill by replacing section 1 with the following:

1 Advertising Rates; Political Advertising. Amend RSA 664:16 to read as follows:

2 664:16 Identification of Political Advertising; Rates. Political advertising printed in
3 newspapers, periodicals, or billboards shall be marked at the beginning or at the end thereof
4 "Political Advertising." [Rates for advertising shall be filed, no later than 30 days prior to the
5 deadline for filing for office for an election, with the secretary of state by each person or business
6 organization publishing a newspaper or periodical, operating a radio or television station, or selling
7 billboard space. Such schedule shall be open to public inspection, and such schedules may be
8 amended. However, rates in such amendments shall not take effect until 5 days after they are filed
9 with the secretary of state.] No person or business organization publishing a newspaper or
10 periodical, operating a radio or television station, or selling billboard space shall charge an
11 advertising rate to any candidate, political committee, party, or cause that is different from that
12 charged to any other candidate, political committee, party, or cause.
<table>
<thead>
<tr>
<th>Date</th>
<th>Lower Chamber (H)</th>
<th>Action</th>
<th>Date</th>
<th>Upper Chamber (S)</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law</td>
<td>02/21/2024</td>
<td>H</td>
<td>Public Hearing: 02/27/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td></td>
<td>02/27/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td></td>
<td>03/06/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0958h (NT) 03/05/2024 (Vote 19-1; CC)</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td></td>
<td>03/14/2024</td>
<td>H</td>
<td>Amendment # 2024-0958h (NT): AA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td></td>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0958h: MA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td></td>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td>Hearing: 04/23/2024, Room 103, LOB, 09:30 am; SC 16</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td>Committee Report: Ought to Pass with Amendment #2024-1707s, 05/16/2024, Vote 3-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1150, relative to advertising rates for political advertising.

Hearing Date: April 23, 2024

Members of the Committee Present: Senators Gray, Murphy and Soucy

Members of the Committee Absent: Senators Abbas and Perkins Kwoka

Bill Analysis: This bill requires that rates for political advertising be the same regardless of candidate, political committee, party, or cause.

Sponsors:
- Rep. K. Perez
- Rep. Bernardy
- Rep. Tierney
- Rep. Kuttab
- Rep. Panek
- Rep. Cambrils
- Rep. Wood
- Rep. Katsakiores
- Rep. Panek
- Rep. Dunn

Who supports the bill: Representative Ross Berry, Brenden McQuade (NHPA)

Who opposes the bill: Marcia Garber, Nang Brenna, Ann Walls, Autumn Raschik-Goodwin, Melissa Hinebauch, Russell Cobb, Lynda Cecchetti, Virginia Mulligan, Janet Lucas, Marcia King, Ellen Farnum, Bob Perry, Kathryn Langille

Summary of testimony presented in support:

Representative Ross Berry

- HB 1150 comes from a case out of Londonderry where there was some confusion about required disclaimers for political advertising in newspapers
- Current law requires that political advertising in newspapers have two disclaimers, where other media only requires one.
- This bill removes the required statement of “Paid Advertising” at the top of political ads in newspapers.
- An additional change is removal of the requirement for newspapers to file their rates for political ads with the Secretary of State.
- Rates are still required to be fair and equal for all parties and the ads still must have one disclaimer.
- These changes bring consistency for all political advertising no matter how it is published.

Brenden McQuade – President, NH Union Leader

- The requirement to add “Paid Political Advertisement” to the top of an ad only applies to newspapers and bill boards.
- He does not believe that they should be singled out in this world of digital media.
- The news media is already under great threat for a number of different factors.
- They should not have to worry about being prosecuted for not using the correct language even though the “paid for by” language is still required.
Summary of testimony presented in opposition:

Bob Perry

- This bill would repeal requirements that political advertising be disclosed as such in a prescribed manner.
- It also repeals the disclosure of rates which eliminates public inspection for compliance.
- He believes it is important that readers understand the distinctions between advertising and journalism.
- He relies on the disclosure to know the difference when it is not immediately apparent.
- Without such disclosure in the age of artificial intelligence, the repeal of current law will add to the publics uncertainty of the information they are reading.

Kathryn Langille

- People in her generation have a lot of influencers trying to sell them things.
- When these influencers try to sell something they are paid for, they must disclose that.
- This bill strikes crucial language and eliminates the requirement for a paid political advertisement to disclose their main purpose.
- She believes this affects a voters right to know and when and how they may be influenced.

TJM
Date Hearing Report completed: April 26, 2024
HOUSE BILL 1181

AN ACT relative to solid waste districts.


COMMITTEE: Municipal and County Government

ANALYSIS

This bill defines the scope of a solid waste district's ability to contract with public entities, and expands the facilities flexibility to deal with financial uncertainties.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to solid waste districts.

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

1 Solid Waste Management Districts; Services for Public Entities. Amend RSA 53-B:7, XIX to read as follows:

   XIX. To accept at a district facility solid waste generated inside and outside the boundaries of the district[ ], and to direct solid waste generated by political subdivisions inside the boundaries of the district to contracted third parties.

2 Solid Waste District Committee; Authority to Pay Debt. Amend RSA 53-B:8, II to read as follows:

   II. The committee shall choose a chairman by ballot from its membership. It shall appoint a secretary and a treasurer, who may be the same person, but who need not be members of the committee, and such other officers as may be provided for in the district agreement. The treasurer shall receive and take charge of all money belonging to the district and shall pay any debt of the district which has been approved by the committee[ ], or by a non contemporaneously signed manifest signed by 2 or more members of the district committee empowered by the district committee as a whole to authorize payments. The treasurer may, by vote of the committee, be compensated for his services. Proceedings of the committee shall be held in accordance with RSA 91-A.

3 Solid Waste Management District; Expenditures. New Section; Expenditures. Amend RSA 53-B by inserting after section 9 the following new section:

   53-B:9-a Emergency Expenditures and Overexpenditures. When an unusual circumstance arises during the year which makes it necessary to expend money in excess of amount budgeted pursuant to this chapter which may result in an overexpenditure of the total amount budgeted for all purposes, the district committee, upon application to the commissioner of revenue administration, may be given authority to make such expenditure, provided that:

      I. The district has appealed to the governing bodies of the member municipalities for a commensurate adjustment to the apportionment established by the district budget and one or more boards have denied the request.

      II. The commissioner of revenue administration may accept and approve an application after an expenditure if caused by a sudden or unexpected emergency, in which case paragraph I shall not apply.

      III. The commissioner of revenue administration shall not approve such an expenditure unless the governing body designates the source of revenue to be used. The commissioner shall not
have the authority to compel the member communities to increase the apportionment rate in order
to fund such an expenditure.

IV. Notwithstanding the provisions of this section, if the district committee has by warrant
article established a contingency fund in the annual budget for the purpose of unanticipated
expenses, the district committee may expend funds from such account to meet the costs of such
expenses.

4 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Municipal and County Government</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Public Hearing: 03/06/2024 09:30 am LOB 307</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/11/2024 09:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/20/2024 10:45 am LOB 301-303</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-1054h 03/20/2024 (Vote 12-8; RC) HC 12 P. 34</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Minority Committee Report: Ought to Pass with Amendment # 2024-1048h RC</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1054h: AA DV 223-136 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1048h: AF DV 149-216 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1054h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/04/2024</td>
<td>S</td>
<td>Hearing: 04/09/2024, Room 103, LOB, 09:30 am; SC 14</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-0; SC 19</td>
</tr>
</tbody>
</table>
Senate Election Law and Municipal Affairs Committee  
*Tricia Melillo 271-3077*

**HB 1181**, relative to solid waste districts.

**Hearing Date:** April 9, 2024

**Members of the Committee Present:** Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

**Members of the Committee Absent:** None

**Bill Analysis:** This bill defines the scope of a solid waste district's ability to contract with public entities, and expands the facilities flexibility to deal with financial uncertainties.

**Sponsors:**
- Rep. Veilleux
- Rep. Ammon
- Rep. LeClerc
- Rep. Lewicke
- Rep. G. Griffin
- Sen. Avard
- Rep. Pauer
- Rep. Post
- Sen. Chandley

**Who supports the bill:** Eric Pauer

**Who opposes the bill:** Representative Josh Yokela

**Who is neutral on the bill:** Bruce Kneuer (DRA)

**Summary of testimony presented in support:** None

**Summary of testimony presented in opposition:**

**Representative Josh Yokela**

- His main concern is the language in Section 3 starting on line 19.
- He believes it is not very clear regarding what is an unusual circumstance or what counts as an emergency.
- The language indicates in an emergency situation they can go to the DRA for approval of funds but only after the municipality has denied their request for funds.
- He believes it is convoluted and unclear what constitutes the need for more funds and who the money is coming from.
- Section 1 was amended with language he drafted that gives the district the ability to accept waste but also direct waste to one of their service providers.
- This would be needed if the facility was at capacity.
- Senator Gray commented that the amendment passed the House but no one has shown up to support the bill.
Neutral Information Presented:

Bruce Kneuer – Department of Revenue

- He clarified that in 2022 a Solid Waste District did approach DRA to ask if they could utilize a part of the budget law to seek approval for an over expenditure.
- The language that is in this bill is the same language that is in Chapter 32.
- Because of the unique way a solid waste district votes out their budget, they do not fall under Chapter 32’s provisions.
- For that reason, the DRA could not have granted the approval sought.
- The language in Chapter 32 has been the same since 1993 and is used frequently enough each year for conditions they deem an emergency.
- An emergency constitutes a condition in which the municipality feels it must expend funds even before the request is made to authorize it.
- These are public safety matters, for example a huge sinkhole that has to be fixed immediately so people do not get hurt.
- The money is already spent and then they make the request to the DRA under RSA 32:11.
- In 2022, the Solid Waste District did not make a formal request so DRA did not have to address this issue.
- He believes HB 1181 is an attempt to grant similar authority to the Solid Waste Management Districts because the other law does not apply.
- Senator Gray asked if the Department supports or opposes this change.
  - Mr. Kneuer replied that he is not authorized to say the Department is taking a position but he just wanted to clarify why Chapter 32 is not available.
- Senator Perkins Kwoka asked if what he is testifying to is that emergency expenditures are legislated under 32:11 for a local legislative body but not for Solid Waste Management Districts.
  - Mr. Kneuer replied that in order to seek that authority or for DRA to act, the budget has to be passed by the legislative body. The Solid Waste Management Districts have a unique arrangement where it is the commissioners of the District who vote on the budget. That process creates the gap.

TJM
Date Hearing Report completed: April 12, 2024
This bill directs cities and towns to enable access to voting for individuals with disabilities during elections.
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the definition of accessible voting systems.

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

1 Statement of Findings. The general court finds that:
   I. Voting is one of our citizen’s most fundamental rights. It is of the utmost importance that all eligible voters have equal access and opportunity to participate in all elections held in this state.
   II. Certain individuals with disabilities, including individuals who have visual impairments or other disabilities that interfere with effective reading, writing, or use of printed material, face unique challenges in casting their votes privately and independently, particularly in local elections, as currently most cities and towns do not provide accessible voting systems for local elections.
   III. Title II of the Americans with Disabilities Act and its implementing regulations (“ADA”) require the state, cities, and towns to make their programs, services, and activities accessible to qualified individuals with disabilities. (42 U.S.C. sections 12131-12134, 28 C.F.R. sections 35.130,35.160). Elections held by the state, cities and towns are “services, programs, and activities” under the ADA. Under the ADA, the state, cities and towns must provide “appropriate auxiliary aids and services” to enable voters with disabilities “an equal opportunity to participate in, and enjoy the benefits of” their elections, including the same opportunity to exercise their right to vote independently and privately as is enjoyed by persons without disabilities.
   IV. The current state practice is to ensure that every polling location provides an accessible voting system to enable individuals with disabilities to have equal access to vote independently and privately only for state elections with a federal office on the ballot. Accessible voting systems are generally not made available at polling locations for local elections. As a result, with very few exceptions, individuals with disabilities are not universally afforded equal opportunities to vote privately and independently as individuals without disabilities in local elections, in violation of the ADA.

2 Accessible Voting System; Definition. Amend RSA 652:16-d to read as follows:
   652:16-d Accessible Voting System. "Accessible voting system" shall mean the system chosen by the state in federal elections or by municipalities in local elections to meet the accessibility for individuals with disabilities requirements of section 301 of the Help America Vote Act of 2002, 42 U.S.C. section 15481, 52 U.S.C. section 21081, and Title II of the Americans with Disabilities Act, 42 U.S.C. section 12132, that has the capacity to print a paper ballot marked with the votes chosen by the voter.

3 New Section; Accessible Voting Systems. Amend RSA 659 by inserting after section 20-a the following new section:
659:20-b Accessible Voting Systems.

I. Every city, every town, and every school district which has adopted an official ballot system shall:

   (a) Ensure that each polling place has at least one accessible voting system.

   (b) Enter into a pilot agreement with the secretary of state for the use of accessible voting systems in local elections.

   (c) Bear the cost of programming for the city, town, or school district election with the vendor chosen and contracted with by the secretary of state, including any transfer of the system to and from the vendor.

   (d) Store and maintain the accessible voting system or systems in a secure manner following election security guidance issued by the secretary of state.

II. The secretary of state shall:

   (a) Enter into a pilot program agreement with cities and towns and provide accessible voting systems for use in city, town, and school elections.

   (b) Provide guidance for programming the local ballots onto the accessible voting systems.

   (c) Provide security guidance for the local storage and maintenance of the accessible voting system or systems used for city, town, and school district elections.

4 Repeal. The following are repealed:

   I. RSA 659:20-b, I(b) relative to cities, towns, and school districts entering into a pilot agreement with the secretary of state for the use of accessible voting systems in local elections.

   II. RSA 659:20-b, II(a) relative to cities, towns, and school districts entering into a pilot program with the secretary of state for the use of accessible voting systems for use in local elections.

5 Effective Date.

   I. Section 4 of this act shall take effect June 30, 2025.

   II. The remainder of this act shall take effect January 1, 2025.
AN ACT relative to the definition of accessible voting systems.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the House, has a total fiscal impact of less than $10,000 in each of the fiscal years 2025 through 2027.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law  HJ 1</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 10:15 am LOB 306-308</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/05/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/05/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/11/2024 10:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1041h 03/11/2024 (Vote 20-0; RC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Amendment # 2024-1041h: AA VV 03/21/2024  HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1041h: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs:  SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, LOB, 09:45 am;  SC 17</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-0;  SC 19</td>
</tr>
</tbody>
</table>
HB 1264-FN, relative to the definition of accessible voting systems.

Hearing Date: April 30, 2024

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill directs cities and towns to enable access to voting for individuals with disabilities during elections.

Sponsors:
Sen. Carson

Who supports the bill: Representative Ross Berry, Representative Connie Lane, Representative Mark Paige, Representative Robert Wherry, Representative Heath Howard, Kate Horgan (NH Association of Counties), Mo Baxley, Jean Shiner, Dana Trahan, Fred Fournier, Andrew Harmon, Olivia Zink (Open Democracy), Natch Greyes (NHMA), Kathy Corey, Erin Hennessey (Deputy Secretary of State), Daniel Healey (NH Cities and Town Clerks Association), Randy Pierce, Melissa Hinebauch, Karen Rosenberg (NH Council on Developmental Disabilities), McKenzie St. Germain, Forrest Beaudoin-Friede

57 people signed in support of the bill online. The full sign in sheet will be made available upon request to the Committee Aide tricia.melillo@leg.state.nh.us

Who opposes the bill: None

Summary of testimony presented in support:

Representative Mark Page

- HB 1264 addresses a problem with respect to municipal elections.
- Currently, assisted technology devices are provided for state and federal elections for those who have print and visual disabilities.
- NH is one of two states who do not provide them for municipal elections.
- This bill rectifies that problem and allows those with a disability to have the privacy of a secret ballot at municipal elections.
- He believes having this legislation will reduce the risk of litigation regarding compliance with the ADA.

Representative Robert Wherry

- Accessible voting systems are currently in place only for state elections with a federal office on the ballot.
• As a result, individuals with disabilities are not universally afforded equal opportunities to vote privately and independently.
• The bill as introduced sought funding for the machines that would be loaned to the communities by the Secretary of State.
• There were some concerns with both the implementation and the financial outlay.
• He worked with the Secretary of State’s office and other stakeholders to develop an amendment that provides a short term solution.
• The amendment allows the accessible voting systems to be made available through a pilot agreement with the Secretary of State.
• Cities, towns and school districts will bear the cost of programming and transferring the accessible voting systems.
• This eliminates the need for a fiscal note as required under the original bill.
• The amended bill allows stakeholders an opportunity to see whatever challenges may exist and identify possible solutions.
• He believes there will be a follow up bill next year to address the financial aspects needed for a long-term solution.

Erin Hennessey – Deputy Secretary of State

• They believe that everyone should be able to mark and cast their ballot at all of New Hampshire’s elections.
• The reason for the amended pilot program is that it is time consuming for their office to get back all of the machines, scrub them, program them with the new information and then test them to be sure the information is correct.
• The 2025 spring elections are a perfect time for them to lend the machines out because it allows enough time for the scrubbing process.
• Senator Shaheen was kind enough to provide them with guidance about the use of HAVA funds for equipment such as this.
• Unfortunately, the HAVA funds are not a permissible use except if they are used for shared purposes, such as the electronic ballot counting devices that are used for both local and state elections.

Summary of testimony presented in opposition: None
HB 1310-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1310-FN

AN ACT relative to meetings of supervisors of the checklist.


COMMITTEE: Election Law

ANALYSIS

This bill requires the supervisors of the checklist to meet every 90 days.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to meetings of supervisors of the checklist.

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

1  New Section; Supervisors of the Checklist; Checklist Maintenance. Amend RSA 654 by inserting after section 27 the following new section:

654:27-a Checklist Maintenance. In cities and towns, the supervisors of the checklist shall meet at least every 90 days for the purpose of periodic checklist maintenance. For the purposes of this section, “periodic checklist maintenance” means taking action on all requests to correct the checklist including but not limited to those in RSA 654:36, RSA 654:36-a, RSA 654:36-b, RSA 654:37, RSA 654:37-a, RSA 654:39 III and RSA 74:18, VI. For the purposes of this section, “take action” means to strike a voter from the checklist, correct an address for a voter who has moved within the jurisdiction of the supervisors of the checklist, or to vote to mail a notice pursuant to RSA 654:44, I. The supervisors may also conduct other business at these meetings after performing periodic checklist maintenance. Notice of the day, hour, and place of each session of the board of supervisors shall be first posted in 2 appropriate places, one of which shall be the city or town's Internet website, if such exists, or shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2  Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to meetings of supervisors of the checklist.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than $10,000 in each of the fiscal years 2025 through 2027.

AGENCIES CONTACTED:

New Hampshire Municipal Association
Amendment to HB 1310-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Supervisors of the Checklist; Checklist Maintenance. Amend RSA 654 by inserting after section 27 the following new section:

   654:27-a Checklist Maintenance. In cities and towns, the supervisors of the checklist shall meet at least every 90 days for the purpose of periodic checklist maintenance. For the purposes of this section, “periodic checklist maintenance” means taking action on all requests to correct the checklist including, but not limited to those in RSA 654:36, RSA 654:36-a, RSA 654:36-b, RSA 654:37, RSA 654:37-a, RSA 654:39 III and RSA 74:18, VI. For the purposes of this section, “take action” means to strike a voter from the checklist, correct an address for a voter who has moved within the jurisdiction of the supervisors of the checklist, or to vote to mail a notice pursuant to RSA 654:44, I. The supervisors may also conduct other business at these meetings after performing periodic checklist maintenance. Notice of the day, hour, and place of each session of the board of supervisors shall be first posted in 2 appropriate places, one of which shall be the city or town’s Internet website, if such exists, or shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session.
<table>
<thead>
<tr>
<th>Date</th>
<th>House/Senate</th>
<th>Event/Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law  HJ 1</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 10:35 am LOB 306-308</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 03/05/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass: MA DV 188-187 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, LOB, 10:00 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1701s, 05/16/2024, Vote 3-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1310-FN, relative to meetings of supervisors of the checklist.

Hearing Date: April 30, 2024

Members of the Committee Present: Senators Gray, Murphy and Perkins Kwoka

Members of the Committee Absent: Senators Abbas and Soucy

Bill Analysis: This bill requires the supervisors of the checklist to meet every 90 days.

Sponsors:

Who supports the bill: Representative Erica Layon, Representative Ross Berry, Representative Robert Wherry, Eric Pauer, Martin Tabat, Charlene Tabat, Martha Jaquith, Caryn Incollingo, Deborah Cornish, Lisa Duperrault

Who opposes the bill: Claudia Damon, Janet Lucas, Kimberly Holt, Maureen Ellermann, Robin Mower, Andrew Jones, Gary Devore, Richard DeMark, Susan Moore, Dorothea Vecchiotti, Lois Cote, Elissa Rasmussen

Summary of testimony presented in support:

Representative Erica Layon

- HB 1310 creates a process to update the voter checklist on an ongoing basis instead of every ten years.
- In 2001, HB 285 was passed, which provided a number of ways that voters who may have moved, died, or were no longer eligible voters would be identified and that information was given to the Supervisor of the Checklist.
- The Secretary of State, at least annually, runs all of the names against the National Change of Address List and provides that information to the Supervisors of the Checklist.
- In towns like Derry, where they check regularly, over 1,000 people have been removed using this process.
- There are some towns and cities who do not meet regularly to process the information that has been provided to them.
- That can become a problem when it comes to the next ten year cycle.
- There is a cost to having an overly large checklist.
- Depending on the number of voters a town or city has dictates how many voting booths, ballots, educational materials, etc. are needed.
- She believes that the extra cost of postage for the increased number of 30 day letters this legislation may require, will be offset by lower costs at the voting locations.
- There will be increased voter confidence knowing that there is a clean and complete checklist.
Senator Murphy asked if the last sentence requiring public notice for a reconvened meeting is critical.
  o Rep. Layon replied that the reason for having that sentence is to make it easier for the Supervisors of the Checklist to reconvene easily if needed to finish the job. She continued that if they determined the sentence is not needed she would be fine with that.

Senator Gray commented that most meetings that are reconvened to a time certain are allowed to do that according to Roberts Rules and most of these meetings are probably governed by that. He does not see a problem with taking the sentence out.

Summary of testimony presented in opposition: None
HB 1313-FN-LOCAL - AS AMENDED BY THE HOUSE

14Mar2024... 0624h
2024 SESSION
24-2303
08/10

HOUSE BILL

1313-FN-LOCAL

AN ACT relative to access to the voter checklist by candidates.


COMMITTEE: Election Law

ANALYSIS

This bill enables municipalities to send a copy of the voter checklist electronically to candidates.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to access to the voter checklist by candidates.

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

1 Elections; Availability of Checklist and Voter Information; Cost of Copies. Amend RSA 654:31, II to read as follows:

   II. In towns and cities, the public checklist as corrected by the supervisors shall be open for
   the examination of any person at all times before the opening of a meeting or election at which the
   list is to be used. The supervisors of the checklist or city or town clerk shall furnish a physical copy
   or an electronic copy of the most recent public checklist of their town or city to any person requesting
   such copy. If a person requests an electronic copy, the supervisors of the checklist, or the city or
   town clerk, shall notify the person requesting the copy of the electronic format options available from
   which the person requesting may choose. **Options shall include an electronic copy, to be sent
   via email, of at least one sortable format such as a spreadsheet. Two free requests may be
   made per election, before a fee of up to $25 may be charged for such an electronic copy sent
   by email.** The supervisors of the checklist or city or town clerk may only provide checklist
   information for their town or city. The supervisors of the checklist or city or town clerk shall charge
   a fee of $25 for each paper copy of the public checklist for a town or ward. For public checklists
   containing more than 2,500 names, the supervisors of the checklist or city or town clerk shall charge
   a fee of $25, plus $0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping
   costs. The supervisors of the checklist or city or town clerk may provide public checklist information
   on paper, [computer disk, computer tape, electronic transfer,] or in electronic formats, or any
   other form.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to access to the voter checklist by candidates.

FISCAL IMPACT:
The Legislative Budget Assistant has determined that this legislation, as amended by the House, has a total fiscal impact of less than $10,000 in each of the fiscal years 2025 through 2027.

AGENCIES CONTACTED:
None
Amendment to HB 1313-FN-LOCAL

Amend RSA 654:31, II as inserted by section 1 of the bill by replacing it with the following:

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist or city or town clerk shall furnish a physical copy or an electronic copy of the most recent public checklist of their town or city to any person requesting such copy. If a person requests an electronic copy, the supervisors of the checklist, or the city or town clerk, shall notify the person requesting the copy of the electronic format options available from which the person requesting may choose. **Options shall include an electronic copy, to be sent via email, of at least one sortable format such as a spreadsheet or other electronic media provided by the clerk. One free request may be made per election before a fee of up to $25 may be charged for such an electronic copy sent by email or provided via other electronic media provided by the clerk.** The supervisors of the checklist or city or town clerk may only provide checklist information for their town or city. The supervisors of the checklist or city or town clerk shall charge a fee of $25 for each **paper** copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist or city or town clerk shall charge a fee of $25, plus $0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist or city or town clerk may provide public checklist information on paper, [**computer disk, computer tape, electronic transfer,**] or in electronic **formats,** or any other form.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law HJ 1</td>
</tr>
<tr>
<td>01/26/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 11:30 am LOB 305</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment #2024-0624h 03/05/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>03/05/2024</td>
<td>H</td>
<td>Amendment # 2024-0624h: AA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0624h: MA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 103, LOB, 10:15 am; SC 15</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1827s, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1313-FN-LOCAL, relative to access to the voter checklist by candidates.

Hearing Date: April 16, 2024

Members of the Committee Present: Senators Gray, Murphy, Abbas and Soucy

Members of the Committee Absent: Senator Perkins Kwoka

Bill Analysis: This bill enables municipalities to send a copy of the voter checklist electronically to candidates.

Sponsors:
Rep. Cole
Rep. Porcelli
Rep. Berry
Rep. Sweeney

Who supports the bill: Representative Brian Cole, Representative Heath Howard, Representative Clayton Wood, Representative Ross Berry, Eric Pauer

Who opposes the bill: Dorene Lengyel, Janet Lucas

Who is neutral on the bill: Erin Hennessey (Deputy Secretary of State), Dan Healey

Summary of testimony presented in support:

Representative Brian Cole

- This bill will require the checklist to be in a sortable format.
- In Manchester they receive the list alphabetically in a format that is not sortable.
- In a sortable format, they could sort by street or other criteria needed.

Representative Health Howard

- This bill will only affect local municipalities with their checklists.
- It does not apply to the Statewide Voter Checklist.
- HB 1313 will allow candidates to receive the local checklist in a sortable format.
- It provides a candidate two free requests per election and after that the municipality could impose a fee to prevent any potential abuse of the service.
- This will help those candidates running for local office that may not have a lot of money to purchase walk lists.

Representative Ross Berry

- To address Senator Murphy’s question, they discussed that in the House Committee, and it was a balancing act between a right to privacy and easy access to the voter list.
- Senator Murphy clarified that it is public information that anyone can walk in and ask for but they make it hard to get.
Representative Berry replied yes because that is what the privacy advocates pushed for.

- Senator Gray asked if it would be acceptable if they took out the language that allows free copies and left in that the fee may be up to $25.
  - Representative Berry replied that he does not have a problem with that personally and the most important thing with this bill is getting a list that is electronic and sortable.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:**

**Erin Hennessey – Deputy Secretary of State**

- Their office is not opposed to a sortable format.
- She believes it is a great idea, especially for candidates who create walk lists.
- She has some concerns about the amended language that came out of the House Committee.
- The fee of up to $25 dollars for any request after two does not line up with the other language for the paper format.
- She would like to see the language consistent with every format.
- If some of the requests are free she believes there will be a lot more requests for it and she does not know how the city and town clerks will feel about that.
- It may take a lot of time to answer all of the emails that come in for a copy.
- Senator Gray asked if she would object to making it $25 for the request and the paper copy maybe a little more.
  - Deputy Secretary Hennessey replied that she would not object to that.

TJM
Date Hearing Report completed: April 22, 2024
HOUSE BILL 1345

AN ACT relative to the length of terms for Coos county officers.

SPONSORS: Rep. A. Davis, Coos 2; Rep. Ouellet, Coos 3; Rep. Tierney, Coos 1

COMMITTEE: Municipal and County Government

ANALYSIS

This bill provides that at the 2024 state general election, and following elections, the county attorney, treasurer, register of deeds, register of probate, and sheriff for Coos county shall serve 4-year terms.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the length of terms for Coos county officers.

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

1 County Attorneys; Length of Term. Amend RSA 7:33 to read as follows:

7:33 Election; Temporary Vacancies. There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected biennially by the voters of the county; provided that, at the 2022 state general election, and at each subsequent state general election, the county attorney for Rockingham county shall be chosen in the county by the voters for a 4-year term; and, provided that, at the 2024 state general election, and at each subsequent state general election, the county attorney for Coos county shall be chosen in the county by the voters for a 4-year term. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his or her services as set by the county delegation.

2 Elected for 4-Year Term. Amend RSA 653:1, V to read as follows:

V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate by the voters in each county; provided that, at the 2022 state general election, and at each subsequent state general election, any such officer in Rockingham county shall be chosen in the county by the voters for a 4-year term; and, provided that, at the 2024 state general election, and at each subsequent state general election, any such officer in Coos county shall be chosen in the county by the voters for a 4-year term;

3 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Municipal and County Government HJ 1</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Public Hearing: 02/21/2024 01:40 pm LOB 307</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/11/2024 09:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass 03/11/2024 (Vote 16-2; RC)</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, LOB, 10:30 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1345, relative to the length of terms for Coos county officers.

Hearing Date: April 30, 2024

Members of the Committee Present: Senators Gray, Murphy and Perkins Kwoka

Members of the Committee Absent: Senators Abbas and Soucy

Bill Analysis: This bill provides that at the 2024 state general election, and following elections, the county attorney, treasurer, register of deeds, register of probate, and sheriff for Coos county shall serve 4-year terms.

Sponsors:

Who supports the bill: Representative Arnold Davis, Representative Jim Tierney, Representative Mike Ouellet, Representative Leon Rideout, Kate Horgan (NH Association of Counties), Eric Pauer, Simon Berrio

Who opposes the bill: None

Summary of testimony presented in support:

Representative Arnold Davis

- This bill affects Coos County only and changes the terms for the Sheriff, the Register of Deeds, Register of Probate, the Treasurer and the County Attorney from two years to four years.
- Rockingham County has already made this change.
- They have the bipartisan support of all nine delegation members, all three commissioners and the NH Association of Counties.
- They believe having a longer term will make these positions a little more attractive to those that are interested in running.
- Having to campaign every other year is disrupting to the job they are trying to do.

Representative Jim Tierney

- These positions have a learning curve and in some cases that can be up to a year.
- This means as soon as they learn the job they have to campaign again to see if they can keep the job.
- A four year term allows them time to come up with and implement ideas to make the office function better.

Leon Rideout – Register of Deeds, Coos County

- This bill will affect his position and he supports.
- He had his own business and was approached to run for the Register of Deeds position.
As he thought about it, one of the drawbacks was that it is only a 2 year term which does not provide a lot of job security.

He decided to run but it took a full 18 months before he was comfortable with the job.

At that time he had to start campaigning again which was disruptive to the office.

The constant changing and campaigning is stressful for the employees.

He believes the two year term may be hindering qualified people from running for these positions.

Kate Horgan – NH Municipal Association

- HB 1345 will bring Coos County’s constitutional officers in line with the four-year terms that are in Rockingham County.
- These positions are primarily administrative positions for the function of the County.
- Constituents would benefit from consistency in these offices.
- Requiring these positions to immediately begin campaign for re-election takes away from the services these officials can provide to the public.
- Rockingham County has experienced success with this change.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: May 6, 2024
HOUSE BILL 1359

AN ACT relative to appeals of certain zoning decisions by abutters.


COMMITTEE: Municipal and County Government

ANALYSIS

This bill adds to the definition of "abutter" and includes abutters in appeals to the board of adjustment.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1359 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to appeals of certain zoning decisions by abutters.

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

1 Abutters Rights to Appeal to the Board of Adjustment. Amend RSA 676:5, I to read as follows:

   I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by [any person aggrieved] the applicant, an abutter as defined by RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

2 Motion for Rehearing; Abutters; Board of Adjustment; Board of Appeals. Amend RSA 677:2 to read as follows:

   677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions.

Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or [any person directly affected thereby] an abutter as defined by RSA 672:3 may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.
3 Abutter; Definition. Amend RSA 672:3 to read as follows:

672:3 Abutter.

"Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.

"Directly across the street or stream" shall be determined by lines drawn perpendicular from all pairs of corner boundaries along the street or stream of the applicant to pairs of projected points on any property boundary across the street or stream that intersect these perpendicular lines. Any property that lies along the street or stream between each pair of projected points, or is within 50 feet of any projected point shall be considered an abutter.

For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

4 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Municipal and County Government HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 02:30 pm LOB 301-303</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 09:30 am LOB 307</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass 02/21/2024 (Vote 10-8; RC) HC 9 P. 28</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>FLAM # 2024-0952h (Rep. Pauer): AF DV 130-224 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA RC 265-88 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Election Law and Municipal Affairs; SJ 7</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>S</td>
<td>Hearing: 03/26/2024, Room 103, LOB, 10:00 am; SC 12</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1359, relative to appeals of certain zoning decisions by abutters.

**Hearing Date:** March 26, 2024

**Members of the Committee Present:** Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

**Members of the Committee Absent:** None

**Bill Analysis:** This bill adds to the definition of "abutter" and includes abutters in appeals to the board of adjustment

**Sponsors:**
- Rep. L. Turcotte
- Sen. Perkins Kwoka
- Sen. Innis

**Who supports the bill:** Representative Len Turcotte, Representative Richard Brown, Natch Greyes (NHMA), Ben Frost (NHHFA), Gary Abbott (Associated General Contractors), Elissa Margolin (Housing Action NH), Adam Schmidt (NH Association of Realtors), Kristen Koch (BIA NH), Janet Lucas

**Who opposes the bill:** Daniel Richardson

**Who is neutral on the bill:** Eric Pauer

**Summary of testimony presented in support:**

**Representative Len Turcotte**

- In RSA 676-5, there is language that left zoning appeals open for anyone to file.
- This bill amends that language in order to prevent people that are not affected by the zoning from filing frivolous appeals.
- The language has been changed from anyone aggrieved to the applicant and an abutter as defined in RSA 672-3.
- Still included in the existing language is the ability for any officer or department head or other individuals within the legislative body to file an appeal.
- Currently, the RSA defines an abutter as someone directly across the street or stream from the land under consideration.
- This bill amends that language so it is clear what it means by directly across the street or stream.
- Many stakeholders are in favor of the bill.

**Natch Greyes – NH Municipal Association**

- HB 1359 addresses two issues that arose from recent supreme court cases
- One change is a new definition to clarify who an abutter is since the Supreme Court ruled that the current statutory language excludes residents that should qualify as abutters.
The second change is a policy issue regarding who qualifies to start an appeal.

In construction, time is money and frivolous appeals will hinder progress and increase costs.

One of the solutions to the housing crisis in NH presented by developers, is the ability to produce smaller housing units.

This has become problematic when people who do not have standing, initiate legal proceedings to prevent those projects from starting.

Developers see that and decide not to propose those projects that will add housing units.

The hope with this legislation is that by adjusting state policy, it creates a situation that is more conducive to development needed in New Hampshire.

Senator Perkins Kwoka asked, if by allowing “any person aggrieved,” NH has a very broad right to appeal.

- Mr. Greyes replied yes. Those that do not have standing start the process of appeal which is a delay tactic. The developer then has to go back to the drawing board and the new housing is not built.

Senator Perkins Kwoka commented that these approvals are in compliance with local zoning and have been developed by the local community. She asked if he thinks the current definition injects unnecessary risk into housing development.

- Mr. Greyes replied that she is absolutely correct. With this bill the language is clarified and everyone knows how to move forward.

Senator Keith Murphy asked if having larger lot sizes has something to do with the decline of new single family homes for lower and middle-income families.

- Mr. Greyes replied that is a different policy issue which can be tackled at a later time when there is more data.

Elissa Margolin – Director, Housing Action New Hampshire

- They advocated for the Housing Appeals Board so that abutters had a less expensive and more efficient way to appeal.
- This bill will restore the abutter on the diagonal which is a step in the right direction.
- Developers are working hard to access financing tools so they can pass on savings to the tenants and make housing more affordable.
- They do not have money in their budgets to deal with a long appeals process.
- The clarification in HB 1359 of whom has a right to appeal will resolve that issue.
- This does not undermine the ability for any community member from engaging in the review process at the Planning and Zoning Board hearings.
- Senator Perkins Kwoka asked if she is saying that there is still a public process that these projects have to go through and an opportunity for residents to be involved.

- Ms. Margolin replied that is correct and she believes this legislation may encourage more people to be engaged in that process and avoid a lengthy judicial review.

- Senator Perkins Kwoka asked if what they are trying to do is consolidate concerns to the local land use process and make sure that the judicial review process is used more efficiently.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: March 29, 2024
HOUSE BILL 1399

AN ACT allowing municipalities to permit 2 residential units in certain single-family residential zones.


COMMITTEE: Special Committee on Housing

ANALYSIS

This bill allows the expansion of a single family residence within a residential zone in an urban area to no more than 2 residential units without discretionary review or a hearing, if the proposed development meets certain requirements.

Explanation:

Matter added to current law appears in **bold italics.**

Matter removed from current law appears [in brackets and struck through.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT allowing municipalities to permit 2 residential units in certain single-family residential zones.

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

1 New Paragraph; Planning and Zoning; Regulatory Powers; Single-family Expansion. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI.(a) For all lots 2 acres or less in size, and for at least 50 percent of all lots in a municipality zoned for single-family residences, a proposed housing development of building or expanding a single family residence within a residential zone with no more than 2 residential units shall be allowed by right, without special application, discretionary review, or a hearing, if the proposed development meets all of the following requirements:

(1) The proposed development does not require demolition or alteration of the housing if it is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last 12 months.

(3) The development is located outside of hazard risk areas, as identified by either:

(A) A hazard risk map that has been developed specifically for and adopted by a particular municipality, or

(B) A Risk Factor rating of "Minimal" or "1" for both Flood and Fire Risk from the First Street Foundation.

(b) A municipality may impose objective zoning standards, objective subdivision standards, and objective design review standards. The municipality shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to 2 units and each being at least 1,250 square feet in floor area. However, no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure, or to the same dimensions as immediate abutters; and, in all other circumstances, a municipality may require a setback of up to 3 feet from the side and rear lot lines.

(c) A municipality may require any of the following conditions when considering an application for 2 residential units:
(1) Off-street parking of up to one space per unit.

(2) For residential units connected to an on-site wastewater treatment system, the owner shall provide proof of New Hampshire department of environmental services subsurface construction approval for the increased septic system loading. Upon the department’s issuance of an approval for septic system operation, the municipality may issue a certificate of occupancy.

(3) A municipality may charge impact fees for new connections to municipal water and sewer services.

(4) If the municipality has proven through an engineering study that it does not have adequate water or sewer capacity to allow this development in parcels subject to municipal water or sewer, proposed housing developments of 2 units under this statute may be disallowed by the municipality for those subject parcels for a term of up to 10 years after the first proposed housing development, but then after the expiration of that term, all previously delayed housing development projects must be allowed by the municipality by right. Notwithstanding municipal water or sewer capacity, proposed housing developments must meet all other state regulations for water and sewer.

(d) A municipality may deny a proposed housing development project if the state makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project under this section would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A municipality may require that a rental of any unit created pursuant to this paragraph be for a term longer than 30 days.

(f) An application shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Special Committee on Housing HJ 1</td>
</tr>
<tr>
<td>01/18/2024</td>
<td>H</td>
<td>Public Hearing: 02/16/2024 01:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/08/2024 11:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Executive Session: 03/08/2024 01:00 pm LOB 302-304</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-1157h 03/15/2024 (Vote 9-1; RC) HC 12 P. 37</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1157h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 20241157h: MA RC 220-140 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/04/2024</td>
<td>S</td>
<td>Hearing: 04/09/2024, Room 103, LOB, 10:00 am; SC 14</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1399, allowing municipalities to permit 2 residential units in certain single-family residential zones.

Hearing Date: April 9, 2024

Members of the Committee Present: Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

Members of the Committee Absent: None

Bill Analysis: This bill allows the expansion of a single family residence within a residential zone in an urban area to no more than 2 residential units without discretionary review or a hearing, if the proposed development meets certain requirements.

Sponsors:

Who supports the bill: Representative Rebecca McWilliams, Representative Hope Damon, Representative Josh Yokela, Representative Charlotte DiLorenzo, Ivy Vann, Chris Norwood, Dawn McKinney, Mikey Anair, Jordan King, Curtis Howland, Janet Lucas, Mya Hall, Jonathan Davis, Laura Sokoloski, Heidi Hamer, Geoff Hamer, Ian Jones, Jamila Peguero

Who opposes the bill: Tim Janiker, Natch Greyes (NHMA) Eric Pauer, Jane Aitken, Jim Avallon, Liz Tentarelli, Cindy Kudlik, N. House, B. House, Ken Sheffert, Paul Tudor, Terrance Reiber, Bronwyn Sims, Lori Schreier, Kristen Reynolds, Rosina Lis, Karl Maier, Loretta R Laurenitis, Mary Jean Kellerman

Who is neutral on the bill: Charles Gardner

Summary of testimony presented in support:

Representative Rebecca McWilliams

- The intent of HB 1399 is to increase the missing middle income housing.
- Years ago you were allowed to separate part of your home to create an in-law apartment.
- Zoning has become a lot stricter in New Hampshire and single family residential zones have been created.
- Some are grandfathered but depending on the municipality most single family zoning cannot be multi family.
- This legislation would allow duplexes to be created out of an existing single family home.
- Septic and wells on sites that are not serviced by municipal water or sewer was a concern but would have to be addressed before a single unit is separated into a double unit.
- Existing water and sewer may be from the town so HB 1399 was carefully crafted to allow a ten year stay on the lot needing to connect.
• This gives the municipality time to figure out how to supply the increase of water and sewer services.
• They added language that allows the municipality to apply to the state for a written finding that the housing addition would have an adverse impact upon public health and safety.
• This is an escape hatch if the municipality absolutely cannot provide the added water or sewer or if they find a negative environmental impact.
• There has been a lot of work and negotiations done on the bill because NH desperately needs more multifamily housing.

**Representative Hope Damon**

• Like the rest of the state her district has an acute need for housing.
• Claremont is one town where employees of Dartmouth Health and the Tech Industries in the Upper Valley seek housing.
• This bill is one way to create more affordable housing for the professional people who desperately need housing.
• This is especially true for Dartmouth Health whose biggest problem is recruiting in all departments because they cannot find affordable housing.
• It is no longer more affordable to live here than it is to live in the suburbs of New York City.
• If they want young people to stay and work in New Hampshire they have to have an affordable place to live.
• Senior citizens are another population that are struggling with staying in their homes because they cannot afford the property taxes.
• This legislation would help both of those populations.
• Senator Abbas commented that on lines 25 – 28, on the first page, it states that a municipality may require a setback of up to 3 feet from the side and asked when that would apply and when that would not apply.
  o Rep. Damon replied that she will defer that question to Mr. Frost.

**Chris Norwood – NH Association of Realtors**

• They believe this legislation is a property rights bill that supports homeowners who know their property best.
• He understands some of the concerns that those opposed have but believes that the language in the bill provides some guardrails for municipalities to limit where they see fit.
• In the last year the manufactured home median sale price was 150 thousand dollars compared to 450 thousand dollars for a single family home.

**Representative Josh Yokela**

• He supports this bill and allowing the creating of a duplex out of a single family home.
• Senator Abbas asked how the restrictions on setbacks, listed on page 1, lines 25-28, would apply.
  o Rep. Yokela explained that in the Special Committee on Housing they heard some discussion about what is required by the building code. They wanted to make sure that what was being built was not unsafe.
Ivy Vann

- It is very important to allow increased ability for people to use their property in the way they feel it is best.
- There are many big homes in New Hampshire owned by people who can hardly pay the taxes on them.
- Being able to create two units out of that big home would be a win for so many people.
- She understands people worry about their neighborhood changing but this change is virtually invisible.

Ben Frost – NH Housing

- This is in many ways analogous to the existing obligation that municipalities have to allow accessory dwelling units.
- When that law was being debated in 2016, the question was asked if accessory dwellings were just like allowing duplexes.
- An accessory dwelling is not like a duplex in that it is distinct and different structurally.
- He believes it is similar in that it is two different housing units on the same parcel of land.
- This would impose the same sort of obligation on municipalities that existing law for accessory dwellings already does.
- He does not believe this will result in enormous changes at the local level.
- On page 1, line 6, allowing things by right is an important measure.
- The setbacks would be required to be applicable on at least 50% of all lots zoned single family.
- Senator Abbas commented that, on line 25 it says, “no setback shall be required for an existing structure,” which would remove any requirements that local zoning has and then it says you can put in the second structure provided you have the same dimensions as the immediate abutter and questioned how that would work if the lots were uniquely different.
  - Mr. Frost replied that the language in line 25 is clarifying that if you have an existing structure, you shall be allowed to convert that to a duplex because you are not changing the setback structure of that building. He continued that it is saying, even if it is otherwise non-conforming you can still convert a single family home into a duplex.
- Senator Abbas commented that his concern is that this would frustrate how they got a variance in the first place by converting it into a multifamily unit.
  - Mr. Frost replied that under current law a multifamily home is 3 or more units. This essentially may result in treating similarly situated properties differently but he believes that is the sort of measure they need to be taking to encourage greater development of housing.

Representative Rebecca McWilliams

- She believes Senator Abbas is looking for floor area ratio.
- Usually, zoning requirements for a single family dwelling allow a certain square footage to take up a certain portion of the total lot area.
- Regardless of what the setbacks are, floor area ratio still needs to be met.
- This bill is silent on floor area ratio so that still applies.
Summary of testimony presented in opposition:

**Tim Jandebeur**

- He believes this bill takes away local control.
- In his town of Northwood, they are working on their master plan and survey responses from residents show that they do not want this legislation.
- Northwood already has many multi-unit affordable homes and he believes this bill is not needed.

**Natch Greyes – NH Municipal Association**

- It is often the case with zoning that they make maps so people know ahead of time what they can and can’t do in their zones.
- He believes the language in lines 3-7 is opposite of how zoning is currently done.
- People cannot just walk up to a lot and build what they want, they have to see if what they want is allowed.
- Based on the formula presented here owners will not know what is allowed.
- The intent of this bill is to expand the applicability of duplexes.
- Municipalities do not look at individual lots and determine if the proposed development falls within the parameters and would be allowed.
- Zoning is adopted at the local level according to the master plan that residents created based on how they want their town to look.
- When people buy properties they do so based on what they assume the neighborhood is going to be like.
- If there is a proposal to change the zone it is usually done at town meeting or during a public process where there is local control.

TJN
Date Hearing Report completed: April 15, 2024
HOUSE BILL 1567-FN

AN ACT relative to zoning provisions concerning family and group family child care uses.


COMMITTEE: Special Committee on Childcare

ANALYSIS

This bill generally requires family and group family child care programs to be allowed as an accessory use to any primary residential use under local zoning and planning regulations.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to zoning provisions concerning family and group family child care uses.

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

1 Planning and Zoning; General Provisions; Child Care Programs. RSA 672:1, V-a is repealed and reenacted to read as follows:

V-a. All families of the state benefit from a balanced and diverse supply of affordable child care in a setting conducive to each child’s and family's needs. Establishment of child care which is safe and affordable is in the best interests of each community and the state of New Hampshire and serves a vital public need. Opportunity for development of all types of home-based care (family care and group family care) shall be allowed by right as long as all requirements for such programs adopted in rules of the department of health and human services (He-C 4002) are met. Family or group family child care shall be allowed as an accessory use to any primary residential use and shall not be subject to local site plan review regulations in any zone where a residential use is permitted; and

2 New Paragraph; Zoning; Powers. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places shall, as described in RSA 672:1, V-a, allow home-based care (family care and group family care) by right as long as all requirements for such programs adopted in rules of the department of health and human services (He-C 4002) are met. Family or group family child care shall be allowed as an accessory use to any primary residential use and shall not be subject to local site plan review regulations in any zone where a residential use is permitted.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to zoning provisions concerning family and group family child care uses.

FISCAL IMPACT: [ ] State [ ] County [ X ] Local [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>Indeterminable Decrease</td>
<td>Indeterminable Decrease</td>
<td>Indeterminable Decrease</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>Indeterminable Decrease</td>
<td>Indeterminable Decrease</td>
<td>Indeterminable Decrease</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill requires family and group family child care programs to be allowed as an accessory use to any primary residential use under local zoning and planning requirements. The New Hampshire Municipal Association states that the bill require municipalities to allow what is already provided for under RSA 672:1, V-a. However, the bill does decrease the administrative burden by eliminating local site plan review regulations relative to home-based childcare. While this will decrease municipal revenue by some indeterminable amount (due to the lack of administrative fee collection associated with such review), it will also decrease municipal costs by some indeterminable amount (due to the lack of need for municipal staff processing the site plan application). The Association notes that it does not anticipate an increase in the number of applications for home-based childcare, due to profitability being more closely linked to housing costs than any other factor.

The Department of Health and Human Services states the bill will have no fiscal impact on that department.

AGENCIES CONTACTED:

New Hampshire Municipal Association and Department of Health and Human Services
Amendment to HB 1567-FN

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

1 Planning and Zoning; General Provisions; Child Care Programs. RSA 672:1, V-a is repealed and reenacted to read as follows:

   V-a. All families of the state benefit from a balanced and diverse supply of affordable child care in a setting conducive to each child's and family's needs. Establishment of child care which is safe and affordable is in the best interests of each community and the state of New Hampshire and serves a vital public need. Opportunity for development of all types of home-based care (family care and group family care) shall be allowed as long as all requirements for such programs adopted in rules of the department of health and human services (He-C 4002) are met. Family or group family child care shall be allowed as an accessory use to any primary residential use and shall not be subject to local site plan review regulations in any zone where a residential use is permitted; and

2 New Paragraph; Zoning; Powers. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

   VI. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places shall, as described in RSA 672:1, V-a, allow home-based care (family care and group family care) pursuant to a conditional use permit as long as all requirements for such programs adopted in rules of the department of health and human services (He-C 4002) are met. Family or group family child care shall be allowed as an accessory use to any primary residential use and shall not be subject to local site plan review regulations in any zone where a primary residential use is permitted. If all requirements of the department of health and human services are met, but an application for a conditional use permit is pending with the municipality in which the home-based child care facility is located, an applicant may begin operation during such time until the permit is granted or denied.

3 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>House/Senate</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Special Committee on Childcare  HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 01:30 pm LOB 209</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/21/2024 10:00 am LOB 104</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/06/2024 11:00 am LOB 104</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/06/2024 (Vote 10-0; CC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/21/2024  HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, LOB, 10:20 am; SC 17</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1824s, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1567-FN, relative to zoning provisions concerning family and group family child care uses.

Hearing Date: April 30, 2024

Members of the Committee Present: Senators Gray, Murphy and Perkins Kwoka

Members of the Committee Absent: Senators Abbas and Soucy

Bill Analysis: This bill generally requires family and group family child care programs to be allowed as an accessory use to any primary residential use under local zoning and planning regulations.

Sponsors:
Sen. Perkins Kwoka  Sen. Whitley

Who supports the bill: Representative Chuck Grassie, Representative Ross Berry, Katie McQuaid, Melissa Clement, Jennifer Legere, Jackie Cowell, Michele Merritt, Lauren Martin, Eric Pauer, Curtis Howland, Janet Lucas

Who opposes the bill: None

Who is neutral on the bill: Melissa Clement (DHHS)

Summary of testimony presented in support:

Representative Ross Berry

- This bill was drafted after members of the public expressed concerns over this issue with their representatives.
- Certain municipalities have zoned out family and group family child care.
- Family child care is very important in the rural areas of the state.
- HB 1567 limits the municipalities ability to zone them out of existence.
- They had a research document done about the different zoning requirements and they vary all over the place.

Representative Chuck Grassie

- He met with a number of child care providers at an event in his district.
- They discussed how hard it is to get family child care approved because of zoning and site review processes.
- There are a number of regulations that hinder the establishment of family child care centers.
- They are treated like businesses and they are much more than businesses.
- They are important to communities and not having them can have a negative financial impact.
• He mentioned an amendment that addresses the words “by right.”
• The Josiah Bartlett Center has said that the words “by right” are a very important part of the bill.
• Child care spots have decreased over the last few years and there is a greater demand for child care.
• National Guard members are having a hard time finding child care for their weekend duties because the National Guard can only contract with licensed facilities.
• This bill will correct a flaw in the current RSAs.
• The current RSAs do not have the requirement of not zoning out family child care in the implementation section.
• He worked on the language with Ben Frost and added this requirement in the aspirational section and the implementation section of the RSA.
• Even if the legislature says municipalities cannot zone out child care, planning boards and city planners will do a site review and come up with requirements that make it virtually impossible for family child care to open.
• This bill will exempt them from that process.
• They already have to meet a substantial number of requirements through DHHS.
• In order to be exempt from the site review the family child care must meet the standards required by DHHS and be licensed.
• The wording in the bill is standard zoning language that is used when something is being allowed “by right.”
• When you have a use “by right,” the community cannot prohibit you from doing that use.
• He amendment takes out the words “by right” in two places.
• His concern is that an attorney will tell the family child cares that if the legislature did not put “by right” in the law, then they do not have the right.
• Senator Murphy asked if there is a cap on the number of children that would qualify for family or group family child care.
  o Rep. Grasse replied that in family child care the max is 6 children and in family group child care, the max is 12. They are not looking to have child care centers.
• Senator Gray commented on the phrase in the bill “by right” and asked why not put “by conditional approval.”
  o Rep. Grasse replied that would require them to go to the planning board and receive conditional approval which adds will add expense. That is what they are trying to get away from. These are not big businesses that the town needs to review. It is a low impact business. Conditional approval adds another layer of bureaucracy which is why family child care businesses are struggling now.
• Senator Gray commented that the reason he is more comfortable with “conditional approval,” is that the planning board may know of particular things going on in the area that may make it unsuitable for this type of business.
  o Rep. Grasse replied that as soon as they say conditional approval it opens the door for the planning board to add more complications on top of the process and make it more expensive. He continued that these are basically just families helping each other.
Jennifer Legere – A Place To Grow - Brentwood, NH

- She franchised her business during COVID and they specialize in small family child care.
- They helped to establish a few family child care businesses across the state and zoning is one of their most complicated issues.
- For one woman in Plaistow, it took many months and thousands of dollars to be able to open her child care center.
- She had an extensive wait list and was able to open a center in Salem.
- In the zoning friendly community of Salem, it took her only 3 weeks to open at almost no cost.
- Providers all say that zoning is the biggest barrier to them opening child care spots in their homes.
- Each one had a different story of how long the process took and the thousands of dollars spent to meet regulations that were above licensing standards.
- Municipalities zoning out family child care results in lost child care capacity.
- In zoning heavy communities there are big gaps where it is not possible to have family child care.
- There are 626 spots needed in Concord and not 1 family child care provider that can open because they have been out regulated.
- The economic impact to the state is over $500 million dollars because there is not adequate access to child care.
- This is a simple solution with the low impact of maybe a couple more cars going into a neighborhood.
- She stated that a lot of the things that planning boards are requesting are already happening inside of child care licensing rules.
- With family care, they can do weekends, evenings and alternative operational hours to serve professionals that work those shifts.
- With family group child care that has 12 children you only need two employees and one is going to be the owner.
- She explained that most of the zoning regulations required for 12 children is already factored in to the residential area.
- It is unnecessary to have a site review on an area that has already met zoning requirements.
- Families need this and it helps to build communities and a sense of neighborhood.

Jackie Cowell – Early Learning NH

- They are a statewide organization that support child care on behalf of the hardworking families who need it.
- This is a bill that will help expand childcare options for families.
- Anything that they can do to make it easier for these home family child cares to operate is best for communities.
- The zoning and planning boards go way beyond what licensing at DHHS requires.
- Senator Perkins Kwoka clarified that allowing this use is a minimal disruption from a zoning perspective and many of the powers that they would use zoning for are already addressed through state regulation and asked how big the average family child care.
  - Ms. Cowell stated that Melissa from DHHS may have a better idea on what is the average. The majority are owner operated small businesses.
Ms. Merritt - New Futures

- New Futures advocates for data-based policies that support Granite State families.
- They believe this bill will increase child care options for families across New Hampshire.
- Currently, NH has 54,000 children under the age of 6 that need child care and has only 33,000 slots available.
- That leaves 21,000 children without necessary care.
- 46% of NH children live in a “child care desert,” with no child care options within their community.
- Allowing for the establishment of more family and small group child care options is the most straightforward strategy to expanding care across NH.
- Currently, local zoning restrictions often hinder the establishment of these care options.
- HB 1567 provides a state-level policy position of favorable zoning provisions for child care providers.
- They believe this bill will create a more hospitable environment for child care providers in New Hampshire.
- Senator Gray asked is she had any comments on the language “by right”, “by conditional use,” or “by special exception.”
  - Ms. Merritt replied that she would defer to those that have more information on that particular issue.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Melissa Clement – Child Care Licensing Unit - DHHS

- Even if the local zoning board is not involved in needing to provide approval for child care providers, there are still local officials that need to provide a report to DHHS.
- Before a provider can go through the licensing process and before they are approved by her agency, they have to have a local fire inspector and health officer come and inspect their home.
- These local officials can speak to what may be in the residential area even if zoning is not involved.
- Senator Perkins Kwoka commented that the amount of traffic in the neighborhood may impact the question of “by right” or “conditional approval” and asked if she has a sense of what the average size of family child care is
  - Ms. Clement replied that for licensed family child care home they have between 4 and 6 children before they enter school and 3 children that come before and after school. The max capacity in 9. She continued that there may be two or three families dropping off in the morning and then picking up in the evening. For licensed family group child care they can have up to 12 children before they are school age with the provider and an additional helper. They may also have five children before and after school.
- Senator Perkins Kwoka asked if there is only one employee required for the group child care.
  - Ms. Clement replied that is correct.
- Senator Perkins Kwoka commented that their hours of operation are regulated by the state and asked if she could speak to those provisions in rules because local zoning may have separate provisions that deal with hours of operation or noise that will apply regardless.
  - Ms. Clement replied that in their statutes they have licenses for night child care agencies which would regulate those hours and require separate approval.

TJM
Date Hearing Report completed: May 3, 2024
HB 1569-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1569-FN

AN ACT relative to eliminating voter identification exceptions.

SPONSORS: Rep. Lynn, Rock. 17

COMMITTEE: Election Law

ANALYSIS

This bill removes any exceptions for proving voter identification. This bill also removes the voter affidavits as proof of identification and repeals the procedures for affidavit ballots.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to eliminating voter identification exceptions.

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

1 Determining Qualifications of Applicant; General Voter Registration. RSA 654:12 is repealed and reenacted to read as follows:

654:12 Determining Qualifications of Applicant.

I. When determining the qualifications of an applicant desiring to register to vote, whether the applicant seeks to register before election day or on election day, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, domicile, and identity as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, or any other reasonable documentation which indicates the applicant is a United States citizen.

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election.

(c) DOMICILE.

(1) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration: (i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address; (iv) a government issued check, benefit statement, or tax document.

(2) A person who attests under penalty of voter fraud that they do not possess any of the qualified documents listed in subparagraph (c)(1) may present any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place their domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day, in the town or ward in which they desire to vote. Reasonable documentation may include, but is not limited to, evidence of:

(A) Having established domiciliary at the location of an institution of learning the applicant attends, as set forth in RSA 654:1, I-a;
HB 1569-FN - AS INTRODUCED
- Page 2 -

(B) Renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;

(C) Purchasing an abode at that place;

(D) Enrolling the applicant's dependent minor child in an established public or private elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;

(E) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;

(F) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;

(G) Obtaining public utility services for an indefinite period at that place; or

(H) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.

(I) Any other reasonable documentation which establishes that it is more likely than not that the applicant is domiciled at the address in the town or ward in which the applicant desires to vote. An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided.

(d) IDENTITY. Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement of this section:

(1) Photo driver's license issued by any state or the federal government.

(2) United States passport, armed services identification, or other photo identification issued by the United States government.

(3) Photo identification issued by local or state government.

(4) Any other evidence that reasonably establishes that it is more likely than not that the person is who they claim to be, including verification of the person's identity by the moderator or another election official.

Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

II. The evidence described or presumptions established in paragraph I may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.
III. Any person who is applying for registration as a voter and who is currently registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.

IV. A person who has registered to vote in the town or ward in which the person seeks to vote prior to election day need not provide proof of citizenship, age, or domicile at the polling place on election day, but shall provide proof of identification establishing that he or she is the same person who previously registered to vote.

V. Any dispute as to whether a person has met the requirements to register to vote or to vote shall be decided by the election official of the town or ward in charge of voter registration or in charge of the polling place if the dispute arises at the polling place. A person aggrieved by the decision of said official may take an immediate appeal to the superior court, which shall hear the appeal forthwith and shall make every reasonable effort to decide the matter as soon as possible and before the close of the polls on election day.

2 General Voter Registration; Voter Registration Form. RSA 654:7 is repealed and reenacted to read as follows:

654:7 Voter Registration; Voter Registration Form.

I. Any person registering to vote shall be:

(a) At least 18 years of age on the day of the next election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph III.

III.(a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 ½ inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date ________________

VOTER REGISTRATION FORM
1. Name

Last (suffix) First Full Middle Name

2. Domicile Address

Street Ward Number

3. Mailing Address if different than in 2

Street

Town or City Zip Code

4. Place and Date of Birth

Town or City State

Date

5. Are you a citizen of the United States? Yes _____ No _____

If a naturalized citizen, give name of court where and date when naturalized

6. Place last registered to vote

Street Ward Number

I am not currently registered to vote elsewhere (initial here _______), or I request that my name be removed as a registered voter in __________________________ (fill in your address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above

8. Party Affiliation (if any)

9. Driver's License Number

______________

State

If you do not have a valid driver's license, provide the last four digits of your social security number

_______
My name is _______________. I am today registering to vote in the city/town of _______________, New Hampshire. If a city, ward number _______.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. I understand that my domicile for voting is that one place from which I participate in democratic self-government and that I have acted to carry out that intent. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date

Signature of Applicant

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

3 General Voter Registration; Registering at the Polling Place; Election Day Registration. RSA 654:7-a is repealed and reenacted to read as follows:

654:7-a Registering at the Polling Place; Election Day Registration.

I. Any person whose name is not on the checklist but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12. If registered, the voter may then vote at that election.

II. Any person who is waiting to register to vote at the polling place on election day at the time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to register.

4 Election Procedure; Challenge of Voter; Affidavit. RSA 659:27 is repealed and reenacted to read as follows:

659:27 Challenge of Voter; Affidavit.
I. A voter offering to vote at any state election may be challenged by any other voter registered in the town or ward in which the election is held, an election official, a challenger appointed by a political committee pursuant to RSA 666:4, or a challenger appointed by the attorney general pursuant to RSA 666:5.

II. Upon receipt of a written challenge, the moderator shall determine if the challenge to the ballot is well grounded. If the moderator determines that it is more likely than not that the challenge is well grounded, the moderator shall not receive the vote of the person so challenged. If the moderator determines that the challenge is not well grounded, the moderator shall permit the voter to vote.

5 Challenges; Asserting a Challenge. RSA 659:27-a is repealed and reenacted to read as follows:

659:27-a Asserting a Challenge.

I. No challenge may be asserted except in the form of a signed affidavit, under oath administered by an election official, in the following form:

INFORMATION ON THE PERSON MAKING THE CHALLENGE

Name of Person Making the Challenge:

Last Name First Name Middle Name/Initial

Party affiliation

If person making a challenge is a voter: Physical Address--Street Name & Number

If person is a political party or attorney general appointee: mailing address & phone number

The challenger's qualifications to assert the challenge

INFORMATION ON THE VOTER BEING CHALLENGED: The person making the challenge shall complete the following:

Name being used by the voter who you wish to challenge:

_________________________________________

Last Name First Name Middle Name

GROUNDS FOR THE CHALLENGE: The person making the challenge shall indicate the ground on which the challenge is made (check all grounds that apply).

___ The person seeking to vote is not the individual whose name he or she has given

___ The person seeking to vote has already voted in the election at (name polling place) __________

at approximately (state time if known) ________
The person seeking to vote is disqualified as a voter by conviction of a willful violation of the elections laws (state offense, court, and date of conviction)
The person seeking to vote is under 18 years of age
The person seeking to vote is not a United States Citizen
The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote (state person's true domicile - town/city)
The person seeking to vote does not reside at the address listed for that person on the checklist
The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration (state name of institution person is in)
This is a primary and the person seeking to vote in the (state political party name) ________ primary is not a declared member of the party he or she claims to be affiliated with
The person seeking to vote is ineligible to vote pursuant to the following state or federal statute or constitutional provision:
BASIS FOR THE CHALLENGE: The person making the challenge shall state the specific source of the information or personal knowledge upon which the challenge of the particular individual is based:
OATH: The person making the challenge shall complete the following:
I hereby swear and affirm, under the penalties of perjury, that to the best of my knowledge and belief the information above is true and correct.
(Signature of challenger)

On the date shown above, before me, ________ (print name of notary public, justice of the peace, election officer), appeared ________ (print name of person whose signature is being notarized), known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

____________________
Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

TO BE COMPLETED BY THE MODERATOR ruling on the challenge:
If the ground at issue is age, citizenship, domicile, or identity: The supervisors of the checklist have ruled that the challenged voter is: qualified as a voter; not qualified as a voter (circle one).
The moderator rules on challenges based on other grounds: The moderator rules that the challenge is: well grounded; not well grounded (circle one).

____________________
Signature of Moderator or Election Official
II.(a) A challenge may be asserted only upon personal knowledge or other basis of probable cause that the challenged voter is ineligible to vote. No challenge may be accepted unless one of the following grounds is asserted and specific facts are offered in support of such grounds:

(1) The person seeking to vote is not the individual whose name he or she has given.

(2) The person seeking to vote has already voted in the election at the time and place specified in the challenge.

(3) The person seeking to vote is disqualified as a voter by conviction of a willful violation of the elections laws, such conviction having been for the offense specified in the challenge.

(4) The person seeking to vote is under 18 years of age.

(5) The person seeking to vote is not a United States citizen.

(6) The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote because the person’s true domicile is in the town or city specified in the challenge.

(7) The person seeking to vote does not reside at the address listed for that person on the checklist.

(8) The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration in the institution specified in the challenge.

(9) The person is attempting to vote in a primary and the person is not a declared member of the party with which he or she claims to be affiliated.

(10) The person is ineligible to vote pursuant to some other state or federal statute or constitutional provision specified in the challenge.

(b) Before ruling on the challenge, the moderator shall give the challenged voter an opportunity to be heard. A person aggrieved by the moderator's decision on a voter challenge may obtain immediate review of the decision in the superior court pursuant to RSA 654:12, V.

6 Obtaining a Ballot; Affidavit Ballots Removed. RSA 659:13, I(c) is repealed and reenacted to read as follows:

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall direct the voter to see the supervisor of the checklist.

(2) The supervisor of the checklist shall review the voter's qualifications and determine if the voter's identity can be verified.

If the supervisor of the checklist determines that the voter’s qualifications and identity are established, the voter shall be allowed to vote. If the supervisor of the checklist determines that the voter’s qualifications and identity have not been established, the voter shall not be allowed to vote. A voter not allowed to vote as a result of the determination of the supervisor of the checklist may take an immediate appeal to the superior court as provided in RSA 654:12, V.

7 Voting Procedure; Obtaining a Ballot. Amend RSA 659:13, II(b) - (e) to read as follows:

(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person’s identity by
a moderator or supervisor of the checklist or the clerk of a town, ward, or city, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no verification was made. When an election official uses personal recognizance as a substitute for required documentation under this section, the moderator or clerk shall print in the margin of the checklist, next to the name of the voter so qualified, one of the following to identify the official who validated the voter: "P-x AB" where "P" indicates personal recognizance; "x" shall be "M" for moderator or "C" for clerk; and AB are the first and last initials of the moderator or clerk. By initialing the checklist, the moderator or clerk personally affirms, under penalty of perjury, the identity of the voter they are qualifying to vote.

[(e) (b)] The secretary of state shall post the lists of educational institutions provided by the commissioner of the department of education under RSA 21-N:4, VII on the department of state's website, and otherwise shall make such lists available to local election officials.

[(e)] (c) The secretary of state shall provide training for supervisors of the checklist on how the nonpublic data in the statewide centralized voter registration database may be used to satisfy voter identification requirements.

[(e)] (d) The secretary of state shall develop and make available an informational pamphlet explaining the procedure established in RSA 260:21 for obtaining a picture identification card for voter identification purposes only.

8 Election Procedure; Challenges; Record by Clerk. RSA 659:32 is repealed and reenacted to read as follows:

659:32 Record by Clerk. The town clerk shall record the name and domicile of all challenged voters, the name and domicile of the person who challenged each such voter, the reason for each challenge, and the ruling on each challenge by the moderator or election official.

9 Election Fund; Cross Reference Removed. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of equipment that complies with the Help America Vote Act of 2002, Public Law 107-252[ or with RSA 659:13, V], reimbursing the department of safety for the actual cost of voter identification cards, election law enforcement, enhancing election technology, making election security improvements, and improvements to related information technology, including acquisition and operation of an automated election management system. With the exception of federal and state portions of funds associated with the 2018 Election Reform Program, the secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at
least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

10 Repeals. The following are repealed:

I. RSA 659:30 and 659:31, relative to affidavits related to election procedure and challenges.

II. RSA 660:17-a, relative to affidavit ballots; recounts.

III. RSA 659:23-a, relative to affidavit ballots.

IV. RSA 659:13, II(a)(6) - (7), relative to affidavit ballots.

V. RSA 659:13, III, IV, and V, relative to affidavit ballots and the secretary of state.

11 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to eliminating voter identification exceptions.

FISCAL IMPACT:  [ X ] State  [ ] County  [ X ] Local  [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
- Does this bill authorize new positions to implement this bill? [X] N/A

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>Indeterminable</td>
<td>Indeterminable Decrease</td>
<td>Indeterminable Decrease</td>
</tr>
</tbody>
</table>

The Office of Legislative Budget Assistant is awaiting information from the Department of State. The Department of State was originally contacted on 11/15/23, again on 12/4/23 and 12/27/23 and most recently contacted on 3/18/24 for a fiscal note worksheet. If information is received, a revised fiscal note will be forward to the Clerk’s Office.

**METHODOLOGY:**

This bill eliminates all exemptions for demonstrating voter identification, abolishes the current regulations accepting voter affidavits as identification proof, and repeals the protocols for affidavit ballots.

The New Hampshire Municipal Association states in the initial year, there will likely be added expenses for training election officials on new election worksheets, including mileage, salaries,
and other associated reimbursements. The exact costs will depend on the chosen options (online or in-person) and individual municipal reimbursement policies.

Cutting certain voter registration choices means officials won't need to train or assist with alternative identification or affidavits, decreasing time spent with voters. This reduction in interaction is expected to lower overall salary and overtime costs for election officials resulting in a decrease to local expenditures starting in FY 2026.

It is assumed the fiscal impact of this bill will not occur until FY 2025.

AGENCIES CONTACTED:
Department of State and New Hampshire Municipal Association
Amendment to HB 1569-FN

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

1 Determining Qualifications of Applicant; General Voter Registration. RSA 654:12 is repealed and reenacted to read as follows:

654:12 Determining Qualifications of Applicant.

I. When determining the qualifications of an applicant desiring to register to vote in New Hampshire for the first time, whether the applicant seeks to register before election day or on election day, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, domicile, and identity as provided in the following categories:

   (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, or any other reasonable documentation which indicates the applicant is a United States citizen. If the applicant cannot present one of the presumptive forms of proof he or she shall submit a citizenship affidavit with sufficient information so that citizenship can be confirmed, along with any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

   Date: ___

   CITIZENSHIP AFFIDAVIT

BE AS PRECISE AS POSSIBLE

Name: ___

Name at birth if different: ______

Place of birth: ____

Date of birth: ______

Place of Naturalization: ______

Domicile Address: _____

Mailing Address (if different): ______

Last 4 digits of Social Security Number: _____

Telephone Number: _____

Email Address; _____

Name and phone number of person who can verify citizenship:

_________________________________________________________________
I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my citizenship, the information above is true and correct, and that I understand that the secretary of state and the attorney general may use whatever resources are available to them to verify my claim to be a United States citizen.

___________________________
(Signature of Applicant)

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election.

(c) DOMICILE.

(1) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration: (i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address; (iv) a government issued check, benefit statement, or tax document.

(2) A person who attests under penalty of voter fraud that they do not possess any of the qualified documents listed in subparagraph (c)(1) may present any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place their domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day, in the town or ward in which they desire to vote. Reasonable documentation may include, but is not limited to, evidence of:

(A) Having established domiciliary at the location of an institution of learning the applicant attends, as set forth in RSA 654:1, I-a;

(B) Renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;

(C) Purchasing an abode at that place;

(D) Enrolling the applicant's dependent minor child in an established public or private elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;

(E) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;

(F) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;

(G) Obtaining public utility services for an indefinite period at that place; or
(H) Arranging for a homeless shelter or similar service provider located in the
town or ward to receive United States mail on behalf of the individual.

(I) Any other reasonable documentation which establishes that it is more likely
than not that the applicant is domiciled at the address in the town or ward in which the applicant
desires to vote. An applicant whose domicile is at an abode of another and whose name is not listed
on the document offered as proof of domicile may provide a written statement from a person who is
listed as owner, property manager, or tenant on the document that the applicant resides at that
address, signed by that person under penalty of voting fraud if false information is provided.

(d) IDENTITY. Any one of the following is presumptive evidence of the identity of an
applicant sufficient to satisfy the identity requirement of this section:

   (1) Photo driver's license issued by any state or the federal government.

   (2) United States passport, armed services identification, or other photo
       identification issued by the United States government.

   (3) Photo identification issued by local or state government.

   (4) Any other evidence that reasonably establishes that it is more likely than not
       that the person is who they claim to be, including verification of the person's identity by the
       moderator or another election official.

Residents of a nursing home or similar facility may prove their identity through verification of
identity by the administrator of the facility or by his or her designee. For the purposes of this
section, the application of a person whose identity has been verified by an official of a nursing home
or similar facility shall be treated in the same manner as the application of a person who proved his
or her identity with a photo identification.

II. The evidence described or presumptions established in paragraph I may be confirmed or
defeated by evidence establishing that it is more likely than not that the applicant is or is not
qualified as a voter.

   (a) Notwithstanding laws to the contrary, data contained in state databases may be used
       by the secretary of state or other state agencies to verify the information requested of the applicant
       when registering to vote for the first time or to prove identity when the applicant has not provided
       sufficient documentation.

   (b) On election day, the secretary of state shall coordinate a group for state agencies
       which shall include individuals from the secretary of state, the attorney general, the department of
       motor vehicles, and any other agencies determined necessary by the secretary of state. Their
       responsibilities shall include providing real time verification of data request of applicants on voter
       registration forms and proof of identity when the applicant or voter has not presented sufficient
       documentation.

III. Any person who is applying for registration as a voter and who is currently registered to
vote in a different town or ward in New Hampshire shall complete the voter registration form
provided for in RSA 654:7. If the election official receiving the application confirms through the
centralized voter registration database required by RSA 654:45 that the applicant is currently
registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not
be required to prove his or her age or citizenship.

IV. A person who has registered to vote in the town or ward in which the person seeks to
vote prior to election day need not provide proof of citizenship, age, or domicile at the polling place on
election day, but shall provide proof of identification establishing that he or she is the same person
who previously registered to vote.

V. Any dispute as to whether a person has met the requirements to register to vote or to
vote shall be decided by the election official of the town or ward in charge of voter registration or in
charge of the polling place if the dispute arises at the polling place. A person aggrieved by the
decision of said official may take an immediate appeal to the superior court, which shall hear the
appeal forthwith and shall make every reasonable effort to decide the matter prior to noon on the
last day for candidates to request a recount. The aggrieved person may be given a ballot in
accordance with RSA 659:23-a.

VI. The secretary of state shall train and provide assistance to election officials in the use of
official records that may be used to verify the qualification documents presented by the applicant.

2 General Voter Registration; Voter Registration Form. RSA 654:7 is repealed and reenacted to
read as follows:

654:7 Voter Registration; Voter Registration Form.
I. Any person registering to vote shall be:

(a) At least 18 years of age on the day of the next election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not
otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided
in RSA 654:12 and fill out the form as prescribed in paragraph III.

III.(a) Standard registration application forms shall be used throughout the state. The
registration forms shall be no larger than 8 ½ inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be
used for voter registrations, transfers, or updates, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire
___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a
new town or ward in New Hampshire
___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have
changed my name/address

Date __________________________
VOTER REGISTRATION FORM

(Please print or type)

1. Name
   Last (suffix) First Full Middle Name

2. Domicile Address
   Street Ward Number

3. Mailing Address if different than in 2
   Street
   Town or City Zip Code

4. Place and Date of Birth
   Town or City State
   ________________
   ________________

5. Are you a citizen of the United States? Yes _____ No _____

   If a naturalized citizen, give name of court where and date when naturalized
   ________________

6. Place last registered to vote
   ________________

7. Street Ward Number
   ________________

I am not currently registered to vote elsewhere (initial here _______), or I request that my name
be removed as a registered voter in ____________________________ (fill in your address where
previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above

8. Party Affiliation (if any)

9. Driver's License Number or nondriver's picture identification card number
   ________________

State
Check here if you do not have a drivers license or a nondriver's picture identification card

The last four digits of your social security number _________

My name is __________________________. I am today registering to vote in the city/town of ________________, New Hampshire. If a city, ward number ________.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. I understand that my domicile for voting is that one place from which I participate in democratic self-government and that I have acted to carry out that intent. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date ___________________ Signature of Applicant __________________

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

General Voter Registration; Registering at the Polling Place; Election Day Registration. RSA 654:7-a is repealed and reenacted to read as follows:

I. Any person whose name is not on the checklist, but who is otherwise a qualified voter shall be entitled to vote by requesting to be registered to vote at the polling place on election day. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12. If registered, the voter may then vote at that election.

II. Any person who is waiting to register to vote at the polling place on election day at the time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to register.

Election Procedure; Challenge of Voter; Affidavit. RSA 659:27 is repealed and reenacted to read as follows:

659:27 Challenge of Voter; Affidavit.
I. A voter offering to vote at any state election may be challenged by any other voter registered in the town or ward in which the election is held, an election official, a challenger appointed by a political committee pursuant to RSA 666:4, or a challenger appointed by the attorney general pursuant to RSA 666:5.

II. Upon receipt of a written challenge, the moderator shall determine if the challenge to the ballot is well grounded. If the moderator determines that it is more likely than not that the challenge is well grounded, the moderator shall not receive the vote of the person so challenged. If the moderator determines that the challenge is not well grounded, the moderator shall permit the voter to vote. The secretary of state shall provide assistance to moderators in reviewing the challenge.

5 Challenges; Asserting a Challenge. RSA 659:27-a is repealed and reenacted to read as follows:

659:27-a Asserting a Challenge.

I. No challenge may be asserted except in the form of a signed affidavit, under oath administered by an election official, in the following form:

INFORMATION ON THE PERSON MAKING THE CHALLENGE

Name of Person Making the Challenge:

Last Name First Name Middle Name/Initial

Party affiliation

If person making a challenge is a voter: Physical Address--Street Name & Number

If person is a political party or attorney general appointee: mailing address & phone number

The challenger's qualifications to assert the challenge

INFORMATION ON THE VOTER BEING CHALLENGED: The person making the challenge shall complete the following:

Name being used by the voter who you wish to challenge:

____________________________________

Last Name First Name Middle Name

GRUNDS FOR THE CHALLENGE: The person making the challenge shall indicate the ground on which the challenge is made (check all grounds that apply).

___ The person seeking to vote is not the individual whose name he or she has given

___ The person seeking to vote has already voted in the election at (name polling place) _________

at approximately (state time if known) _________
___ The person seeking to vote is disqualified as a voter by conviction of a willful violation of the elections laws (state offense, court, and date of conviction)
___ The person seeking to vote is under 18 years of age
___ The person seeking to vote is not a United States Citizen
___ The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote (state person’s true domicile-town/city)
___ The person seeking to vote is not domiciled at the address listed for that person on the checklist
___ The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration (state name of institution person is in)
___ This is a primary and the person seeking to vote in the (state political party name) ________ primary is not a declared member of the party he or she claims to be affiliated with
___ The person seeking to vote is ineligible to vote pursuant to the following state or federal statute or constitutional provision:

BASIS FOR THE CHALLENGE: The person making the challenge shall state the specific source of the information or personal knowledge upon which the challenge of the particular individual is based:

OATH: The person making the challenge shall complete the following:
I hereby swear and affirm, under the penalties of perjury, that to the best of my knowledge and belief the information above is true and correct.

____________________
(Signature of challenger)

On the date shown above, before me, __________ (print name of notary public, justice of the peace, election officer), appeared __________ (print name of person whose signature is being notarized), known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

____________________
Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

TO BE COMPLETED BY THE MODERATOR ruling on the challenge:

If the ground at issue is age, citizenship, domicile, or identity: The supervisors of the checklist have ruled that the challenged voter is: Qualified as a voter; not qualified as a voter (circle one).
The moderator rules on challenges based on other grounds: The moderator rules that the challenge is: well grounded; not well grounded (circle one).

____________________
Signature of Moderator or Election Official
II.(a) A challenge may be asserted only upon personal knowledge or other basis of probable cause that the challenged voter is ineligible to vote. No challenge may be accepted unless one of the following grounds is asserted and specific facts are offered in support of such grounds:

(1) The person seeking to vote is not the individual whose name he or she has given.
(2) The person seeking to vote has already voted in the election at the time and place specified in the challenge.
(3) The person seeking to vote is disqualified as a voter by conviction of a willful violation of the elections laws, such conviction having been for the offense specified in the challenge.
(4) The person seeking to vote is under 18 years of age.
(5) The person seeking to vote is not a United States citizen.
(6) The person seeking to vote is not domiciled in the town or ward where he or she is seeking to vote because the person's true domicile is in the town or city specified in the challenge.
(7) The person seeking to vote is not domiciled at the address listed for that person on the checklist.
(8) The person seeking to vote is an incarcerated convicted felon who is currently sentenced to incarceration in the institution specified in the challenge.
(9) The person is attempting to vote in a primary and the person is not a declared member of the party with which he or she claims to be affiliated.
(10) The person is ineligible to vote pursuant to some other state or federal statute or constitutional provision specified in the challenge.

(b) Before ruling on the challenge, the moderator shall give the challenged voter an opportunity to be heard. A person aggrieved by the moderator's decision on a voter challenge may obtain a review of the decision in the superior court pursuant to RSA 654:12, V.

6 Obtaining a Ballot; Affidavit Ballots Removed. RSA 659:13, I(c) is repealed and reenacted to read as follows:

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall direct the voter to see the supervisor of the checklist.
(2) The supervisor of the checklist shall review the voter's qualifications and determine if the voter's identity can be verified.

If the supervisor of the checklist determines that the voter's qualifications and identity are established, the voter shall be allowed to vote. If the supervisor of the checklist determines that the voter's qualifications and identity have not been established, the voter shall not be allowed to vote. A voter not allowed to vote as a result of the determination of the supervisor of the checklist may take an appeal to the superior court as provided in RSA 654:12, V.

7 Election Procedure; Challenges; Record by Clerk. RSA 659:32 is repealed and reenacted to read as follows:
659:32 Record by Clerk. The town clerk shall record the name and domicile of all challenged voters, the name and domicile of the person who challenged each such voter, the reason for each challenge, and the ruling on each challenge by the moderator or election official.

8 Election Fund; Cross Reference Removed. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of equipment that complies with the Help America Vote Act of 2002, Public Law 107-252[or with RSA 659:13, V], reimbursing the department of safety for the actual cost of voter identification cards, election law enforcement, enhancing election technology, making election security improvements, and improvements to related information technology, including acquisition and operation of an automated election management system. With the exception of federal and state portions of funds associated with the 2018 Election Reform Program, the secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

9 Ballots Pending Judicial Review. RSA 659:23-a is repealed and reenacted to read as follows:

659:23-a Ballots Pending Judicial Review.

Persons aggrieved by the decision of an election official which denies that person the opportunity to vote may cast a ballot pending judicial review which shall be processed as follows:

I. An authorized election official shall hand the voter a ballot pending judicial review package and explain its use. This package shall be designed, produced, and distributed by the secretary of state, and shall contain a ballot, a ballot pending judicial review request and instructions for its use.

II. The moderator shall mark each ballot pending judicial review "ballot pending judicial review #______" sequentially starting with the number one.

III. All ballots pending judicial review shall be placed in a designated container and hand counted after polls have closed using a method prescribed by the secretary of state for hand counting and confirmation of candidate vote totals. After completion of counting, the moderator shall note and announce the total number of votes cast for each candidate, and the total number of ballots pending judicial review requests cast in the election. No later than one day after the election, the moderator shall forward a copy of the requests for a ballot pending judicial review to the secretary of state using a secure means of transmission or delivery.

IV. If the voter who has cast a ballot pending judicial review does not obtain a court order that their ballot shall be counted by noon on the last day for candidates to request a recount, then the votes cast on such unqualified ballots pending judicial review shall be deducted from the vote total for each affected candidate or each affected issue.
V. The total vote minus the unqualified ballot pending judicial vote for each race or issue shall be the final vote to be certified by the appropriate certifying authority.

VI. All written documentation relating to ballots pending judicial review shall be in sealed packages, use a secure means of transportation, and be stored pursuant to RSA 659:95 through RSA 659:103.

10 Ballots Pending Judicial Review; Recounts. RSA 660:17-a is repealed and reenacted to read as follows:

660:17-a Ballots Pending Judicial Review; Recounts.

In any election or referendum recount only those ballots pending judicial review that have a court order that the ballot is to be counted shall be counted during the recount.

11 Appropriation; Secretary of State. There is hereby appropriated to the secretary of state the sum of $50,000 for the fiscal year ending June 30, 2025 for the purpose of determining the qualifications of voters. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

12 Repeals. The following are repealed:

I. RSA 654:12, I(a), relative to the citizenship affidavit.

II. RSA 659:13, III, IV, and V, relative to affidavit ballots and the secretary of state.

13 Effective Date.

I. Paragraph I of section 12 of this act shall take effect January 1, 2027.

II. The remainder of this act shall take effect upon its passage.
This bill removes any exceptions for proving voter identification. This bill also removes the voter affidavits as proof of identification and repeals the procedures for affidavit ballots replacing them with a procedure for ballots pending judicial review. This bill also creates an affidavit for citizenship.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Election Law</td>
<td>HJ 1</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 01:25 pm LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 09:00 am LOB 306-308</td>
<td></td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 03/05/2024 (Vote 10-10; RC)</td>
<td></td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass: MA DV 189-185 03/14/2024 HJ 8</td>
<td></td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Reconsider HB1569 (Rep. Sweeney): MF DV 186-188 03/14/2024 HJ 8</td>
<td></td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8</td>
<td></td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 103, LOB, 09:40 am; SC 16</td>
<td></td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1821s, 05/16/2024, Vote 3-2; SC 19</td>
<td></td>
</tr>
</tbody>
</table>
HB 1569-FN, relative to eliminating voter identification exceptions.

Hearing Date: April 23, 2024

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill removes any exceptions for proving voter identification. This bill also removes the voter affidavits as proof of identification and repeals the procedures for affidavit ballots.

Sponsors: Rep. Lynn

Who supports the bill: 114 people signed in support of the bill. Full sign in sheets are available upon request to the Committee Aide, Tricia Melillo tricia.melillo@leg.state.nh.us

Who opposes the bill: 470 people signed in opposed to the bill. Full sign in sheets are available upon request to the Committee Aide, Tricia Melillo tricia.melillo@leg.state.nh.us

Summary of testimony presented in support:

Representative Bob Lynn

- HB 1569 makes clear that to vote in New Hampshire, you have to provide proof of citizenship, domicile, age and identity, with no exceptions.
- It eliminates the affidavit procedure that exists under current law.
- Many have asked him why this is necessary when there is no proof of widespread voter fraud in NH.
- He believes there is no way to know how common voter fraud is because it is hard to identify and prove.
- The irony of this legislation is that NH does not have a lot of voter fraud because the majority of voters, register early and have already provided the documentation that is required in this bill.
- He believes that if the situation were reversed and most voters registered by affidavit and provided no documentation, there would be a problem.
- Senator Murphy asks if this subjects them to motor voter requirements.
  - Rep. Lynn replied that it does not because they will still have same day registration.
- Senator Soucy commented that she was a member of the House when the Motor Voter Law was passed and believes New Hampshire’s exemption was predicated on every voter being able to register the day of the election. She asked if he thinks there is a possibility that some voters would not be able to register if this legislation passes.
  - Rep. Lynn replied that everyone would still be able to register. He continued that just like the current process, people registering to vote would have to
provide some documentation. If a person did not get the required information to register, it is not the state keeping them from registering.

- Senator Soucy commented that there is a provision in existing law that allows for the moderator to identify someone who regularly comes to vote, in the absence of them providing a physical piece of documentation and asked why that provision was removed from this legislation.
  - Rep. Lynn replied that he is not sure that there is an exemption like that in existing law but in that circumstance the moderator could say that they know the person, which would constitute reasonable evidence upon which they could make the determination that the voter is legal.
- Senator Soucy commented that on page 9, line 5, it looks like the language allowing personal recognizance is crossed out.
- Senator Gray commented that he and Rep. Lynn had discussed this and Rep. Lynn was not aware that the language had been taken out but is open to having it put back in. Additionally, he expressed to Rep. Lynn that he was uncomfortable with the time allowed for the court to make decision on a recount or a voter challenge.
  - Rep. Lynn replied that he agrees if someone were to come in late in the day on election day with a dispute there would not be enough time for the court to act before the polls close. He does not have a problem with Senator Gray’s suggestion to make that a 7 day period of time. His only concern would be that the ballot in question should be set aside until the court makes its decision so that the count is accurate.
- Senator Gray asked about the concern that the documents are expensive and that may be a barrier to getting them.
  - Rep. Lynn replied that if someone is not able to provide the documentation because of poverty or financial need, once that is proven, the state should be able to assist the voter in acquiring their documentation.
- Senator Gray asked if Rep. Lynn would be open to changing the word residence to domicile on pages 7 and 8 to be consistent with the other sections of law.
  - Rep. Lynn replied that he is agreeable to that.

Representative Ross Berry

- Voter ID is very popular, not just in New Hampshire, but across the country.
- The last poll showed that Voter ID was at a 72% approval in New Hampshire, including 50% of registered Democrats.
- The biggest flaw in SB 3 was that is asked people to show ID but did not require them to show it.
- Most Granite Staters already think it is the law that if you do not show your ID you cannot vote.
- He refutes the notion that there is no voter fraud in New Hampshire.
- There are nine pending cases with the Department of Justice.
- It is false that the affidavit has never been used to abuse voting.
- He gave an example of voter fraud in West Lebanon and pointed out that the illegal vote was counted before the fraud was identified.
- He agreed that there is not massive amounts of voter fraud but believes we should not ignore what is there.
- He believes one of the biggest forms of voter suppression is people not having faith in the outcome of an election.
• If people believe their vote is not being counted correctly or that there is no accountability for illegal votes, they are less likely to participate in the process.  
• A system that allows for anyone to show up on Election Day with nothing to prove who they are and given a ballot, is an inherently flawed system.  
• He believes our system is wide open for abuse and Granite Staters want Voter ID.

**Representative Kelley Potenza**

• She has been involved in election integrity efforts since 2016.  
• Many countries require an ID to vote, Iceland, Sweden, New Zealand, Denmark, Canada, Ireland, Switzerland and others.  
• She does not understand why people keep calling what we have an affidavit.  
• An affidavit is a legal document which you have to show ID and swear an oath to an officer that the information is correct.  
• She gave an example of a person in Derry who collected affidavits from people allowing them to vote and they were not followed up on.  
• Once they were looked at, over one third of the voters could not be found.  
• In Durham, during the primary, a poll challenger watched people vote with an out of date, expired college ID.  
• She believes if you want to vote you will have these documents.  
• If you are a resident of NH you can’t do anything without an ID.  
• This bill is not about fraud it is about the legal right to vote and it is all constitutional.  
• She believes that they are making something difficult out of something simple.

**Al Brandano**

• This bill corrects the unlawful use of the affidavit process, unconstitutional actions that create unequal and separate class of voters and rebuilds election security.  
• The legal meaning of an affidavit is a declaration of facts…..taken before an officer having authority to administer and oath.  
• Currently, an oath of affirmation is not taken before an officer having authority to administer it.  
• With no accepted voting identification as provided in NH law, a person cannot confirm the identity of a voter  
• Just recently, in a 5-0 decision, the Idaho Supreme Court upheld Idaho’s voter law that states student IDs are not valid identification when it comes to registering to vote.  
• He believes that requiring a lawfully accepted ID for some voters and then making an exception for others who do not provide a lawful ID, violates the separate but equal clause.  
• This bill supports the efforts of the Secretary of State’s Voter Confidence Committee Report of 2022.

**Summary of testimony presented in opposition:**

**Representative Connie Lane**

• Rep. Lynn indicated that there has been no evidence of voter fraud since NH started using affidavits in the 1990s.  
• This legislation would allow someone to challenge a voter with no evidence and, ironically, by an affidavit.
There is no due process provided if you are voting later in the day because the courts close at 4:00 p.m. and in rural areas in can take two hours to get to a Superior Court. Currently, citizenship documentation is not required to register because it can take time to get and be cost prohibitive. She believes that having the affidavit procedure is what exempted New Hampshire from the Motor Voter Law. She suggested that the Committee look into that before making any decisions on this bill. This would be effective for 2024 and that is an inadequate amount of time for the Secretary of State to train local election officials on a new process. She believes they should also consider that if someone lies about being a citizen on an affidavit, they cannot ever become a citizen. That consequence is too great a risk for individuals. Senator Gray asked what she thought about the changes that he brought up to Rep. Lynn regarding the process for challenging a ballot or identifying a previously registered voter.  
- Rep. Lane stated that she does not believe a provisional ballot is constitutional so she would not be in favor of that.

Richard Spence – Supervisor of the Checklist, Dover

- As a supervisor his job is to facilitate voting and the affidavit is a useful tool to get that done.  
- Current law already requires a photo ID, proof of citizenship, proof of being over 18 and proof of a New Hampshire domicile.  
- Without those, an affidavit is required which clearly spells out the penalties for providing false information.  
- There are many affidavits already in use and he gave multiple examples.  
- In his experience, the affidavits are checked for accuracy by the election officials, the Secretary of State and by the Attorney General if needed.  
- During the SB 3 case, the verification process was extensively reviewed.  
- Out of 1600 uses of the affidavit the Attorney General found only one case of voter fraud.  
- Many show confidence in the current election process, from the voters to the Secretary of State and even the Governor.  
- He believes this legislation is not needed and it would disenfranchise voters.  
- Depending on the election, this would affect between 2,000 and 4,000 people who would otherwise be qualified.  
- He believes HB 1569 would penalize those that were unknowingly removed from the voter rolls.  
- He believes it sets up barriers to voting and will cause additional problems for Supervisors of the Checklist if it comes 60 days after passage.

Andrew Harmon

- When he moved back to his hometown of New Hampton after ten years, he wanted to vote in his local election.  
- As a person who is legally blind, voting is a difficult process for him.  
- Due to the print on his birth certificate being unreadable he was only able to vote because of the affidavit procedure.
• If this legislation had been in place, even though the moderator has known him most of his life, he would not have been able to vote.
• It took him a long time to receive a new copy of his birth certificate from California.
• Senator Perkins Kwoka asked how long it took to get a copy of his birth certificate
  o Mr. Harmon stated that it took several weeks.
• Senator Perkins Kwoka asked if it cost him money to get it.
  o Mr. Harmon replied that yes, it did.

Louise Spencer – Kent Street Coalition

• Nationally, voter fraud is rare and here in New Hampshire it is vanishingly rate.
• The Heritage Foundation’s Voter Fraud Database recorded only 21 instances of verified voting irregularities since 2006.
• The majority of those were from duplicate voting by people who own properties in NH and another state.
• It is doubtful that HB 1569 would have prevented any of those instances.
• Voter fraud is very difficult to identify and prove
• Everyone takes voter fraud seriously and want to see it prosecuted if it happens.
• There are several ways to address claims of voter fraud.
• They can look to local election officials, including the Secretary of State and the Governor who have attested to the integrity of NH’s elections.
• She believes if this bill is passed many individuals will be prevented from voting.
• 70% of registrants use an affidavit of some sort and 2/3rds use them to show citizenship.
• Examples of voters this could affect are a naturalized citizen whose documents are not in English and are in a bank lock box an hour away or a voter that has shown up and forgotten their ID.
• Both of those voters would be turned away.
• Senator Perkins Kwoka asked if she is aware of the experiment that Kansas conducted by requiring proof of citizenship and that there were potentially over 30,000 disenfranchised voters over a two year period.
  o Ms. Spencer replied that she had heard about that. She added that since NH is coming off of the ten year purge, many will show up thinking they can vote but realize too late that they have to reregister.
• Senator Perkins Kwoka asked if under current law there are protections for a voter that is challenged to make sure they can still vote, there is due process and judicial review if needed but that is taken away in this bill.
  o Ms. Spencer replied yes as far as she understands this bill. She continued that she finds it ironic that a person can challenge someone’s vote with an affidavit but the voter being challenged cannot use an affidavit to attest to their qualifications to vote.

Linda Bundy

• She has lived in the same small town for over forty years.
• The only time she had a problem proving her identity was when she applied for a real ID.
• This bill will impact eligible voters with situations different than hers.
• They will show up on Election Day thinking they register but discover that they cannot.
• Having difficult life circumstances should not disqualify a voter.
• She spoke to two of the three Supervisors of the Checklist in her town and they believe voter affidavits should be preserved.
• Governor Sununu commented that he is not looking to make any changes to our election process.
• She believes this bill is not needed.

**Bob Perry**

• He anticipates a significant number of voters that will want to vote using same day registration in 2024.
• Some will discover they have been purged from the voter rolls.
• They will be told they need additional documents to prove citizenship.
• This may be impossible for them to get before election day is over.
• The word “reasonable” is a subjective standard and he believes it will be interpreted differently among moderators across the state.
• This bill repeals, replaces or amends 14 current statutes but does not mention or require voter education.
• Implementation of this will be so close to the election, there will be serious problems for voters and election officials.
• He believes that there is no amendment that can restore the multiple rights this bill repeals.

**Sue Nastasi**

• HB 1569 will eliminate voter identification exceptions on election day.
• She does not have a birth certificate and has no idea where she would be able to get a copy.
• The hospital she was born in no longer exists and at 18 months old she was adopted and her name changed.
• Since 1969 she has kept her passport up to date to be able to prove her identity.
• Her efforts to obtain a birth certificate have failed with a response of “no record” or no response at all.
• Registration on election day is know by NH voters and used often because town hall hours are not public friendly.

**Liz Tentarelli – League of Women Voters**

• Her organization educates people what they need to register to vote.
• Instead of telling them that have to be 18, a citizen, and live in NH, they will now have to tell them that they need to prove all of those things with documents.
• Not everyone lives the same organized life that others do with easy access to their paperwork.
• She believes that to change the registration qualifications to something that not everyone can meet is voter suppression.
• She gave an example of 90 year old Bob Davies who has always voted but does not have a birth certificate because he was adopted.
• Last June he started the process of getting a copy of his birth certificate and almost a year later he still does not have it.
• When Bob first registered to vote many years ago, a birth certificate was not necessary, if this bill passes, he would now be qualified but not able to register and vote.
Brenden Flaherty – Secure Democracy

- HB 1569 would be detrimental to New Hampshire’s electoral and voter registration process.
- Arizona and Kansas faced long and public court fights around laws establishing documentary proof of citizenship requirements.
- These laws were tied up in courts for more than five years and cost taxpayers millions of dollars in legal fees.
- He believes this bill will essentially eliminate same day voter registration and endanger NH’s exemption from the National Voter Registration Act.
- This bill may have a disastrous impact for children in military families that were born abroad.
- Senator Gray asked if military families require passports.
  - Mr. Flaherty replied that he is not sure.

Henry Klementowicz – ACLU NH

- He does not believe that HB 1569 is a Voter ID bill.
- People think Voter ID means pulling out your license when you go to vote.
- This bill requires much more than just having your driver's license.
- Your driver's license is not proof of American citizenship.
- The documents that will prove citizenship can take time to get and are expensive.
- 80% of American women change their name when they get married and will not match their birth certificate.
- They will need a passport or naturalization papers.
- Providing these documents is why the 10th circuit in 2020 struck down a similar law in Kansas requiring proof of citizenship.
- The court found that about 12% of registrants who went to vote were rejected for not having documents proving citizenship.
- After investigation, 99% of those people were qualified and should have been allowed to vote.
- This legislation would make New Hampshire the only state in the country to require documentary proof of citizenship.
- There are four states that are exempt from the Motor Voter Law as long as all voters in the state may register to vote at the polling place at the time of voting in a general election for federal office.
- He believes there is a pretty good argument that New Hampshire would lose its exemption if a voter, because of lack of documents, could not register and vote during the general election.
- This will affect thousands of voters in the state.
- Senator Soucy commented that should New Hampshire lose its exemption; he mentioned that other states do third party exemptions and asked who would do the registrations.
  - Mr. Klementowicz replied that it does not have to be a state entity, citizens can hold voter registration drives. Currently, in New Hampshire, only the Supervisor of the Checklist can add a person to the voter rolls.
Senator Gray commented that there are still a number of affidavits where they could not identify the person after the election which could change the number of people committing voter fraud and asked if he could comment on that.

- Mr. Klementowicz replied that he is not sure of the percentage but there are different affidavits that are used throughout the process. There is the qualified voter affidavit, the domicile affidavit and the challenge voter affidavit. All of them are investigated through different processes set forth in statute.

Christina Fitzpatrick – State Director, AARP NH
Iris Altilio – AARP Volunteer

- AARP has a long history of involvement with voter education and voter engagement.
- Voting systems and processes should be designed to maximize participation by eligible voters.
- These changes would impede voting by older qualified voters.
- It can be harder for older adults to get the needed documentation.
- Some do not drive any longer and the older you are the harder it can be to get a copy of your birth certificate.
- They see no compelling reason for this bill

Iris Altilio

- She recently participated in the testing for the new voter registration system and she heard over and over again that they do not ever want to disenfranchise voters.
- This will disenfranchise the young voters who will not have proof of citizenship when they come to vote.
- In the presidential primary, they had 189 new voters of which 44 filled out an affidavit.
- People put in a lot of effort to come and vote and she would not want to turn people away
- She feels if this passes there will no longer be peace at her polling location.
- There will be confrontation and she would not be comfortable with that.
- People that want to defraud the system will find a way to do it.

Autumn Raschik Goodwin – Open Democracy Action

- She is concerned about segments of the population that will be unable to register same day or vote if this bill passes.
- In divorced families children will be splitting time between domiciles.
- Having two households could cause confusion at the polls when they go to register.
- She gave an example of a family who lost their documents because of a house fire.
- It took them several months before they could restore all of the documents.
- They would not be able to register same day and therefore be disenfranchised.

Matt Moosnian – 603 Forward

- Recent studies and investigations have all confirmed that New Hampshire elections are safe and secure.
- They believe this legislation will disproportionately and negatively impact the right to vote for young Granite State voters.
• Young professionals are less likely to have easy access to physical copies of the documents required by HB 1569.

Werner Horn – Supervisor of the Checklist - Franklin

• 1100 people are on the voter roll for Franklin’s Ward 2.
• In the state primary he handled seventy voter affidavits which was 6% of their voter rolls.
• In Franklin, that is enough to swing the election for one candidate or the other.
• After hearing that there have only been 1 or 2 prosecutions for voter fraud, he believes that the affidavit process helps way more than it hinders.

Curtis Register

• He submitted a letter from him and other veterans that are opposed to HB 1569.
• This bill will disenfranchise and prevent eligible voters from executing their right to vote.
• Secretary of State Scanlan has investigated and found our voting process to be safe and secure.
• In his report, Secretary Scanlan and his committee made several recommendations to shore up vulnerabilities in the process and removing the affidavit was not one of them.
• Democracy requires citizens to be heard and the right to vote is sacred.
• Senator Perkins Kwoka asked how this bill would impact those that are in military service.
  o Mr. Register replied that active military move a lot and many times their documents do not reach the same destination. Additionally, they do not have a lot of time to go to the DMV and get registered. For veterans there are tons of obligations as soon as they transition that require their time and attention and are very challenging. Finding your documentation when you have already served your country and earned your right to vote legally, is an unnecessary obstacle.

McKenzie St. Germain – NH Campaign for Voting Rights

• This bill could affect any single person at any time when registering.
• Voters when they are registering to vote for the first time must provide ID.
• None of the recommendations from the Special Committee on Voter Confidence were to get rid of the affidavit procedure.
• Providing proof of citizenship would be an unprecedented burden.
• She handed in testimony from Alex Tischenko who served in the Department of Justice under both the Obama and Trump administrations.
• His understanding of this legislation is that every voter would not be able to register on election day which would cause New Hampshire to lose its exemption from the Motor Voter Law.

Dan Healey – President, NH City and Town Clerks Association

• He agrees with the previous speakers who are opposed to HB 1569.
• His association does not see the need of removing the affidavit.
• When a voter comes in and there is a concern with an address, they check the documents to verify.
• A concern he has is the language that relates to the election official confirms the voter information through the centralized registration database.
• Not all of the polling locations have a laptop or the people there that have access to the database.
• Another concern is where the bill states that a person aggrieved by the decision of an election official may go to the Superior Court.
• It may be impossible for their appeal to be heard by the court that day and therefore they will lose their right to vote.
• There is no process outlined in the bill for how an appeal would really work.

Olivia Zink – Open Democracy

• The bill takes effect 60 days after passage and that would cause problems for local election workers.
• It will cause there to be one procedure for the primary and then a different procedure for the general election.
• This will require education and training on two different processes.
• This will negatively affect election officials on Election Day.

Lisa Beaudoin – Strategies for Disability Equity, LLC.

• The act of voting is the heart of NH’s Live Free or Die democratic ethos.
• Exercising this right for those with disabilities often mean facing physical and bureaucratic barriers.
• Voter affidavits are one proactive measure to mitigate those barriers.
• Affidavits are a mechanism in alignment with provisions on accessibility, inclusivity, and reasonable accommodations contained in the Americans with Disabilities Act of 1990.
• NH must safeguard the civil liberties of those individuals with disabilities.
• Some of the barriers are no lease agreements, no utility agreements, absentee public guardians, lack of access to transportation, highest rates of poverty and their needs for voter participation are ignored or poorly understood.
• Voter affidavits offer a vital recourse for people with disabilities who encounter administrative hurdles at the polls.
• HB 1569 will both negatively and disproportionately impact individuals with disabilities.

Liz Wester

• She serves as an election official in Manchester.
• For the presidential primary they had many voter show up with all the documents they could gather and still needed to use voter affidavits.
• They had seniors who had just moved into a new apartment but had not updated their license.
• Citizens who were not born in this country brought everything they had but still needed an affidavit.
• She thinks more than half of the voters registering on that day had to use some sort of affidavit in order to cast their ballot.
• They read a statement when they sign their affidavit swearing an oath that the information is correct.
• Senator Soucy asked how much time did it take for those voters to register.
  o Ms. Wester stated that it probably takes 15 to 20 minutes to fill it out all of the forms. Additionally, they have to repeat back the sworn oath so it can take up to 30 minutes.

TJM
Date Hearing Report completed: April 29, 2024
HOUSE BILL 1626-FN-A

AN ACT relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.


COMMITTEE: Environment and Agriculture

ANALYSIS

This bill repeals certain designated funds and changes dog licensing fees.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears **in brackets and struckthrough.**
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.

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

1 Licensing of Dogs; Fees. Amend RSA 466:4, I(b)-II to read as follows:
   (b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner of each dog shall pay the clerk of the city or town where the dog is registered a companion animal population control fee of $1.75.
   (c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the companion animal neutering fund, established in RSA 437-A:4-a.

II. Notwithstanding paragraph I, the fee for every license for a year or a portion of a year shall be $1.75 for a dog of either sex if the owner is 65 years of age or older. Such owner shall not be required to pay the companion animal population control fee, under RSA 466:4, I(b), for licensing of one dog; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in paragraph I.

2 Licensing of Dogs; Payment of Fees. Amend RSA 466:9 to read as follows:
   466:9 Payment of Fees.
   I. Clerks of the towns and cities shall issue dog licenses, receive the money for the licenses, and pay the same into the treasuries of their respective towns and cities on or before June 1 each year, retaining to their own use $1 for each license and submitting $0.75 for each license to the department of agriculture, markets, and food for the purpose specified in paragraph II. The clerks shall return to their respective town or city treasurer a sworn statement of the amount of moneys thus received and paid over by them.
   II. The $0.75 received by the department of agriculture, markets, and food for each license issued pursuant to paragraph I shall be credited to a special nonlapsing fund to be used exclusively for the operation of the veterinary diagnostic laboratory established under RSA 436:92, and are hereby continually appropriated for such purpose to be expended under the supervision of the commissioner of agriculture, markets, and food.

3 Hunting, Fishing, and Trapping; Permits may be Authorized. RSA 214:9-e, IV is repealed and reenacted to read as follows:
   IV. Moneys received through fees for permits collected under this section shall be credited to the fish and game fund.
4 Pesticides Training Program Fund; Credited to Pesticides Control Fund. Funds remaining in the pesticides training program fund established under RSA 6:12, I(b)(76) pursuant to RSA 430:31-b shall be credited to the pesticides control fund established under RSA 6:12, I(b)(94) pursuant to RSA 430:34.

5 Repeal. The following are repealed:

I. RSA 6:12, I(b)(76), relative to the pesticide training program fund.

II. RSA 6:12, I(b)(215), relative to moneys deposited in the department of fish and game's permit fund under RSA 214:9-2, IV.

III. RSA 6:12, I(b)(332), relative to the emergency vehicle warning sign fund.

IV. RSA 6:12, I(b)(339), relative to the state heating system savings account.

V. RSA 6:12, I(b)(380), relative to the body-worn and in-car camera fund.

VI. RSA 21-I:19-ff, relative to the state heating system savings account.

VII. RSA 265:37-c, relative to the emergency vehicle warning sign fund.

VIII. RSA 430:31-b, relative to the pesticides training program.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 2024.

II. The remainder of this act shall take effect 60 days after its passage.
AN ACT relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.

FISCAL IMPACT:  [X] State        [ ] County        [ ] Local        [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>
| Revenue Fund(s)              | Companion Animal Neutering Fund  
                                | Veterinary Diagnostic Laboratory Fund  |
| Expenditures                 | $0      | $0      | $0      | $0      |
| Funding Source(s)            | Companion Animal Neutering Fund  
                                | Veterinary Diagnostic Laboratory Fund  |
| Appropriations               | $0      | $0      | $0      | $0      |
| Funding Source(s)            | None    |         |         |         |

• Does this bill provide sufficient funding to cover estimated expenditures?  [X] N/A
• Does this bill authorize new positions to implement this bill?  [X] N/A

METHODOLOGY:
This bill repeals certain dedicated funds and changes dog licensing fees.

The Department of Agriculture, Markets and Food indicates this bill would not increase or decrease state revenue or expenditures, but would reappropriate $0.25 of the amount collected from each dog license from the Companion Animal Neutering Fund to the Veterinary Diagnostic Laboratory Fund.

The Office of Legislative Budget states, regarding the repeal of certain dedicated funds, these funds have either been inactive for some period of time, or the purpose for which the fund was created no longer exists. There is no fiscal impact attributable to the repeal of these special funds.

AGENCIES CONTACTED:
Department of Agriculture, Markets and Food
Amendment to HB 1626-FN-A

Amend the bill by inserting after section 4 the following and renumbering the original sections 5 and 6 to read as 6 and 7, respectively:

5 Animal Population Control Program; Veterinarian Participation; Reimbursement. Amend RSA 437-A:4, II(a) to read as follows:

   II.(a) The commissioner shall reimburse, to the extent funds are available, participating veterinarians for [80] 100 percent of the fee, less payment paid by the owner to the veterinarian as provided in RSA 437-A:3, for each animal sterilization procedure administered. To receive this reimbursement, the veterinarian shall submit an animal sterilization certificate which shall be signed by the veterinarian and the owner of the animal.
AMENDMENT ANALYSIS

This bill repeals certain designated funds, changes dog licensing fees and fully compensates veterinarians for animal population control program participation.
<table>
<thead>
<tr>
<th>Date</th>
<th>H/S</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/08/2024 11:30 am LOB 301-303</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Executive Session: 01/08/2024 11:30 am LOB 301-303</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/08/2024 (Vote 18-0; CC) HC 4 P. 7</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/01/2024 HJ 3 P. 7</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Referred to Ways and Means 02/01/2024 HJ 3</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 11:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 01:00 pm LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 01:30 pm LOB 202-204</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/20/2024 (Vote 19-0; CC) HC 9 P. 16</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Election Law and Municipal Affairs: SJ 7</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 103, LOB, 10:00 am; SC 13</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 103, LOB, 09:15 am, on proposed non-germane amendment # 2024-1411s; SC 16</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1702s, 05/16/2024, Vote 3-0; SC 19</td>
</tr>
</tbody>
</table>
AMENDMENT # 2024-1411s, Fee for the Animal Population Control Program to HB 1626-FN-A, relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.

Hearing Date: April 23, 2024

Members of the Committee Present: Senators Gray, Soucy and Perkins Kwoka

Members of the Committee Absent: Senators Murphy and Abbas

Bill Analysis: This bill repeals certain designated funds and changes dog licensing fees.

Sponsors:
Sen. Gray

Who supports the amendment: Representative Dan McGuire, Commissioner Shawn Jasper, Kurt Eherberg

Who opposes the amendment: Ruth Lemay, Glen Ring

Summary of testimony presented in support:

Representative Dan McGuire

- He is the sponsor of the bill and is in support of this amendment.
- Veterinarians that are reimbursed by this program perform three different functions.
- Currently, two of them are being reimbursed at 100% and one is being reimbursed at 80%.
- This amendment establishes that all three functions are reimbursed equally at 100%.

Shawn Jasper – Commissioner of the Department of Agriculture, Markets and Food

- As he testified before, they have fewer and fewer veterinarians participating in the program.
- They believe some of it, if not all of it is the fee.
- This is a fee that is set by the State Veterinarian and is not a different rate for each participant in the program.
- With this amendment, instead of only getting 80% of the fee they will receive 100%.
- He does not believe that this will negatively impact the fund.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: April 25, 2024
Senate Election Law and Municipal Affairs Committee

*Tricia Melillo 271-3077*

**HB 1626-FN-A**, relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.

**Hearing Date:** April 2, 2024

**Members of the Committee Present:** Senators Gray, Murphy, Abbas, Soucy and Perkins

**Kwoka**

**Members of the Committee Absent:** None

**Bill Analysis:** This bill repeals certain designated funds and changes dog licensing fees.

**Sponsors:**
- Rep. D. McGuire
- Rep. Almy
- Sen. D'Allesandro
- Sen. Gray

**Who supports the bill:** Sen. James Gray, Commissioner Shawn Jasper, Suzan Dentry,

**Who opposes the bill:** Patricia Little, Joan Dargie

**Summary of testimony presented in support:**

**Senator James Gray**

- HB 1626 is a housekeeping bill.
- He is on the committee that does a review of dedicated funds.
- This bill is the result of the committee’s recommendation.
- He was given an amendment but he does not believe it is germaine to the bill.

**Shawn Jasper – Commissioner, Department of Agriculture**

- They do not need to remove lines 9-13 they could just put the fee back to $2.00.
- If they remove that section, the senior citizens will be paying the population control fee.
- There is no relationship between what they were trying to do and the senior citizen $2.00 fee.
- He asked the committee to strike on line 10 the $1.75 and return it to $2.00.
- Additionally, he asked the committee to consider a germaine amendment to RSA 437:A:4 which is specifically mentioned on line 8 of the bill.
- They would like to change the 80% to 100% which is the amount of money they pay to veterinarians.
- One of the reasons that this fund is increasing is that they are seeing a significant decrease in the number of veterinarians who are willing to participate in this program.
- Putting it to 100% will not damage the fee and it will hopefully entice a few veterinarians to participate again.
- The veterinarian lab at UNH is struggling for funds and they have too many funds in this one.
• This does not change the cost for anybody it just realigns the income and expenses more appropriately.

Summary of testimony presented in opposition:

Patricia Little – City Clerk, Keene

• She has been the city clerk for a little over 45 years so she is very familiar with the dog statute.
• She is only opposed to two sentences on lines 9-13 and believes they are drafting errors.
• Those lines describe a reduction of 25 cents from the fee that they would collect from a senior citizen for their first dog.
• She does not believe that the 25 reduction is necessary for the Department of Agriculture to have a re-shifting of appropriations.
• In 1993, the pet overpopulation fund was created and at the same time, the senior citizen license fee was reduced.
• There was an informal relationship between the two, one being income the clerks received and the other being how they disperse funds for the state.
• Like marriage license fees, a portion of the dog license fees is directed to various State Funds.
• They do not object to collecting the fees for the state but they do object to the slight reduction in the senior citizen license fee.
• She has discussed with Commissioner Jasper that the fee reduction is not necessary for the original intent of the bill.
• It is midway through the license period and if this goes into effect they will have to issue a 25 cent refund check to all the seniors.
• Issuing the refunds will cost the town or city about $45.
• She asked the committee to consider an amendment that would remove lines 9-13.
• Senator Murphy asked what the license period is.
  o Ms. Little replied that it starts on May 1st and ends April 30th for all cities and towns in New Hampshire.
• Senator Gray asked if that section of the bill was made effective May 1, 2025, would that take care of her refund issue.
  o Ms. Little replied yes it would but she does not see the need for the reduction of 25 cents. The senior citizens are exempt from paying into the pet overpopulation fund so there is not relationship between what they pay and that fund.
• Senator Gray asked what the fee is for someone who gets a new dog in September.
  o Ms. Little replied that it is $4.50 if they are spade and $7.00 if they are not. There is $2.00 for the senior overpopulation fund and cities and towns are authorized under RSA 466:39 to add another dollar. They are generally at $7.00 and $10.00.
• Senator Gray asked if they paid by May 1st that fee would be in effect for this law and if they registered in September they would pay the fee that was prescribed by law in September and commented he does not see the need for a refund.
  o Ms. Little replied that the need for a refund is if the senior citizen still mails in a $2.00 check because they have always sent in $2.00. If they come into the office the clerk can tell them to fill out the check for 25 cents less.

Joan Dargie – Town Clerk, Milford
Co-Chair - Legislative Committee for City and Town Clerks
• When they sent this bill out to their members the biggest response they received was that they are already losing money on senior citizen dog licenses.
• The post office requires 85 cents to mail out a tag.
• Taking 85 cents out of $2.00 or $1.75 does not leave a lot going back to the towns.
• They believe the fees need to be looked at again and not at all reduced.

TJM
Date Hearing Report completed: April 8, 2024
HB 602-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2333h
3Jan2024... 0042h

2023 SESSION

23-0725
08/10

HOUSE BILL 602-FN

AN ACT relative to landfill siting.


COMMITTEE: Environment and Agriculture

ANALYSIS

This bill establishes additional requirements for siting of landfills as permitted by the department of environmental services.

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

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

1 New Paragraph; Permit Required; New Landfills. Amend RSA 149-M:9 by inserting after paragraph XV the following new paragraph:

XVI. (a) In revising administrative rules under Env-Sw 804, the department shall bifurcate the permit process for new solid waste landfills by creating a "preliminary application phase" for each required permit. The department shall instruct, by rule, applicants for new landfills to present within the preliminary permit application enough information for the department to appraise whether the proposed location violates any of the prohibitive locational criteria that the department shall develop during such rulemaking. An application that does not pass such a preliminary screen shall be returned to the applicant without prejudice so that the applicant may choose an alternative location and present a revised preliminary application later.

(b) The department shall, in its discretion and informed by a public hearing and subsequent written public comment, adopt one or more prohibitive locational criteria, thereby establishing certain sites that it will judge as wholly inappropriate for constructing a new municipal solid waste landfill. Such criteria may consider:

(1) Whether soils at the site are permeable, based on quantitative and reasonable-worst-case measurement of hydraulic conductivity or other parameters, such that spills or liner failures would rapidly contaminate nearby surface waters.

(2) Whether bedrock at the site is sufficiently fractured that leaks from the landfill would rapidly spread throughout the local environment.

(3) Whether the proposed location is sufficiently far from major sources of waste generation that trucks carrying waste to and from the site would needlessly add to greenhouse gas emissions, highway congestion, traffic congestion, traffic accidents, or other negative impacts.

(4) Whether the proposed site lies over a significant sand and gravel aquifer.

(5) Whether the proposed site is located in, or over, a coastal sand dune system, a prime wetland, or other special habitat.

(6) Whether all or part of the proposed site is undisturbed forest, wetland, or open space, as opposed to a brownfield where environmental impacts have already occurred or are occurring.

(7) Any other factors the department, in its discretion, considers worthwhile.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to landfill siting.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill establishes additional requirements for siting of landfills as permitted by the Department of Environmental Services. The Department indicates this bill, as amended, would require the Department to:

- Adopt rules that bifurcate the application process for landfills, specifically requiring:
  - A “preliminary application phase” in which the applicant would submit a “preliminary permit application” relative to landfill siting, and
The Department to “appraise” whether the proposed location violates any of the “prohibitive locational criteria” regarding landfill siting prior to accepting an application for the landfill itself; and

Adopt rules that establish “prohibitive locational criteria” for landfill siting.

If the Department appraises a location and finds it does not meet the prohibitive locational criteria, it is to return the application without prejudice and the applicant may seek a new location for the landfill. The Department assumes, if the application does not meet the prohibitive locational criteria, the applicant would not be allowed to seek approval of a modified proposal at the same location, but must seek an alternative location.

The Department states the bill would result in a reallocation of resources within the Department, delaying and impacting other work. A reallocation of staff time would be required to undertake and complete the rulemaking process. With regard to implementation, increased staff time will be required to manage the divided application process. Assuming existing staff could manage the increased workload through time reallocation and delays in other work priorities, there would be no increase in the Department's expenditures for administration. The Department assumes there would be no change in the current application fees or in revenue to the State.

The Department states any State, county, or local government proposing to own or operate a landfill could anticipate an indeterminable increase in expenditures to site a landfill due to the additional application process and the cost to demonstrate compliance with location criteria. As waste generators, the State, counties and local governments would anticipate an increase in waste disposal costs due because of the increased costs for siting a landfill. Such increases are indeterminable because many different factors affect tipping fees.

AGENCIES CONTACTED:
Department of Environmental Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/12/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Environment and Agriculture HJ 3 P. 22</td>
</tr>
<tr>
<td>02/08/2023</td>
<td>H</td>
<td>Public Hearing: 02/21/2023 02:30 pm LOB 303</td>
</tr>
<tr>
<td>02/23/2023</td>
<td>H</td>
<td>Full Committee Work Session: 02/28/2023 09:30 am LOB 201-203</td>
</tr>
<tr>
<td>02/23/2023</td>
<td>H</td>
<td>Executive Session: 02/28/2023 01:30 pm LOB 201-203</td>
</tr>
<tr>
<td>03/01/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>08/22/2023</td>
<td>H</td>
<td>Full Committee Work Session: 09/12/2023 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>10/03/2023</td>
<td>H</td>
<td>Full Committee Work Session: 10/17/2023 10:00 am LOB 301-303 HC 40</td>
</tr>
<tr>
<td>10/03/2023</td>
<td>H</td>
<td>Executive Session: 10/24/2023 01:00 pm LOB 301-303</td>
</tr>
<tr>
<td>11/01/2023</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2023-2333h 10/24/2023 (Vote 13-6; RC) HC 49 P. 34</td>
</tr>
<tr>
<td>11/01/2023</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Amendment # 2023-2333h: AA VV 01/03/2024 HJ 1 P. 128</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>FLAM # 2024-0042h (Rep. Potenza): AA VV 01/03/2024 HJ 1 P. 129</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2333h and 2024-0042h: MA DV 226-145 01/03/2024 HJ 1 P. 129</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 103, SH, 09:00 am; SC 13</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 602-FN, relative to landfill siting.

Hearing Date: April 2, 2024

Time Opened: 9:00 a.m. Time Closed: 9:25 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill establishes additional requirements for siting of landfills as permitted by the department of environmental services.

Sponsors:
Rep. Rochefort


Who opposes the bill: Kirsten Koch (Business and Industry Association), Eric Steinhauser (Sanborn Head & Associates), and Julie Smith.

Who is neutral on the bill: Sarah Yukas Kirn (NH Department of Environmental Services)

Summary of testimony presented in support:

Rep. Matthew Simon
Grafton – District 1

- Rep. Simon described the bill's main feature: the creation of a preliminary application process overseen by the Department of Environmental Services (DES).
• Rep. Simon explained that DES would establish specific citing criteria for preliminary evaluation to determine if a site is suitable for a landfill.
• Rep. Simon emphasized that the purpose of the preliminary process is to save time and money for both the state and the applicant by avoiding the need for a full application before determining site suitability.
• Rep. Simon clarified that if a site is deemed unsuitable during the preliminary process, there would be no prejudice, and the applicant could seek alternative sites without penalty.
• Rep. Simon stated that he did not have an answer to that question.
  o Sen. Avard inquired about if the bill directs DES policy or instead provides recommended application criteria.
• Rep. Simon affirmed that the bill provides flexibility for the Department of Environmental Services (DES) to establish appropriate rules.
• Rep. Simon stated that the bill allows the legislature to guide the process in a manner beneficial to both applicants and the state.
• Rep. Simon clarified that DES is not mandated to use the criteria listed in the bill, but rather they serve as suggestions, and DES can introduce additional criteria they deem suitable.
  o Sen. Avard pointed out that according to line 11 of the bill, the Department of Environmental Services (DES) is required to adopt one or more criteria based on its discretion and public input received during the public hearing and subsequent written comments.
• Rep. Simon clarified that the bill mandates public input during the rulemaking process.
• Rep. Simon highlighted that while the Department of Environmental Services (DES) has the authority to reject public input, it must provide reasons for such rejections.
• Rep. Simon affirmed that the bill ensures the public has the opportunity to provide input for consideration by DES during the rulemaking process.

Tom Tower
North Country Alliance for Balanced Change

• Mr. Tower provided background information on House Bill 602, emphasizing its origin and evolution since its introduction in 2023.
• Mr. Tower mentioned that the bill emulates Maine's siting process for landfills, which includes an "entry exam" concept.
• Mr. Tower highlighted that the bill was amended to grant the Department of Environmental Services (DES) complete discretion over the criteria for the entrance exam.
• Mr. Tower stressed that the essence of the bill is to be pro-business, as it significantly reduces the time and cost associated with submitting a landfill permit application.
• Mr. Tower suggested that the bill would save both the state and applicants substantial amounts of money by quickly determining the suitability of a landfill site.
• Mr. Tower admitted uncertainty about the exact savings but suggested potential savings of thousands of dollars for applicants and significantly reduced processing time, which DES would be better suited to quantify.

Summary of testimony presented in opposition:

Eric Steinhauser
Sanborn Head & Associates

• Mr. Steinhauser introduced himself as a Senior Vice President Principal at Sanborn Head and Associates, a New Hampshire-based engineering firm.
• Mr. Steinhauser highlighted his opposition to House Bill 602, expressing concerns about redundancy in the legislation and its potential to cause confusion among both the regulated community and regulators themselves.
• Mr. Steinhauser pointed out that the Department of Environmental Services (DES) already has a robust regulatory process that covers the criteria outlined in the bill.
• Mr. Steinhauser emphasized that the initial phase of landfill permitting, which the bill aims to streamline, often costs clients hundreds of thousands to millions of dollars.
• Mr. Steinhauser explained the existing bifurcated permitting process by DES, involving a standard permit and a type two permit for construction, arguing that legislative redundancy would lead to additional time, costs, and potential project delays due to appeals.
• Mr. Steinhauser stressed the urgency of addressing the solid waste disposal issue in the state and cautioned against lengthening the processes for determining landfill site validity, which could exacerbate the waste capacity crisis.
  o Sen. Pearl indicated that the hydrogeologic study is likely the more expensive aspect of the landfill permitting process, seeking confirmation from the witness.
  o Sen. Pearl sought affirmation regarding the costlier component of the landfill permitting process, emphasizing the significance of the hydrogeologic study.
• Mr. Steinhauser affirmed that the process proposed in the legislation mirrors existing rules, adding an extra step.
• Mr. Steinhauser described the initial phase of the hydrogeologic process as crucial for determining the validity of the site.
• Mr. Steinhauser highlighted the role of design engineers and hydrogeologists in analyzing collected data to assess site feasibility.
• Mr. Steinhauser emphasized the proactive approach of halting projects early if they are deemed unviable, saving clients significant costs.
• Mr. Steinhauser noted the current utilization of a bifurcated process in compliance with state rules, reinforcing the redundancy of the proposed legislation.

Kirsten Koch
Business and Industry Association

• Ms. Koch expressed that BIA was in opposition to the bill.
• Ms. Koch stated that the bill adds an unnecessary and redundant step to the permitting process.
• Ms. Koch argued that the bill makes the sighting of new landfills more difficult.
• Ms. Koch described the preliminary application phase as an anti-business roadblock.
• Ms. Koch noted the subjective requirements of the bill that may be difficult or unlikely to achieve.
• Ms. Koch pointed out that the existing process already considers environmental safety factors.
• Ms. Koch mentioned ongoing updates to solid waste rules by the department and expressed concern that the bill would interfere with these updates.

Neutral Information Presented:

Sarah Yukas Kirn
NH Department of Environmental Services

• Ms. Kirn stated that the Department of Environmental Services (DES) opted not to take a position on the bill but expressed concerns to the committee.
• Ms. Kirn acknowledged that other states have a pre-application phase in landfill permitting.
• Ms. Kirn highlighted the requirement for a complex hydrogeologic investigation and preliminary landfill design in the pre-permitting phase.
• Ms. Kirn raised concerns about the outcome if a location is not approved, questioning whether the applicant would have the right to appeal.
• Ms. Kirn noted that some of the proposed location prohibitive criteria are already addressed in existing solid waste rules or upcoming amendments.
• Ms. Kirn expressed difficulty in implementing certain criteria due to potential subjectivity in the permitting process.
  - Sen. Watters sought clarification on if the criteria proposed within the bill is covered in existing rules or the ones being proposed.
  - Sen. Watters raised a follow-up question regarding the seventh criterion, "Other factors that the department in its discretion considers," expressing concern about its potential legal complexity.
  - Sen. Watters suggested that criterion seven may present a legal quagmire.
• Ms. Kirn clarified that applicants are required to meet the criteria within both existing rules and the proposed rules and that the seventh criteria is quite broad.
  o Sen. Altschiller sought clarification on the current rules regarding public involvement in the landfill application process.
  o Sen. Altschiller requested information on at what stage of the process, from application to breaking ground, the public is involved.
• Ms. Kirn clarified the existing public engagement process for proposed landfills.
HOUSE BILL 622-FN

AN ACT relative to the grid modernization advisory group.


COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill tasks the grid modernization advisory group with providing recommendations to the department of energy relative to methods to improve the delivery of energy efficiency programs and incentives.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the grid modernization advisory group.

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

1 New Subparagraph; Grid Modernization Advisory Group. Amend RSA 12-P:16, II(a) by inserting after subparagraph (4) the following new subparagraph:

(5) Explore methods of modernizing, streamlining, and finding efficiencies in the delivery of energy efficiency programs and incentives, with a goal of maximizing the consumer benefit of existing state, federal, and utility funding streams.

2 Effective Date. This act shall take effect 60 days after its passage.
HB 622-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-2292h)

AN ACT relative to the grid modernization advisory group.

FISCAL IMPACT:  [ ] State  [ ] County  [ ] Local  [ X ] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Department of Energy
<table>
<thead>
<tr>
<th>Date</th>
<th>Session</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/12/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Science, Technology and Energy  HJ 3  P. 23</td>
</tr>
<tr>
<td>02/01/2023</td>
<td>H</td>
<td>Public Hearing: 02/07/2023 03:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/16/2023</td>
<td>H</td>
<td>Executive Session: 02/21/2023 09:30 am LOB 302-304</td>
</tr>
<tr>
<td>03/07/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>09/05/2023</td>
<td>H</td>
<td>Full Committee Work Session: 09/26/2023 01:00 pm LOB 302-304 HC 36</td>
</tr>
<tr>
<td>10/25/2023</td>
<td>H</td>
<td>Executive Session: 11/06/2023 10:00 am LOB 302-304 HC 43</td>
</tr>
<tr>
<td>11/14/2023</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2292h (NT) 11/06/2023 (Vote 20-0; CC) HC 49  P. 21</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2292h: AA VV 01/03/2024 HJ 1  P. 67</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2292h: MA VV 01/03/2024 HJ 1  P. 67</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>S</td>
<td>Hearing: 04/09/2024, Room 103, SH, 09:10 am; SC 14</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 622-FN, relative to the grid modernization advisory group.

Hearing Date: April 9, 2024

Time Opened: 9:12 a.m.  Time Closed: 9:25 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell and Watters

Members of the Committee Absent: Senator Altschiller

Bill Analysis: This bill would repeal the establishment of the energy efficiency and sustainable energy board and transfer some of the board's responsibilities to the department of energy.

Sponsors:


Who opposes the bill: Janet Lucas.

Who is neutral on the bill: Joshua Elliott (NH Department of Energy).

Summary of testimony presented in support:

Rep. Michael Vose
Rockingham – District 5

- Rep. Vose highlighted that the bill, as amended by the House, resulted from a bipartisan compromise aimed at addressing the elimination of the EZ Board and potential loss of expertise.
- Rep. Vose stated that the proposed solution involved adding individuals to the grid modernization advisory group within the Department of Energy to ensure the retention of necessary expertise.
- Rep. Vose questioned the necessity of further study on the issue, suggesting that the existing grid advisory group might already possess adequate expertise to handle the additional workload.
- Rep. Vose proposed that forming a study group for this specific issue might be excessive.
• Rep. Vose clarified that the amendment was bipartisan, passing unanimously in the House and deemed a successful compromise.
• Rep. Vose acknowledged that some implementation details might be unclear but expressed confidence in finding alternative ideas to move the bill forward.
  o Sen. Watters expressed understanding of the argument regarding the need for comprehensive oversight of the work.
  o Sen. Watters suggested that the grid modernization group could utilize the services of a consultant to address concerns related to energy efficiency.
  o Sen. Watters indicated uncertainty about whether there is a perfect solution or venue for addressing the issue.
• Rep. Vose recalled the original purpose of the EZ Board, which housed expertise on energy efficiency, and noted that its elimination left a void.
• Rep. Vose stated that suggestion was made to integrate this expertise into the grid advisory group, but doubts arose about its suitability.
• Rep. Vose mentioned Mr. Elliott's reservations from the Department of Energy regarding the fit of the expertise within the grid advisory group.
• Rep. Vose expressed openness to finding a more suitable place to accommodate this expertise if one exists.
• Rep. Vose proposed trying the integration within the grid advisory group and assessing its effectiveness, with the possibility of exploring other options in the future if necessary.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Joshua Elliott
NH Department of Energy

• Mr. Elliot explained that the proposed duties would be added to the existing grid modernization advisory group's responsibilities.
• Mr. Elliott expressed concerns regarding the venue for addressing the bill's objectives.
• Mr. Elliot noted that the grid modernization advisory group primarily focuses on issues related to the distribution system, which may not align with the expertise required for the new duties.
• Mr. Elliott suggested considering alternative venues, such as incorporating the duties into existing study committee bills or transforming the bill into an investigation.
• Mr. Elliot acknowledged the value of examining the proposed issues in light of recent legislative changes affecting energy programs managed by the Department of Energy.
  o Sen. Avard inquired about how the Department of Energy could conduct an investigation.
• Mr. Elliot replied that the Department of Energy could make out a framework of an investigation by using the previously heard bill HB 558-FN.
  o Sen. Avard asked if the bill would create challenges for the Department of Energy
• Mr. Elliot replied that he would check in with folks at the Department of Energy and report back.

PT
Date Hearing Report completed: April 9, 2024
AN ACT relative to assessment of cost effectiveness of the systems benefit charge.

SPONSORS: Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill modifies the assessment of system benefit changes cost effectiveness.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to assessment of cost effectiveness of the systems benefit charge.

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

1 Restructuring Policy Principals. Amend RSA 374-F:3, VI-a(d)(4) to read as follows:

(4) Cost effectiveness. [For the purpose of the March 1, 2022 filing, and future plan offerings.] The commission's review of the cost effectiveness shall be based upon the latest completed and available Avoided Energy Supply Cost Study for New England, the results of any Evaluation, Measurement, and Valuation studies contracted for by the department of energy or joint utilities, incorporate savings impacts associated with free-ridership for those programs and measures where such free-ridership may have a material impact on savings figures[... and use the]. When reviewing cost effectiveness for program years through and including 2026, the commission shall use the Granite State Test as the primary test, with the addition of the Total Resource Cost test as a secondary test. The commission may consider modifications to the Granite State Test and different or additional tests developed through an adjudicative process and approve them by order prior to the commencement of any triennium period beginning with program year 2027, provided such order is issued no less than 12 months prior to the beginning of the triennium period to which the test is to be applied. In any review, the commission shall use benefit per unit cost as only one factor in considering whether the utilities have prioritized program offerings appropriately among and within customer classes. In no instance shall an electric utility's planned electric system savings fall below 65 percent of its overall planned annual energy savings.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/27/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Science, Technology and Energy</td>
</tr>
<tr>
<td>01/11/2024</td>
<td>H</td>
<td>Public Hearing: 01/16/2024 10:00 am LOB 302-304 HC 2 P. 2</td>
</tr>
<tr>
<td>01/22/2024</td>
<td>H</td>
<td>Full Committee Work Session: 01/30/2024 01:30 pm LOB 302-304</td>
</tr>
<tr>
<td>01/22/2024</td>
<td>H</td>
<td>Executive Session: 01/30/2024 03:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 01:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 02/20/2024 (Vote 10-10; RC) HC 9 P. 30</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment # 2024-0763h: AA DV 176-170 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0763h: MA RC 184-169 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources: SJ 7</td>
</tr>
<tr>
<td>04/09/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 103, SH, 09:40 am; SC 15</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1036, relative to assessment of cost effectiveness of the systems benefit charge.

**Hearing Date:** April 16, 2024

**Time Opened:** 11:42 a.m.  **Time Closed:** 12:04 p.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent:** None

**Bill Analysis:** This bill modifies the assessment of system benefit changes cost effectiveness.

**Sponsors:**
Rep. Harrington

---

**Who supports the bill:** Rep. Michael Vose (Rockingham – District 5), Rep. Tony Caplan (Merrimack – District 8), Chris Ellms (NH Department of Energy), and Maureen Ellermann.

**Who opposes the bill:** Rep. Thomas Cormen (Grafton – District 15), Rep. Kat McGhee (Hillsborough – District 35), Donald Kreis (NH Office of the Consumer Advocate), Joshua Reap (NH Associated Builders and Contractors), Nick Krakoff (Conservation Law Foundation), Catherine Corkery (NH Sierra Club), Sam Evans-Brown (Clean Energy NH), Kirsten Koch (Business and Industry Association), Michael Licata (Eversource), Marc Lemwager (Eversource), Kat Bourque (Unitil), Meredith Hatfield (The Nature Conservancy), Dawn McKinney (NH Legal Assistance), Nathan Talbot, Phillip Stephenson, Allison Tanner, Sherry Boschert, Suzanne Fournier, Laurie MacKenzie, Claudia Damon, Margaret Longley, Dorothea Vecchiotti, Chrisinda Lynch, Lois Cote, Susan Moore, Ruth Perencevich, Ellen Joyce, Susan Liebowitz, Louise Spencer, Virginia Riege-Blackman, Lyn Lindpaintner, Maura Willing, Rick Russman, and Jeanne Torpey.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**
Rep. Michael Vose
Rockingham – District 5

- Rep. Vose introduced House Bill 1036 on behalf of Representative Harrington, who couldn't attend the committee meeting.
- Rep. Vose emphasized that the bill aims to provide the Commission with flexibility to ensure that energy and efficiency investments are as cost-efficient as possible.
- Rep. Vose highlighted the significant investment in energy efficiency, ranging from 75 to 95 million dollars per year over the next three years, and the importance of maximizing the value of this investment.
- Rep. Vose stated that the bill proposes adding language to the statute to allow the Commission to consider other tests, besides the Granite State test and the total cost recovery test, to evaluate the cost efficiency of investments.
- Rep. Vose clarified that the bill doesn't mandate the Commission to adopt other tests but offers them the flexibility to explore potentially better-suited tests after 2026 or 2027, specifically for the next triennium plan.
- Rep. Vose assured that the bill wouldn't affect the current triennium plan, which has already been adopted and implemented.
- Rep. Vose expressed readiness to address any questions from the committee and thanked them for their attention.
  - Sen. Watters acknowledged concerns regarding the potential replacement of the Granite State tests and the broader benefits for program participants.
  - Sen. Watters proposed language revisions, starting from line 12, to emphasize that the Commission may consider alternative and additional cost-benefit tests and methodologies.
  - Sen. Watters emphasized the importance of addressing concerns and ensuring clarity in the language of the bill to meet the needs of all stakeholders.
- Rep. Vose expressed agreement with the proposed language, considering it effective in encapsulating the bill's objective.
- Rep. Vose emphasized the bill's aim to ensure maximum value from significant investments being made in the energy sector.
- Rep. Vose discussed language aligns with the core purpose of the bill, which is to optimize returns on investments and enhance cost efficiency.
- Rep. Vose reiterated the importance of ensuring that investments made in the energy sector yield substantial benefits for all stakeholders involved.

Chris Ellms
NH Department of Energy

- Mr. Ellms, Deputy Commissioner of the Department of Energy, expressed support for House Bill 1036.
• Mr. Ellms clarified the importance of ensuring that ratepayer-funded energy efficiency programs are cost-effective, emphasizing the need for an accurate cost-benefit test.
• Mr. Ellms explained that the bill locks in the current cost-benefit test for the 2024 to 2026 Triennial Energy Plan but allows for potential modifications starting in 2027.
• Mr. Ellms highlighted that the bill provides the Public Utilities Commission (PUC) with the opportunity, through a public process, to consider modifications or alternative tests to ensure accuracy.
• Mr. Ellms provided context on House Bill 549 and stated that the Department of Energy suggested the language to put the Granite State test into law.
• Mr. Ellms underscored that the bill does not aim to change the Granite State test but rather allows for potential adjustments in the future by the PUC.
• Mr. Ellms emphasized that the bill gives the legislature the responsibility to decide whether they want to be involved in the details of the cost-benefit test or delegate it to the PUC.
  o Sen. Watters emphasized the role of the legislative branch in setting policy, referencing House Bill 549 as an example of legislative action.
  o Sen. Watters expressed concerns about allowing the Public Utilities Commission (PUC) to determine policies related to energy efficiency programs.
  o Sen. Watters stated that while it may require effort from the legislature, it is essential to ensure that policies are set by elected representatives rather than by the PUC.
  o Sen. Watters reiterated the importance of legislative involvement in shaping energy efficiency policies to maintain control over decision-making processes.
• Mr. Ellms acknowledged Senator Watters' comment about House Bill 549 and emphasized that both were present during its enactment.
• Mr. Ellms highlighted that the purpose of HB 549 was to stabilize programs, and the Granite State Test (GST) served as one of the guardrails to ensure program stability.
• Mr. Ellms mentioned that the implementation of the GST and other measures aimed to eliminate uncertainty surrounding the programs, which was achieved when HB 549 became law.
• Mr. Ellms noted that it wasn't explicitly intended for the legislature to take over cost-benefit tests but rather to establish stability and certainty within energy efficiency programs.

Thomas Frantz
NH Department of Energy

• Mr. Franz likened the situation to a legislative commitment regarding determining methodologies, suggesting that regulatory agencies are better equipped to handle such details.
Mr. Franz expressed support for the Granite State Test but emphasized the importance of regulatory agencies having the authority to evaluate inputs into various programs and policies.

Mr. Franz cautioned against enshrining specific inputs into legislation, arguing that it might not be a sound policy decision.

Mr. Franz highlighted the potential long-term implications of such legislative decisions, suggesting that they could pose challenges for future commissions and policymaking processes.

Summary of testimony presented in opposition:

Michael Licata
Eversource

- Mr. Licata, representing Eversource, expressed opposition to the legislation.
- Mr. Licata highlighted concerns that the bill's passage could introduce uncertainty and eliminate a crucial provision established by the legislature just two years prior.
- Mr. Licata emphasized the importance of regulatory consistency for the long-term planning of energy efficiency programs, citing the significance of maintaining program stability.
- Mr. Licata acknowledged the presence of Mark LeMeneger, Eversource's supervisor of regulatory planning, who would provide further details on the current granite state test and its application.

Marc Lemwager
Eversource

- Mr. Lemwager provided insights into the development of the granite state test, which was a result of a collaborative effort at the PUC from 2018 to 2019.
- Mr. Lemwager highlighted that the granite state test was approved in late December 2019 and became effective in 2021, following a meticulous two-year process.
- Mr. Lemwager emphasized that the granite state test is not static but is regularly updated to reflect current market conditions and factors.
- Mr. Lemwager mentioned the upcoming update to the parameters of the granite state test, scheduled for July 1st, which will incorporate the latest data on avoided energy supply costs.
- Mr. Lemwager discussed the potential implications of the proposed legislation on program stability and continuity, particularly in terms of contractor readiness and customer awareness.
- Mr. Lemwager pointed out that HB 549 in 2022 and SB 113 in 2023 solidified the granite state test as the primary cost effectiveness test, ensuring consistency and predictability in program eligibility for contractors and customers.
- Mr. Lemwager stressed the importance of maintaining certainty and stability by opposing the bill.
Donald Kreis  
NH Office of the Consumer Advocate

- Mr. Kreis strongly opposed the bill and urged the committee to Inexpedient to Legislate (ITL) it, describing it as "horrible public policy."
- Mr. Kreis emphasized his unwavering support for energy efficiency and declared his willingness to oppose the bill vehemently, likening it to lying down on the tracks to prevent a train from moving forward.
- Mr. Kreis expressed concern about the bill's intent to grant the PUC flexibility in determining the cost and benefits of ratepayer-funded energy efficiency, citing the PUC's negative stance toward the Granite State test.
- Mr. Kreis provided a straightforward explanation of the cost-benefit analysis involved in ratepayer-funded energy efficiency, emphasizing the importance of discount rates in evaluating long-term benefits.
- Mr. Kreis highlighted the inherent bias in the current regulatory framework, which favored supply-side investments over demand-side resources like energy efficiency.
- Mr. Kreis criticized the discrepancy in amortization practices between utility investments and energy efficiency investments, advocating for a fairer approach that benefits ratepayers.
- Mr. Kreis concluded by urging the committee to prioritize ratepayer-funded energy efficiency as a cost-effective and environmentally beneficial solution and reiterated his plea to ITL the bill.

Kirsten Koch  
Business and Industry Association

- Ms. Koch, representing the industry association, opposed House Bill 1036, citing its potential threat to energy efficiency program stability.
- Ms. Koch acknowledged the collaborative bipartisan process behind House Bill 549 in 2022, which established the Granite State test, a tool supported by the association.
- Ms. Koch expressed concern that passing House Bill 1036 could lead to modifications or the use of different tests, potentially deeming key programs no longer cost-effective.
- Ms. Koch emphasized the importance of energy efficiency programs for BIA members in reducing energy costs and maintaining competitiveness in New Hampshire.
- Ms. Koch respectfully requested the committee not to pass the bill, highlighting its potential negative impact on commercial and industrial energy efficiency initiatives.
Sam Evans-Brown  
Clean Energy NH

- Mr. Evans Brown, Executive Director of Clean Energy New Hampshire, expressed opposition to the bill.
- Mr. Evans Brown highlighted the broad membership of Clean Energy New Hampshire, including energy efficiency contractors who carry out the work affected by the bill.
- Mr. Evans Brown emphasized the importance of certainty, predictability, and a gradual approach in energy efficiency programs to ensure job security for contractors.
- Mr. Evans Brown stated that he doesn't see a need for the bill and believes there are sufficient opportunities to work on the Granite State tests through existing stakeholder groups without removing it from statute.

Neutral Information Presented: None.
HOUSE BILL  

1103-FN

AN ACT relative to revising the penalties of the shoreland protection act.


COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill revises the penalties of the shoreland protection act.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to revising the penalties of the shoreland protection act.

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

1 Penalties; Shoreland Protection Act. Amend the introductory paragraph of RSA 483-B:18, III to read as follows:

III. Persons violating the provisions of this chapter [and damaging the public waterway who, after notification by the department, fail to make a good faith effort at remediation and restoration] shall be subject to the following:

2 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to revising the penalties of the shoreland protection act.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] No

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

METHODOLOGY:

The Department of Environmental Services states the bill modifies the conditions under which the Department can seek civil penalties and administrative fines for violations of the law but it does not impact the amount the Department is authorized to seek per violation. The Department assumes, since the Department is already required to investigate such violations pursuant to RSA 483-B:5, I, there would be no significant additional workload. The revised criteria will remove impediments to the Department’s ability to seek civil penalties and administrative fines for proven violations resulting in an increase of civil penalties and administrative fines assessed under RSA 483-B:18 and deposited to the general fund. The Department states it is not possible to predict the number or scope of violations of RSA 483-B
that may occur in any given year or the number of violations for which civil penalties or administrative fines may be sought or the total amounts that may be imposed and collected. It is also not possible to predict the number or scope of violations that may be committed by municipalities, or the amount of penalties or administrative fines that may be imposed and collected from municipalities. There will no fiscal impact to the counties.

**AGENCIES CONTACTED:**

Department of Environmental Services
Amendment to HB 1103-FN

Amend the bill by replacing section 1 with the following:

1 Penalties; Shoreland Protection Act. Amend the introductory paragraph of RSA 483-B:18, III to read as follows:

III. Persons violating the provisions of this chapter, [and damaging the public waterway who, after notification by the department, fail to make a good faith effort at remediation and restoration] who fail to restore the site to meet the applicable standards of this chapter within one year of receiving notification of a violation by the department, shall be subject to the following:
<table>
<thead>
<tr>
<th>Date</th>
<th>House/Senate</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 01:00 pm LOB 305</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Executive Session: 01/24/2024 10:00 am LOB 305</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/24/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4 P. 12</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 103, SH, 09:30 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1726s, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1103-FN, relative to revising the penalties of the shoreland protection act.

Hearing Date: April 23, 2024

Time Opened: 9:34 a.m. Time Closed: 9:54 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill revises the penalties of the shoreland protection act.

Sponsors:

Who supports the bill: Rep. Rosemarie Rung (Hillsborough – District 12), Andrea LaMoreaux (NH Lakes), Darlene Forst (NH Department of Environmental Services), Steve Wingate (Lakes Management Advisory Committee), Michele Tremblay (Rivers Management Advisory Committee), Mary Raven, Louise Spencer, Andrew Jones, Gary Devore, Allison Tanner, Stephanie Thornton, Janet Lucas, Lois Cote, Susan Moore, David Holt, Richard DeMark, Ruth Perencevich, and Virginia Riege-Blackman.

Who opposes the bill: Julie Smith and Curtis Howland.

Who is neutral on the bill: Bob Quinn (NH Association of Realtors)

Summary of testimony presented in support:

Rep. Rosemarie Rung
Hillsborough – District 12

- Representative Rosemarie Rung introduced herself as a representative of Hillsborough 12, representing the town of Merrimack.
- Rep. Rung explained that the bill aims to address concerns raised by many people in the lakes area regarding the enforcement of the Shoreland Protection Act by the Department of Environmental Services (DES).
• Rep. Rung shared insights gained from conversations with Mr. Diers from DES, highlighting one of the obstacles in enforcement related to current statute requirements.
• Rep. Rung noted that existing statute mandates clear damage to the public waterway and an assessment of the offender's good faith effort before DES can enforce, which can be challenging to determine.
• Rep. Rung emphasized that damage to waterways is often cumulative over time, making it difficult to attribute to a single event.
• Rep. Rung proposed striking the language requiring assessment of good faith effort and allowing a simple violation to constitute an enforcement action, which would clarify the statute and facilitate DES's ability to protect state-regulated waterways.

Darlene Forst  
NH Department of Environmental Services

• Darlene Forst introduced herself as the current Wetlands Bureau Administrator at the New Hampshire Department of Environmental Services (DES), which also oversees the Shoreline Protection Program.
• Ms. Forst mentioned that written testimony has been distributed, both from the Department of Environmental Services and the New Hampshire Lakes Association.
• Ms. Forst clarified that she would only speak to the department's recommendations and summarized the key points.
• Ms. Forst highlighted changes made to the penalty paragraph of the Shoreland Protection Act around 2013, which introduced requirements to prove that damage occurred to public water and that offenders did not make a good faith effort.
• Ms. Forst pointed out the difficulty of proving good faith effort and the impracticality of attributing single violations to water quality damage in large bodies of water like Lake Winnipesaukee.
• Ms. Forst emphasized that the department's intent is not to issue fines indiscriminately, as fines go to the general fund and do not directly benefit the environment.
• Ms. Forst explained that fines serve as a tool to incentivize restoration and compliance, particularly for individuals who are uncooperative, with most fines being held in abeyance pending restoration.
• Ms. Forst stressed the importance of having such tools to ensure compliance and restoration efforts.
  o Sen. Avard inquired about the language within the amendment.
• Ms. Forst stated the language within the amendment is a result of compromise and that the department is content with the amendment.
Andrea LaMoreaux
NH Lakes

- Andrea LaMoreaux introduced herself as the President of New Hampshire Lakes, representing approximately 250 local lake associations across the state.
- Ms. LaMoreaux urged support for the bill, echoing the sentiments expressed by Representative Rung and Darlene Forst.
- Ms. LaMoreaux highlighted the discouragement felt by local lake associations when violations occur without adequate enforcement.
- Ms. LaMoreaux emphasized the efforts of volunteers in lake associations to protect shorelands and lake health, and the frustration caused by non-cooperation and violations.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Bob Quinn
NH Association of Realtors

- Mr. Quinn mentioned that the association neither supports nor opposes the legislation but supports its intent.
- Mr. Quinn requested a small tweak to the bill to restore a requirement for notification from the Department of Environmental Services (DES) to the property owner.
- Mr. Quinn noted that the amendment being circulated removes language regarding damaging public waterways and the requirement of making good faith efforts of remediation and restoration.
- Mr. Quinn explained that the amendment replaces these with a provision where if the property owner fails to restore the site to the pre-violation condition, DES has the opportunity to petition the attorney general's office for action.
- Mr. Quinn stated that the association has been in communication with DES about the bill and urged consideration of the amendment.
  - Sen. Pearl inquired if there are no other sections within the Shoreland Protection Act that address property owner notification.
- Mr. Quinn referred to Section 483-B:18 of the Shoreland Protection Act regarding penalties.
- Mr. Quinn mentioned that under this section, a petition is made to the attorney general's office, and property owners are notified during a hearing.
- Mr. Quinn proposed that the bill would provide property owners with notification prior to such hearings, giving them an opportunity to rectify violations.
- Mr. Quinn emphasized that failure to comply would still lead to a hearing where the property owner would have the opportunity to address the issue.
Sen. Birdsell raised a concern based on the testimony provided, suggesting that if notification is indeed given are fines are held off until the property owner starts correcting the issue.

Sen. Birdsell questioned whether the bill, as presented, is essentially repealing what it aims to achieve.

- Mr. Quinn clarified that the bill provides an initial notification to property owners regarding a potential violation.
- Mr. Quinn emphasized that this notification requires or provides the opportunity for the property owner to restore the property to its pre-violation condition.
- Mr. Quinn explained that the second step involves scheduling a hearing to address the issue.
- Mr. Quinn acknowledged the likelihood that the Department of Environmental Services (DES) already works with property owners before issuing fines, but emphasized the importance of enshrining this process in statute.
  - Sen. Pearl raised concerns about the potential environmental impact of restoring a site to its original condition, suggesting that mitigating the issue in a different direction might be more appropriate.
- Mr. Quinn expressed uncertainty about fully answering the question.
- Mr. Quinn emphasized the intent behind the proposed legislation, which is to provide property owners with the opportunity to restore their property to its original condition.
- Mr. Quinn acknowledged that while some violations may be intentional, others may be unintentional due to property owners' lack of awareness.
- Mr. Quinn stated that their intent is to offer property owners the chance to rectify any violations and mentioned collaboration with DES on the language of the bill.
HOUSE BILL 1113

AN ACT relative to shoreland septic systems.


COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill modifies requirements for site assessment studies of shoreland septic systems.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1113 - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to shoreland septic systems.

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

1 Water Pollution and Waste Disposal; Definition of Developed Waterfront. Amend RSA 485-A:2, I to read as follows:

   I. "Developed waterfront" property means any parcel of land upon which stands a structure suitable for either seasonal or year-round human occupancy, where such parcel of land is contiguous to or within [200] 250 feet of the reference line, as defined in RSA 483-B:4, XVII, of:

   (a) A fresh water body, as defined in RSA 483-B:4, XVI(a);

   (b) Coastal waters, as defined in RSA 483-B:4, XVI(b); or

   (c) A river, as defined in RSA 483-B:4, XVI(c).

2 New Paragraph; Sewage Disposal Systems; Submission and Approval of Plans and Specifications. Amend RSA 485-A:29 by inserting after paragraph III the following new paragraph:

   IV. Nothing in this section shall be construed to limit or modify the authority conferred upon local governments under RSA 674:21 to require more stringent standards for developed waterfront property than required by this chapter or department administrative rules adopted pursuant to this chapter.

3 Waterfront Property Sale; Site Assembly Study. RSA 485-A:39 is repealed and reenacted to read as follows:

   485-A:39 Waterfront Property Transfer; Septic System Evaluation Required.

   I. Prior to the transfer of any developed waterfront property using a septic system, where any portion of the septic system is within 250 feet of the reference line as defined in RSA 483-B:4, XVII, the buyer of the property shall, at the buyer's expense, engage a New Hampshire licensed septic system evaluator to conduct a septic system evaluation. However, the buyer may accept an evaluation prepared for the seller of the property if the evaluation was completed within 180 days of the date of property transfer. The septic system evaluation prepared for the seller by a New Hampshire state licensed septic system evaluator with stated findings shall be given to the buyer and acceptance of the evaluation shall be acknowledged in writing by the buyer.

   II. For developed waterfront properties where any portion of the septic system is within 250 feet of the reference line as defined in RSA 483-B:4, XVII, if the existing septic system is not approved by the department per RSA 485-A:29 or the department’s approval was prior to September 1, 1989, the buyer shall also hire a New Hampshire permitted septic system designer to determine the elevation of the bottom of the effluent disposal area relative to the elevation of the seasonal high
water table. Based on this information, the New Hampshire permitted septic system designer shall
determine if the system is in failure, as defined in RSA 485-A:2, IV. The determination from the
permitted septic system designer shall be completed prior to the transfer of the property.

III. The commissioner shall adopt rules pursuant to RSA 541-A relative to the enforcement
of this section.

IV. The findings of the New Hampshire licensed septic system evaluator or septic system
designer shall not prohibit the sale of the property, but shall be disclosed to the buyer as full and
proper notice of the possible limitations of the septic system.

V. If the New Hampshire licensed septic system evaluator, utilizing board-approved
standards of practice, determines that the septic system shows signs of failure or, if the New
Hampshire permitted septic system designer determines that the system is in failure:

(a) The buyer shall sign a document, prepared by the New Hampshire licensed septic
system evaluator, authorizing the evaluator to conduct notifications to the department and the local
health officer;

(b) The New Hampshire licensed septic system evaluator shall notify the department
and the local health officer;

(c) The buyer shall replace the system within 180 days of the transfer of the property;
and

(d) The buyer shall file a report with the department and the local health officer after
the system is replaced with a copy of the state approval for operation for the replacement system.

VI. The buyer is not required to comply with the other paragraphs of this section if they
replace or repair the septic system within 180 days of the transfer of the property. Prior to the
transfer of the property, the buyer shall notify the department and the local health officer that a
septic system evaluation was not performed because the system will be replaced. The buyer shall
file a report with the department and the local health officer with a copy of the state approval for
operation for the replacement system within 180 days of the close of the property sale. Timely
receipt of this report by the department and the local health officer shall satisfy all obligations of the
buyer relative to this section.

VII. Notwithstanding any other provision of this section, if circumstances beyond the control
of the buyer preclude the evaluation or, if needed, replacement of the septic system or cause an
evaluation prepared for the seller to be older than 180 days, the department shall, upon request,
grant an extension of up to 180 days.

4 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>EventDescription</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 02:00 pm LOB 305</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:30 am LOB 305</td>
</tr>
<tr>
<td>03/19/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1077h</td>
</tr>
<tr>
<td></td>
<td></td>
<td>03/13/2024 (Vote 20-0; RC) HC 12 P. 35</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1077h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>FLAM # 2024-1302h (Reps. Harb, Rung): AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1077h and 2024-1302h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Hearing: 05/07/2024, Room 103, SH, 09:50 am; SC 18</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
Senate Energy and Natural Resources Committee
*Philip Tatro  271-1403*

**HB 1113**, relative to shoreland septic systems.

**Hearing Date:** May 7, 2024

**Time Opened:** 10:46 a.m.  **Time Closed:** 10:56 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Watters and Altschiller

**Members of the Committee Absent:** Senator Birdsell

**Bill Analysis:** This bill modifies requirements for site assessment studies of shoreland septic systems.

**Sponsors:**
- Rep. Rung
- Rep. Coker
- Rep. Ebel
- Sen. Watters
- Rep. Rochefort

---

**Who supports the bill:** Rep. Rosemarie Rung (Hillsborough – District 12), Rep. Peter Bixby (Strafford – District 13), Rep. Mark McConkey (Caroll – District 8), Rep. Andy Renzullo (Hillsborough – District 13), Christine Kamal, Mitchell Kamal, Andrea LaMoreaux (NH Lakes), Philip Trowbridge (NH Department of Environmental Services), Lynne Bartlett Merrill (NH Association Realtors), Carol Foss, Stephanie Thornton, Tom Riha, Mary Beth Rudolph, Michael Lehner, David Beardsley, Stephen Barker, Julia Steed Mawson, Storm Connors, Mary Olive, Robert Martin, Deborah Walker, Janice Beal, Don Jutton, James Hull, Deborah Fraser, Bob Grazer, Cynthia Everson, Patricia Greenfield, Carol Carlson, Janet Lucas, Valerie Scarborough, Susan Richman, Erland Schulson, Maria Clark, Steve Wingate (Lakes Management Advisory Committee), Michele L. Tremblay (Rivers Management Advisory Committee), Kelly Marshall, Martha Jane Rich, Shirley Green, Thomas Claus.

**Who opposes the bill:** Storm Connors.

**Who is neutral on the bill:** None.
Summary of testimony presented in support:

Rep. Rosemarie Rung
Hillsborough – District 12

- Rep. Rung introduced HB 1113 aimed at addressing phosphorus introduced into lakes due to failed septic systems.
- Rep. Rung highlighted the significant contribution of failed septic systems to phosphorus loading in lakes, leading to cyanobacteria blooms.
- Rep. Rung noted the difficulty in observing failed septic systems near shorelines, where septage often flows into rivers or groundwater.
- Rep. Rung described the bill's aim to control septic systems within shoreline protection zones during property transfers.
- Rep. Rung explained the requirement for property sellers to work with buyers to ensure inspection and replacement of failed septic systems within the shoreline protection zone.
- Rep. Rung mentioned an amendment allowing for accommodation if the property is to be demolished and rebuilt with a new septic system.
- Rep. Rung stated that Mr. Philip Trowbridge from the Subsurface Waste Division of the Department of Environmental Services could assist with further information and questions.

Andrea LaMoreaux
NH Lakes

- Ms. LaMoreaux expressed support for the bill, considering it a step in the right direction to minimize septic pollution in lakes.
- Ms. LaMoreaux highlighted the importance of addressing septic pollution to prevent degradation of lake health.
- Ms. LaMoreaux stated her appreciation for the efforts of representatives and other stakeholder groups in developing the bill.

Philip Trowbridge
Department of Environmental Services

- Mr. Trowbridge stated that the department supports the bill as amended by the house.
- Mr. Trowbridge acknowledged the collaborative efforts of house members and the Realtors Association in crafting the bill to address concerns effectively.
- Mr. Trowbridge explained the limitations of the current waterfront site assessment requirement in assessing septic system conditions.
- Mr. Trowbridge described how the bill aims to improve the effectiveness and cost-effectiveness of evaluating septic systems during real estate transactions.
- Mr. Trowbridge highlighted changes proposed by the bill, including evaluating the condition of every system and requiring assessment by a licensed designer for older or non-state-approved systems.
• Mr. Trowbridge mentioned amendments for flexibility in timeframes due to extenuating circumstances and exemptions for tear-down situations.

Lynne Bartlett Merrill
NH Association of Realtors

• Ms. Bartlett Merrill mentioned her role as a member of the New Hampshire Association of Realtors Public Policy Committee.
• Ms. Bartlett Merrill stated support for HB 1113 on behalf of the realtors.
• Ms. Bartlett Merrill expressed gratitude to Rep. ung and the Department of Environmental Services for collaborating with the realtors to craft the bill.
• Ms. Bartlett Merrill specifically recognized Phil Trowbridge and Ted Diers for incorporating concerns and suggestions into the current version of the bill.
• Ms. Bartlett Merrill described the legislation as finding a balance between protecting public waterways and respecting private property rights.
• Ms. Bartlett Merrill noted the inadequacy of the existing septic site assessments in RSA 485 A and the need for improvement.
• Ms. Bartlett Merrill explained how Section 3 of the bill shifts the mandate from septic system assessments to mandated septic evaluations conducted by licensed evaluators, with the responsibility on the buyer.
• Ms. Bartlett Merrill highlighted the benefit of evaluations in providing buyers with better information on septic systems.
• Ms. Bartlett Merrill emphasized the importance of clarifying the mandate for evaluations within a specific distance from the reference line to address potential threats to the water system.
• Ms. Bartlett Merrill mentioned the requirement for repairing or replacing failed systems within 180 days and acknowledged the challenges posed by state mandates on property owners.
• Ms. Bartlett Merrill believed that most property buyers already conduct due diligence, and the repair or replacement of a failed system becomes part of the negotiated terms of the sale.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HOUSE BILL  

AN ACT extending the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson and Litchfield.


COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill extends for 5 years the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson, and Litchfield.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT extending the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson and Litchfield.

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

1 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals; Hudson Included. Amend RSA 126-A:79-a, I through II(a)(9) to read as follows:

I. There is established a commission to study environmental and public health impacts resulting from per fluorinated chemicals (PFAS) releases to the air, soil, and water in Merrimack, Litchfield, Londonderry, Hudson, and Bedford.

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

1. Five members of the house of representatives, 3 of whom shall be appointed by the speaker of the house of representatives and 2 of whom shall be appointed by the house minority leader.

2. Two members of the senate, appointed by the president of the senate.

3. The program manager from the department of health and human services environmental public health tracking program, or designee.

4. The commissioner of the department of environmental services, or designee.

5. The director of the university of New Hampshire Institute for Health Policy and Practice, or designee.

6. A representative from the New Hampshire Medical Society, appointed by the society.

7. Two citizens with backgrounds in environmental science and/or public health, recommended by the senators appointed to the commission and appointed by the president of the senate.

8. A representative from each of the affected towns of Merrimack, Bedford, Londonderry, Hudson, and Litchfield, appointed by the governing body of such town.

9. [Four] Five residents, one from each of the affected towns of Merrimack, Bedford, Londonderry, Hudson, and Litchfield, who are members of drinking water related environmental advocacy citizen organizations which are not affiliated with any government or state agency, recommended by the senators appointed to the commission and appointed by the president of the senate.

2 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals; Reporting Date Extended. Amend RSA 126-A:79-a, V to read as follows:
V. The commission shall submit an interim report of its findings on November 1, each year between 2020 and [2024] 2028, and a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2024] 2029.

3 Prospective Repeal Extended; Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals. Amend RSA 2019, 335:3, I to read as follows:

   I. Section 2 of this act shall take effect November 1, [2024] 2029.

4 Effective Date. This act shall take effect upon its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 11:00 am LOB 305</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Executive Session: 02/07/2024 11:00 am LOB 305</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0267h (NT) 02/07/2024 (Vote 19-0; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0267h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0267h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, SH, 09:00 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1114, extending the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson and Litchfield.

Hearing Date: April 30, 2024

Time Opened: 9:01 a.m. Time Closed: 9:06 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell and Altschiller

Members of the Committee Absent: Senator Watters

Bill Analysis: This bill extends for 5 years the commission to investigate and analyze the environmental and public health impacts relating to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson, and Litchfield.

Sponsors:

Who supports the bill: In total, 57 individuals signed in support of HB 1114. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Rep. Nancy Murphy
Hillsborough – District 12

- Rep. Murphy presented HB 1114, which proposed extending the date of New Hampshire's PFAS Commission, originally introduced as HB 737 in 2019.
Rep. Murphy emphasized the commission's focus remained on addressing PFAS contamination observed in southern New Hampshire by a single polluter, with bipartisan efforts aimed at continuing its work.

Rep. Murphy noted membership in the commission included representatives from state agencies, scientists, legislators, content experts, town government officials, and citizen representatives from impacted communities.

Rep. Murphy highlighted the reliance of thousands of citizens in affected areas on the commission to advocate for their interests and address their concerns.

Rep. Murphy outlined the various goals of the commission, with the bill seeking to extend its duration.

Rep. Murphy mentioned the addition of Londonderry to the list of impacted communities in 2021 and, most recently, Hudson, due to contaminated public wells in Litchfield.

Rep. Murphy emphasized ongoing efforts such as the kidney cancer feasibility study in Merrimack, prompted by higher rates of kidney cancer associated with PFAS exposure.

Rep. Murphy pointed out plans for the closure of the St. Gobain facility and the prolonged transition, indicating the persistence of the impacts of their activities.

Rep. Murphy highlighted the continued reliance of many homes, approximately 500, on bottled water for drinking, due to lack of access to a permanent water source even eight years after exposure.

Rep. Murphy concluded by emphasizing the need to continue working on addressing these issues and expressed gratitude for the opportunity to do so.

Rep. Wendy Thomas
Hillsborough – District 12

- Rep. Thomas acknowledged the significant accomplishments of the commission, highlighting its important work in addressing PFAS contamination.
- Rep. Thomas emphasized the dynamic nature of the PFAS issue, noting the continuous flow of new information from the EPA and advancements in science.
- Rep. Thomas stressed the need for the commission to persist in its efforts, enabling communities to collaborate, exchange information, conduct research, and safeguard the residents of New Hampshire.

Mike Wimsatt
NH Department of Environmental Services

- Mr. Wimsatt greeted the committee, addressing the Chair and members, and introduced himself as Mike Wimsatt, Director of the Waste Management Division for New Hampshire DES.
- Mr. Wimsatt briefly expressed the Department's support for the bill, emphasizing the effectiveness and efficiency of the commission over the past several years.
- Mr. Wimsatt highlighted the commission as a vital platform for DES to engage and communicate with affected communities.
- Mr. Wimsatt underscored the unprecedented impact experienced by the communities involved in the commission due to widespread groundwater and drinking water contamination.
- Mr. Wimsatt affirmed the department's endorsement for the extension of the commission, emphasizing the importance of maintaining effective and frequent communication with community members.

Summary of testimony presented in opposition:

Neutral Information Presented:

---

PT  
Date Hearing Report completed: April 30, 2024
HOUSE BILL 1116

AN ACT relative to certain firearms to be used for taking of game.


COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill allows for the use of rifles and certain pistols for the taking of game.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to certain firearms to be used for taking of game.

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

1 Lawful Methods of Taking; Lever Action Carbine. Amend RSA 207:3, I to read as follows:
   I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun, firearm, muzzleloader, or air rifle, fired at arm's length, bow and arrow or crossbow, or a [lever-action-carbine] rifle chambered in [.357, .44 Magnum, or .45 Colt] a straight-walled pistol cartridge of .357 caliber or greater in any area where hunting is restricted to handgun or pistol, unless otherwise specifically permitted. An air rifle may be used to take small game, but shall not be used to take moose, bear, turkey, or deer. The executive director shall specify the method and manner of taking small game with an air rifle in rules adopted pursuant to RSA 541-A.

2 Effective Date. This act shall take effect January 1, 2025.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Fish and Game and Marine Resources</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 10:00 am LOB 307</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/30/2024 02:30 pm LOB 307</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/06/2024 02:30 pm LOB 307</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0349h 01/30/2024 (Vote 11-6; RC)</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Amendment # 2024-0349h: AA VV 02/08/2024 HJ 4 P. 31</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0349h: MA RC 221-157 02/08/2024 HJ 4 P. 31</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>S</td>
<td>Hearing: 03/26/2024, Room 103, SH, 09:15 am; SC 12</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
Senate Energy and Natural Resources Committee
Philip Tatro 271-1403

HB 1116, relative to certain firearms to be used for taking of game.

Hearing Date: March 26, 2024

Time Opened: 9:15 a.m. Time Closed: 9:19 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill allows for the use of rifles and certain pistols for the taking of game.

Sponsors:
Rep. Spillane
Rep. Roy
Rep. Love
Rep. Kofalt
Rep. T. Lekas
Rep. C. Brown
Rep. Jonathan Smith
Rep. Hoell
Rep. Cole
Sen. Lang


Who opposes the bill: Susan Price (NH Fish and Game), Scott Mason (NH Fish and Game), and Janet Lucas.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Rep. James Spillane
Rockingham – District 2

- Rep. Spillane described the bill as a housekeeping measure related to a previous lever action bill.
- Rep. Spillane explained that the previous bill restricted the use of lever action carbines to specific calibers in designated areas.
- Rep. Spillane mentioned receiving requests from constituents regarding the use of different firearm actions and calibers.
• Rep. Spillane noted that firearm action does not affect the power of the round.
• Rep. Spillane stated that the bill removes the specific lever action restriction and allows the use of any action with straight-walled pistol cartridges.
• Rep. Spillane highlighted the simplicity and rationale behind Col. Jordan's suggestion of straight-walled pistol cartridges.
• Rep. Spillane addressed concerns about potential misuse of AR semi-automatic rifles with pistol rounds, emphasizing the impracticality and difficulty of such modifications.
• Rep. Spillane reminded the committee of the bill's strong bipartisan support during its passage through the House committee and floor.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

PT
Date Hearing Report completed: March 26, 2024
HB 1139 - AS INTRODUCED

2024 SESSION

HOUSE BILL 1139

AN ACT relative to location of conventional septic systems relative to the seasonal high water table.


COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill allows the use of stone and pipe and concrete chamber septic systems to be used on properties with seasonal high water tables.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to location of conventional septic systems relative to the seasonal high water table.

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

1 Submission and Approval of Plans and Specifications; Sewage and Waste Disposal Systems.

Amend RSA 485-A:29, I to read as follows:

I.(a) Any person proposing either to subdivide land, except as provided in RSA 485-A:33, or to construct a sewage or waste disposal system, shall submit 2 copies of such locally approved plans as are required by the local planning board or other local body having authority for the approval of any such subdivision of land, which is subject to department approval, and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the department as provided in this paragraph. In the event that such subdivision plans which receive final local approval differ from the plans which are reviewed by the department, the person proposing the subdivision shall resubmit those plans to the department for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the department for informational purposes within 30 days of granting such final approval.

(b) The department shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, including the location of known burial sites or cemeteries within or adjacent to the property on which the proposed sewage or waste disposal system is to be located, what tests are to be required, what standards, guidelines, procedures, and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance, and financial responsibility for such operations.

(c) For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspections by the department shall be accomplished within 7 business days after receipt of written notification from
the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. The presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for sewage or waste disposal systems designed for poorly drained soils. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the department and the requirements of this subdivision.

(d) The department shall permit stone and pipe and concrete chamber systems for residential use to be designed and constructed 24 inches above the seasonal high water table, providing that there is a minimum of 6 inches of sand meeting the ASTM C-33 specification under the stone and pipe system and that the distance above the seasonal high water table is maximized to the extent practicable.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/24/2024 11:00 am LOB 305</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Executive Session: 01/24/2024 11:00 am LOB 305</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/24/2024 (Vote 13-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4 P. 12</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 103, SH, 09:10 am; SC 16</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1139, relative to location of conventional septic systems relative to the seasonal high water table.

**Hearing Date:** April 25, 2024

**Time Opened:** 9:17 a.m.  
**Time Closed:** 10:39 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell and Watters

**Members of the Committee Absent:** Senator Altschiller

**Bill Analysis:** This bill allows the use of stone and pipe and concrete chamber septic systems to be used on properties with seasonal high water tables.

**Sponsors:**
- Rep. McConkey
- Rep. Jonathan Smith
- Rep. Avellani
- Rep. Milz
- Rep. Wallace

---

**Who supports the bill:** Rep. Mark McConkey (Carroll - District 8), Chris Albert (Granite State Onsite Wastewater Association), Brian Gilbert (Gilbert Block Company), Gary Spaulding (Advanced Onsite Solutions), Philip Trowbridge (NH Department of Environmental Services), Rene Pelletier (NH Department of Environmental Services), Mary Raven, Louise Spencer, Carol McMahon, Andrew Jones, Gary Devore, Allison Tanner, Kim Marie Fudge, Lois Cote, Susan Moore, David Holt, Richard DeMark, Virginia Riege-Blackman, Ann Rettew, Bruce Berk, and Stephanie Thornton.

**Who opposes the bill:** David Lentz (Presby Environmental), Dennis Healy (Presby Environmental), and Janet Lucas.

**Who is neutral on the bill:** Michael Carbonneau (Connecticut Valley Design).

**Summary of testimony presented in support:**

**Rep. Mark McConkey**  
**Carroll – District 8**

- Rep. McConkey introduced HB 1139 regarding the location of conventional septic systems relative to the seasonal high water table.
- Rep. McConkey highlighted his extensive background and experience in the wastewater industry, spanning over 30 years.
• Rep. McConkey emphasized his family's involvement in the wastewater business, showcasing their deep understanding of septic system construction and operation.

• Rep. McConkey discussed the evolution of septic system standards over the years and the Department's position on permitting systems to be constructed at 24 inches above the seasonal high water table.

• Rep. McConkey argued that permitting stone and pipe systems at 24 inches could save homeowners thousands of dollars while still maintaining an acceptable level of treatment.

• Rep. McConkey pointed out that this bill aligns with the recommendations of the Speaker's Special Commission on Housing to reduce development costs and government red tape.

• Rep. McConkey urged the committee to support the House position, respect the expertise of the subsurface department and the Environmental Protection Agency, and provide New Hampshire residents with the opportunity to enjoy development savings.
  
  o Sen. Avard expressed his understanding that the savings mentioned in the bill might not be as significant as suggested, potentially only amounting to hundreds of dollars rather than thousands.
  
  o Sen. Avard voiced concerns about the potential environmental impact of the legislation, particularly regarding groundwater contamination.
  
  o Sen. Avard highlighted worries about raising the septic system placement to 24 inches above the seasonal high water table, suggesting it could jeopardize proper leaching and potentially lead to environmental issues such as aquifer contamination.

• Rep. McConkey disagreed with the notion that the savings from the proposed legislation would only amount to hundreds of dollars, citing his practical experience in the field.

• Rep. McConkey emphasized that if the topography allows for it and gravity systems can be utilized without the need for pumps or additional tanks, the savings can amount to thousands of dollars.

• Rep. McConkey expressed his deep concern for groundwater protection, highlighting it as a priority in his profession.

• Rep. McConkey recounted past claims about the purity of groundwater under septic systems but noted that such claims were never demonstrated to him.

• Rep. McConkey argued that the proposed legislation aligns with existing practices for failed septic systems in the state, where systems are often installed two feet above groundwater levels.

• Rep. McConkey explained the benefits of stone systems, including large voids for oxygen and the addition of sand to aid in removing contaminants like phosphates and nitrates.

• Rep. McConkey asserted his commitment to environmental stewardship, stating that he would not support any proposal that could jeopardize environmental safety, including his own home and surrounding areas.
  
  o Sen. Birdsell questioned why the proposed elevation would be adopted universally if it's currently only used for failed systems.
• Sen. Birdsell expressed concern about ensuring that the proposed elevation is applied appropriately and consistently, distinguishing between its use for failed systems versus new installations.

• Rep. McConkey highlighted the historical context of septic system standards, noting that in the 80s, the standard was a four-foot elevation above the seasonal high water table.

• Rep. McConkey emphasized that advancements in technology and acceptance by the Department of Environmental Services (DES) have led to a shift towards a 24-inch threshold.

• Rep. McConkey mentioned that numerous states surrounding New Hampshire also adhere to the 24-inch threshold, suggesting it as a common practice.

• Rep. McConkey asserted that the science supports the use of the 24-inch threshold, citing the Department of Environmental Services' numerous approvals based on this standard.

• Rep. McConkey emphasized the advantage of adopting the 24-inch threshold in terms of facilitating development while ensuring safety, comparing it to other measures considered for housing development such as sprinkler systems.

• Rep. McConkey assured listeners that adopting the 24-inch threshold would not compromise environmental safety, encouraging them to feel confident about the decision.

  • Sen. Avard expressed concerns about the push for housing development potentially leading to rushed decisions to lower requirements for septic systems.

  • Sen. Avard emphasized the importance of water safety, particularly in a state with abundant aquifers and lakes, citing concerns about PFAS contamination.

  • Sen. Avard sought more concrete evidence regarding the safety and effectiveness of reducing the septic system elevation requirement from four feet to 24 inches.

  • Sen. Avard emphasized the need for scientific evidence to support the proposed change, expressing a desire for assurance of its safety and effectiveness beyond anecdotal or subjective claims.

• Rep. McConkey clarified that while housing was a factor, it wasn't the primary driver behind the bill; instead, it was prompted by the Department of Environmental Services' consideration of rewriting rules.

• Rep. McConkey highlighted the delay in rulemaking and the need for legislative action to address issues that would have otherwise been addressed through regulations.

• Rep. McConkey addressed concerns about PFAS contamination, attributing it to airborne sources and materials leaching into the ground rather than septic systems meeting reduced elevation requirements.

• Rep. McConkey emphasized the importance of septic system maintenance and inspection, noting that many existing systems pose greater risks to the water table due to poor construction and maintenance practices.

• Rep. McConkey cited regional practices and EPA support for the proposed reduction in septic system elevation requirements, underscoring his personal
and professional commitment to environmental stewardship and the credibility of the proposed legislation.
  o Sen. Watters expressed concern about groundwater levels rising in the seacoast area, potentially affecting septic systems.
  o Sen. Watters questioned the language in line 12, page 2, regarding the use of "shall" and suggested considering "may" instead, with accompanying criteria for exceptions.
  o Sen. Watters sought clarification on whether there were circumstances where the 2-foot requirement might not be suitable, emphasizing the importance of flexibility in the language.

- Rep. McConkey deferred to the Department to consider Sen. Watters' suggestion regarding the language.
- Rep. McConkey highlighted the effectiveness of stone and pipe systems due to their larger footprint, particularly in addressing rising groundwater issues.
- Rep. McConkey explained how innovative technology initially reduced the size of fields but faced high failure rates, leading to adjustments and a return to larger fields.
- Rep. McConkey emphasized the reliability of stone and pipe systems despite occasional failures, especially for larger systems, which require additional analyses and considerations like mounding.

Chris Albert  
Granite State Onsite Wastewater Association

- Mr. Albert introduced himself as the Chairman of the Granite State Onsite Wastewater Association, a non-profit organization representing septic designers, pumpers, installers, and evaluators.
- Mr. Albert highlighted the evolution of understanding regarding water tables over the past 40 years, noting advancements in soil science terminology and knowledge.
- Mr. Albert mentioned that failed systems from the 70s and 80s often had significant separation from the water table, indicating a lack of understanding at the time.
- Mr. Albert explained that the reduction of contaminants primarily occurs in the biomat layer at the bottom of the leach field, emphasizing the importance of aerobic environments.
- Mr. Albert argued that the additional two-foot separation primarily serves to reduce pathogens, while the soil's natural processes handle the reduction of contaminants.
- Mr. Albert expressed a preference for stone and pipe systems due to their reliability but acknowledged that topography and water tables sometimes necessitate alternative systems.
Philip Trowbridge  
NH Department of Environmental Services

- Mr. Trowbridge addressed concerns regarding testing and treatment effectiveness with a 24-inch separation, citing EPA guidance that permits separations of 2 to 4 feet.
- Mr. Trowbridge explained that studies show a significant reduction in bacteria and viruses with a two-foot separation, making the water safe beyond that point.
- Mr. Trowbridge discussed the role of sand in phosphorus removal, noting that sand layers beneath stone and pipe systems effectively absorb phosphorus.
- Mr. Trowbridge mentioned that while conventional systems do not remove nitrogen, active denitrification processes are required in areas with nitrogen issues, such as around Great Bay.
- Mr. Trowbridge stated that the department had been considering this change for some time, noting that New Hampshire's requirements are larger than those of neighboring states.
- Mr. Trowbridge emphasized the importance of considering both vertical separation and treatment area size when determining separation requirements.
- Mr. Trowbridge proposed maintaining a large leach field area while reducing the separation, maintaining a margin of safety.
  - Sen. Watters expressed his need to quickly address questions due to a prior engagement regarding the Capital Budget Committee.
  - Sen. Watters noted the contrast between HB 1113 and the current bill regarding water concerns, seeking clarification on the discrepancy.
  - Sen. Watters questioned the necessity of the bill, as approval for a 2-foot separation already exists, expressing uncertainty about the need for the legislation.
  - Sen. Watters raised concerns about potential flexibility in implementation, suggesting that specifying "may" or "shall" under certain circumstances could address feasibility concerns for the 24-inch standard.
  - Sen. Watters inquired about third-party testing confirming the effectiveness of a 2-foot separation compared to a 4-foot one.
- Mr. Trowbridge addressed the distinction between HB 1113 and the current discussion, highlighting that the former focuses on identifying failed systems near water bodies for water quality improvement.
- Mr. Trowbridge emphasized the department's support for HB 1113 and clarified that it doesn't conflict with their stance on the current bill, as the latter concerns treatment standards for functioning systems.
- Regarding third-party testing, Mr. Trowbridge explained that EPA guidance includes studies from various third-party sources demonstrating the adequacy of a two-foot separation for on-site treatment.
- Mr. Trowbridge offered to provide the studies if needed, noting their validation and use by the EPA in formulating federal guidance on the matter.
  - Sen. Watters raised a question regarding the necessity of an "exit ramp" in the bill.
Sen. Watters noted that while the current practice allows for a two-foot separation in certain circumstances, the proposed bill mandates it.

Sen. Watters suggested considering alternatives, such as using "shall" only under specific circumstances where a 24-inch standard is feasible, or utilizing "may" instead.

Sen. Watters expressed concern about the potential rigidity of the proposed language and its implications.

- Mr. Trowbridge acknowledged the valid concern raised.
- Mr. Trowbridge highlighted a key aspect of the language in the bill, emphasizing that separation should be maximized to the extent practicable.
- Mr. Trowbridge explained that the intention is not to mandate every system to be installed at 24 inches if it's not necessary, but rather to maintain separation based on what is required.
- Mr. Trowbridge noted that while the bill specifies a mandate for 24 inches with six inches of sand, incorporating flexibility into the statute and subsequent rulemaking process would be beneficial.
- Mr. Trowbridge expressed agreement with the need for flexibility in implementing the requirement.

- Sen. Pearl raised a question about phosphorus management in agricultural contexts, particularly regarding its movement in soil and water.
- Sen. Pearl inquired about the effectiveness of using six inches of sand to prevent phosphorus from leaching into groundwater, especially considering the reduction in separation distance from four feet to two feet.

- Mr. Trowbridge expressed confidence in the effectiveness of using a sand layer for phosphorus removal in the context of septic systems.
- Mr. Trowbridge highlighted that the removal primarily occurs within the first six inches of the sand layer, emphasizing its rapid and efficient processing capabilities.
- Mr. Trowbridge noted that the inclusion of a sand layer requirement in the bill distinguishes it from existing regulations, which often permit native soil below the bed of stone and pipe systems.
- Mr. Trowbridge explained that sand-based filtration has a long history of use and has been recognized for its effectiveness in removing phosphorus, citing trickle filters as an example of this technology.

- Sen. Pearl highlighted the agricultural method of phosphorus removal through plant uptake, noting that this natural process wouldn't apply to septic systems.
- Sen. Pearl raised the possibility of eventual system failure due to the limited capacity of the sand layer to manage phosphorus over time.

- Mr. Trowbridge emphasized that, in their opinion, a six-inch sand layer has sufficient capacity to handle wastewater effectively.
- Mr. Trowbridge noted that septic systems have a lifespan, and when rebuilt, the soil and sand layer are refreshed, ensuring continued effectiveness.
- Mr. Trowbridge highlighted the natural process of system renewal, which maintains the capacity to manage wastewater over the system's lifetime.
• Sen. Avard inquired about flexibility by changing language within the bill from “shall” to “may”

• Mr. Trowbridge expressed his belief that the intention behind the bill is to offer flexibility for homeowners when it's appropriate.

• Mr. Trowbridge highlighted the cost considerations associated with different types of septic systems, particularly in cases where homeowners may prefer a stone and pipe system but face barriers such as material transportation costs.

• Mr. Trowbridge suggested that the rules would likely remain similar to the current ones, with exceptions permitted under specific circumstances.

Rene Pelletier
NH Department of Environmental Services

• Sen. Birdsell raised a pertinent question regarding the potential impact of the bill on towns like Hampstead.

• Sen. Birdsell inquired about the implications for towns that have experienced water shortages in the past, citing instances where homes have endured prolonged periods without water and required external shipments.

• Mr. Pelletier clarified the distinction between water availability projects and onsite wastewater systems, emphasizing that they address different concerns.

• Mr. Pelletier highlighted that onsite wastewater systems, whether traditional or innovative, do not address issues related to PFAS contamination.

• Mr. Pelletier emphasized that in towns like Hampstead their water scarcity issues are unrelated to onsite wastewater treatment and are more related to source water capabilities and water distribution infrastructure.

• Mr. Pelletier underscored the importance of differentiating between water availability projects and the function of onsite wastewater systems in addressing water quality and contamination issues.

• Mr. Pelletier expressed concern about the potential impact of high water tables, citing previous experiences of water rising from sewers and flooding shopping malls during very wet years.

• Mr. Pelletier questioned whether a 2-foot or 24-inch separation would be effective in such conditions, particularly regarding the removal of contaminants.

• Mr. Pelletier acknowledged the question and provided insights into the current water situation compared to the previous year.

• Mr. Pelletier emphasized the importance of considering all technologies relative to bed bottom height and not separating them from each other.

• Mr. Pelletier highlighted the significance of the two-foot unsaturated zone in the soil for wastewater renovation, particularly in areas with high seasonal water tables.

• Mr. Pelletier explained how the evaluation of the seasonal high water table during initial design approval addresses potential issues, even in wet areas.
Mr. Pelletier discussed the historical context of on-site wastewater regulations, attributing the initial four-foot separation requirement to limited knowledge about seasonal high water tables.

Mr. Pelletier highlighted the role of sand in wastewater treatment, citing its effectiveness in nutrient removal and drawing parallels with municipal systems that utilize sand-based treatment.

Mr. Pelletier clarified that septic systems do not play a role in treating PFAS contamination.

- Sen. Pearl inquired about the potential impact of reducing the requirement from four feet to two feet on the housing market and available inventory.
- Sen. Pearl questioned whether this change would significantly increase the number of lots eligible for development.

Mr. Pelletier expressed doubt about the significant impact on housing development due to the change from four-foot to two-foot requirements for on-site stone and pipe leach fields.

Mr. Pelletier emphasized that the change provides homeowners and developers with options, allowing them to choose what they believe is environmentally sound.

Mr. Pelletier highlighted the importance of regular septic tank maintenance to prevent system failures.

Mr. Pelletier mentioned nutrient issues in lakes, attributing them to overloaded systems in groundwater areas, not the specific technologies used.

Mr. Pelletier stated that the state might benefit from evaluating all septic systems to ensure they are not impacting groundwater.

Mr. Pelletier highlighted that historically municipal systems using sand treatment have shown effective phosphorus removal.

**Brian Gilbert**
**Gilbert Block Company**

- Mr. Gilbert introduced himself as the owner of Gilbert Block Company, a family business established 76 years ago.
- Mr. Gilbert stated that the company manufactures septic tanks, concrete chambers, and sells various related products.
- Mr. Gilbert stated disagreed with the characterization of pipe and stone as an unproven technology, citing its long history in the industry.
- Mr. Gilbert highlighted the longevity and reliability of concrete chambers, which he believes are superior to other options.
- Mr. Gilbert expressed skepticism about the illustration depicting pipe and stone at 18 inches, asserting that it should be accurately represented as two feet.
- Mr. Gilbert emphasized the benefits of concrete chambers, including their durability and long lifespan of up to 45 years.
- Mr. Gilbert argued that concrete chambers offer better value in the long run compared to plastic systems.
• Mr. Gilbert shared anecdotal evidence of failed plastic systems, emphasizing the financial burden on homeowners.
• Mr. Gilbert recounted a recent encounter with a homeowner whose previous plastic system lasted only six years, underscoring the potential cost implications.

Gary Spaulding
Advanced Onsite Solutions

• Mr. Spaulding introduced himself as the owner of Advanced Onsite Solutions, holding a license since 1986.
• Mr. Spaulding highlighted the importance of considering the technology already approved for 24 to 36 inches to seasonal high water table.
• Mr. Spaulding pointed out that all approved technologies, including innovative ones, have been tested against stone and pipe leach fields.
• Mr. Spaulding mentioned that the quality of effluent at 24 inches below the sand must meet the same standards for both stone and pipe and innovative technologies.
• Mr. Spaulding noted that a significant portion, around 80 percent, of permitted systems last year were based on innovative technology with a 24-inch separation.
• Mr. Spaulding emphasized that the impact on water quality of allowing a 24-inch separation for stone and pipe would be comparable to existing approved technologies.
• Mr. Spaulding argued that the focus should be on ensuring consistent testing standards rather than the specific type of technology used.
  ○ Sen. Avard inquired about if this would impact zoning ordinances.
• Mr. Spaulding mentioned that state and local zoning health officers have the authority to establish their own criteria, which can override or be equal to the state regulations.
• Mr. Spaulding gave an example of towns like Hampton or Pelham, which already have their own requirements, such as a 48-inch seasonal separation.
• Mr. Spaulding stated that even if the state were to pass a law with a 24-inch seasonal separation, it wouldn't supersede existing local regulations like those in Pelham.
• Mr. Spaulding emphasized that local zoning laws would take precedence in such cases, rendering the state law ineffective in areas with stricter local regulations.

Summary of testimony presented in opposition:

David Lentz
Presby Environmental

• Mr. Lentz introduced himself as a civil engineer with Presby Environmental.
• Mr. Lentz emphasized his background of 18 years in regulatory affairs for Infiltrator Water Technologies, Presby's parent company.
• Mr. Lentz expressed concerns about the proposed bill, particularly regarding its potential impact on water quality.
• Mr. Lentz highlighted the existing testing and approvals process for systems placed at two feet, contrasting it with the lack of equivalent testing for rock and concrete chamber systems.
• Mr. Lentz pointed out discrepancies in the design of systems approved for two feet, noting the absence of sand on the sides compared to systems with ITA approvals.
• Mr. Lentz raised concerns about the potential increase in improperly functioning systems near water bodies if the separation requirement is reduced to two feet.
• Mr. Lentz argued that the proposed bill creates a double standard by not requiring the same level of testing for all systems.
• Mr. Lentz highlighted the lack of national precedence for reducing the seasonal high water table requirement to two feet.
• Mr. Lentz questioned the cost-saving benefits and necessity of the proposed change, urging lawmakers to consider the potential consequences.
• Mr. Lentz concluded by emphasizing the unique qualities of New Hampshire and the importance of preserving its environmental integrity by maintaining the separation requirement at four feet.

Neutral Information Presented:

Michael Carbonneau
Connecticut Valley Design

• Mr. Carbonneau introduced himself as a licensed septic system designer, installer, and evaluator in New Hampshire since 2006.
• Mr. Carbonneau shared his background, stating that he has been working in the field for 18 years and recently shifted focus from excavation to design due to increased business.
• Mr. Carbonneau expressed the need for closer examination of the bill's implications for New Hampshire residents.
• Mr. Carbonneau emphasized the importance of listening to clients' needs, affordability, and environmental friendliness in septic system design.
• Mr. Carbonneau stressed the significance of protecting waterways and ensuring environmentally friendly practices.
• Mr. Carbonneau raised questions about the scientific basis for the proposed changes, particularly regarding the effectiveness of six inches of sand treatment and the adequacy of two-foot separation from the water table.
• Mr. Carbonneau discussed the challenges of designing septic systems on lots with wetlands and highlighted the importance of understanding environmental impacts.
Mr. Carboneau advocated for comprehensive scientific data to support proposed changes and questioned the potential trade-off between cost-saving measures and environmental conservation.

Mr. Carboneau shared insights into septic system regulations in neighboring states, emphasizing the importance of treatment systems in reducing environmental impact.
AN ACT relative to requirements for approval to increase load on a sewage disposal system.

SPONSORS: Rep. McConkey, Carr. 8

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill makes provisions for obtaining approval to increase load on a sewage disposal system.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to requirements for approval to increase load on a sewage disposal system.

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

1 Sewage Disposal Systems; Approval to Increase Load on a Sewage Disposal System. Amend the introductory paragraph of RSA 485-A:38, I to read as follows:

I. Prior to expanding any structure or any change in use, which would increase the load on a sewage disposal system, the owner of such structure shall submit an application for approval of the sewage disposal system to the department.

Application for approval shall include one of the following:

2 Approval to Increase Load on a Sewage Disposal System. Amend RSA 485-A:38, II-a(a)(1)(B)-(C) to read as follows:

(B) The lot is 5 acres or more in size and is served by a sewage disposal system that received construction and operational approval from the department; or

(C) The lot is served by a sewage disposal system with an off lot effluent disposal area that received construction and operational approval from the department.

3 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/24/2024 02:00 pm LOB 305</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Executive Session: 01/24/2024 02:00 pm LOB 305</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/24/2024 (Vote 12-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4  P. 13</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 103, SH, 09:20 am; SC 16</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
**Senate Energy and Natural Resources Committee**  
*Philip Tatro  271-1403*

**HB 1141**, relative to requirements for approval to increase load on a sewage disposal system.

**Hearing Date:**  April 25, 2024  
**Time Opened:**  10:39 a.m.  
**Time Closed:**  10:46 a.m.

**Members of the Committee Present:**  Senators Avard, Pearl, Birdsell and Watters  
**Members of the Committee Absent:**  Senator Altschiller  

**Bill Analysis:**  This bill makes provisions for obtaining approval to increase load on a sewage disposal system.

**Sponsors:**  
Rep. McConkey

---

**Who supports the bill:**  Rep. Mark McConkey (Carroll – District 8), Philip Trowbridge (NH Department of Environmental Services), Gary Spaulding (Advanced Onsite Solutions), Chris Albert (Granite State Onsite Wastewater Association), Michele Tremblay (Rivers Management Advisory Committee), and Eric Pauer.

**Who opposes the bill:**  None.

**Who is neutral on the bill:**  None.

**Summary of testimony presented in support:**

**Rep. Mark McConkey**  
**Carroll – District 8**

- Rep. McConkey presented HB 1141, which relates to requirements for approval to increase load to sewage disposal systems.
- Rep. McConkey mentioned being consulted by the department to bring forward this bill.
- Rep. McConkey highlighted a common issue in the Lakes Region where properties are sold with one owner claiming a certain number of bedrooms, but the new owner intends to use the property for a larger rental.
- Rep. McConkey stated that the bill aims to change regulations so that any increase in flow or change of use triggers the need for a new design to prevent system failures.
• Rep. McConkey expressed willingness to answer questions and emphasized the importance of ensuring proper sewage disposal system design, especially in light of ongoing discussions.

Philip Trowbridge
NH Department of Environmental Services

• Mr. Trowbridge, Manager of Land Resources at the Department of Environmental Services, expressed support for HB 1141.
• Mr. Trowbridge highlighted ambiguities in the current statute regarding when permits are required for expanding the use of properties.
• Mr. Trowbridge emphasized the need for clarity, especially in cases where adding structures or increasing load, such as additional bedrooms, requires a permit.
• Mr. Trowbridge clarified that adding living rooms without increasing load would not necessitate a permit.
• Mr. Trowbridge suggested that the bill would not affect local zoning regulations, as it sets a minimum standard.
• Mr. Trowbridge discussed cases where no increase in load occurs but changes are made to structures, noting the importance of ensuring proper wastewater systems, especially in cases like mobile home parks with multiple structures on a single lot.
• Mr. Trowbridge advocated for requiring upgrades to systems when structures are replaced, particularly in cases where older systems may be outdated.
  o Sen. Birdsell raised a concern about the impact of adding additional accessory dwelling units (ADUs) to properties on wastewater issues.
  o Sen. Birdsell questioned whether the addition of each ADU would trigger a requirement to replace the wastewater system.
• Mr. Trowbridge addressed the question, highlighting the department’s concern for ensuring adequate wastewater treatment capacity for property development.
• Mr. Trowbridge provided two examples to illustrate the department’s approach.
  • In the first example, if a property has the capacity to handle additional development, the owner only needs to apply to the department and demonstrate this capacity without requiring a system replacement.
  • However, if the property lacks capacity, the owner must apply for a replacement design from the department, showing that there is enough space on the lot for a system with the required capacity.
• Mr. Trowbridge clarified that immediate installation of the replacement system is not mandated, but rather ensuring that space exists for it if needed in the future.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

PT
Date Hearing Report completed: April 29, 2024
HOUSE BILL  1142
AN ACT relative to eligibility for permits for the septic system designer program.
SPONSORS:  Rep. McConkey, Carr. 8
COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill requires individuals who do not pass the sewage or waste disposal system installer permit examination to demonstrate additional training in the trade of septic system installation to be eligible to take the examination again.

Explanation:  Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1142 - AS AMENDED BY THE HOUSE

7Mar2024... 0653h 24-2811
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to eligibility for permits for the septic system designer program.

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

1  Sewage Disposal Systems; Permit Eligibility; Exemption. Amend RSA 485-A:35, I(a) to read as follows:
   (a) All applications, plans, and specifications submitted in accordance with this chapter for subsurface sewage or waste disposal systems shall be prepared and signed by the individual who is directly responsible for them and who has a permit issued by the department to perform the work. The department shall issue a permit to any individual who applies to the department, pays a fee of $80, and demonstrates a sound working knowledge of the procedures and practices required in the site evaluation, design, and operation of subsurface sewage or waste disposal systems. The department shall require an oral or written examination or both to determine who may qualify for a permit. Individuals who do not pass the examination shall be required to demonstrate additional training in the trade of septic system design to be eligible to take the examination again. Permits shall be issued from January 1 and shall expire December 31 of every other year, subject to the grace periods specified in subparagraphs (c) and (d). Permits shall be renewable upon proper application, payment of a biennial permit fee of $80, and documentation of compliance with the continuing education requirement of subparagraph (b). A permit issued to any individual may be suspended, revoked or not renewed only for just cause and after the permit holder has had a full opportunity to be heard by the department. An appeal from a decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 541. All fees shall be deposited in the subsurface systems fund established in RSA 485-A:30, I-b.

2  New Paragraph; Rulemaking; Permitted Septic System Designer Program. Amend RSA 485-A:35 by inserting after paragraph II the following new paragraph:

   III. The commissioner shall adopt rules pursuant to RSA 541-A relative to the administration of the permitted septic system designer program.

3  System Installer Permit. Amend RSA 485-A:36, I(a) to read as follows:
   (a) No individual shall engage in the business of installing subsurface sewage or waste disposal systems under this subdivision without first obtaining an installer's permit from the department. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in strict accordance with the approved plan. The department shall issue an installer's permit to any individual who submits an application provided by the department, pays a fee of $80 and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read approved waste disposal plans. The department shall require an oral or written examination or both
to determine who may qualify for an installer's permit. *Individuals who do not pass the examination shall be required to demonstrate additional training in the trade of septic system installation to be eligible to take the examination again.* Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment of a biennial permit fee of $80, and documentation of compliance with the continuing education requirement of subparagraph (b). The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of waste disposal systems in violation of this subdivision or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14.

All fees shall be deposited in the subsurface systems fund established in RSA 485-A:30, I-b.

4 New Paragraph; Rulemaking; Permitted Septic System Installer Program. Amend RSA 485-A:36 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt rules pursuant to RSA 541-A relative to the administration of the permitted septic system installer program.

5 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>chamber</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/24/2024 03:00 pm LOB 305</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/07/2024 10:00 am LOB 305</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/14/2024 09:30 am LOB 305</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-0653h (NT) 02/14/2024 (Vote 18-2; RC) HC 9 P. 29</td>
</tr>
<tr>
<td>02/20/2024</td>
<td>H</td>
<td>Minority Committee Report: Refer for Interim Study</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment # 2024-0653h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0653h: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 103, SH, 09:30 am; SC 16</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1142, relative to eligibility for permits for the septic system designer program.

Hearing Date: April 25, 2024

Time Opened: 10:46 a.m.  
Time Closed: 11:17 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell and Watters

Members of the Committee Absent: Senator Altschiller

Bill Analysis: This bill requires individuals who do not pass the sewage or waste disposal system installer permit examination to demonstrate additional training in the trade of septic system installation to be eligible to take the examination again.

Sponsors:
Rep. McConkey

Who supports the bill: Rep. Mark McConkey (Carroll – District 8) and Christopher Albert (Granite State Onsite Wastewater Association).

Who opposes the bill: Gary Spaulding (Advanced Onsite Solutions).

Who is neutral on the bill: Philip Trowbridge (NH Department of Environmental Services).

Summary of testimony presented in support:

Rep. Mark McConkey
Carroll – District 8

- Rep. McConkey expressed gratitude for the opportunity to speak and highlighted his experience and involvement in the department.
- Rep. McConkey discussed the challenges individuals face in becoming certified installers or designers in the septic system industry.
- McConkey pointed out a growing disconnect between real-world experience and newer methods of design using CAD programs and apps.
- Rep. McConkey shared his personal journey in the industry, including the difficulty of passing certification exams and the lack of resources for test preparation.
• Rep. McConkey emphasized the importance of addressing the issue of low pass rates in certification exams and the need to support aspiring professionals in the field.
• Rep. McConkey introduced HB 1142, explaining that it aims to require additional training for individuals who do not pass the installer permit exam before they can retake the examination.
• Rep. McConkey apologized for the oversight and provided a brief summary of House Bill 1142, which focuses on the eligibility criteria for septic system installer permits.

Christopher Albert
Granite State Onsite Wastewater Association

• Mr. Albert introduced himself as a licensed septic designer and a participant in teaching classes for individuals aspiring to become designers and installers.
• Mr. Albert acknowledged teaching a two-hour class and expressed some physical discomfort due to the long day.
• Mr. Albert emphasized that this bill represents a crucial initial step in addressing concerns about the licensing exam.
• Mr. Albert mentioned meeting with Gary Spalding and others from the department to discuss feedback received from individuals who have taken the exam multiple times.
• Mr. Albert highlighted the challenges faced by individuals, including licensed professionals, who have failed the exam in previous sessions.
• Mr. Albert expressed optimism about the upcoming exam session, believing that adjustments made in collaboration with the department will improve the passing rate.
• Mr. Albert advocated for the establishment of an apprentice program to provide practical learning opportunities, similar to programs in other industries.
  o Sen. Pearl sought clarification if there’s an educational requirement for taking the test.
• Mr. Albert clarified that there is no educational requirement in the amended version of the bill.
• Mr. Albert recalled that the initial version of the bill proposed 1 to 2 years of experience as an installer, emphasizing the practical skills required for the job, such as operating equipment and using tools like a pop level.
• Mr. Albert mentioned teaching a soils class at UNH for test pits, highlighting its importance in practical design work.
• Mr. Albert noted that individuals aspiring to become designers must pass the test pit log portion, which assesses their ability to accurately determine the seasonal water table.
• Mr. Albert emphasized that the focus is on practical skills and experience rather than formal education or degrees.
Sen. Pearl inquired whether passing the bill might incentivize individuals who have previously failed the test to consider attending preparatory classes before attempting it again.

- Mr. Albert stated that the intent of the bill is to encourage individuals who have failed the test multiple times to consider attending preparatory classes before attempting it again.
- Mr. Albert highlighted the high demand for preparatory classes, with waiting lists for courses offered by Gary and Mr. Spalding.
- Mr. Albert emphasized the importance of keeping people educated to support the workforce and facilitate access to job opportunities.
- Mr. Albert expressed concern about making the test too difficult from an educational standpoint, especially for installers who need practical skills for their work.

Sen. Watters inquired if there was a way to offer remote classes or classes in the North Country.

- Mr. Albert explained the challenges of conducting remote classes due to the hands-on nature of the subject matter and the limitations of UNH's projector setup.
- Mr. Albert described his teaching style, which involves interactive activities, math problems, and providing rough examples to students for better understanding.
- Reflecting on his experience teaching remotely during COVID-19 for the T2 program at UNH, Mr. Albert emphasized that remote teaching doesn't work well for hands-on subjects like septic system design.
- When asked about the possibility of holding classes in northern New Hampshire, Mr. Albert mentioned that he now centers classes around Manchester and Concord for convenience.

**Summary of testimony presented in opposition:**

**Gary Spaulding**

**Advanced Onsite Solutions**

- Mr. Spaulding expressed his mixed reaction to the bill, acknowledging both agreement and opposition.
- Mr. Spaulding highlighted the lack of education in the industry and the issue of unqualified individuals taking certification tests.
- Mr. Spaulding mentioned his experience teaching a class and the challenges he faced in obtaining information from the department about the test content.
- Mr. Spaulding emphasized the importance of clear criteria and support from the department for education programs.
- Mr. Spaulding stated that he would support for the bill under certain conditions.
- Mr. Spaulding suggested that further discussion and clarity on test content and criteria are needed before implementing the proposed changes.
When asked about potential amendments, Mr. Spaulding stated that he did not have any specific ideas at the moment and suggested that it is premature to move forward until the test is revamped and clearer guidelines are established.

- Sen. Pearl expressed concern about the proposal to require additional training for individuals who fail certification tests.
- Sen. Pearl shared his belief that failing tests can provide valuable insights into areas of weakness and serve as a learning opportunity.
- Sen. Pearl questioned the necessity of demonstrating additional training to become eligible for retaking the test, emphasizing the importance of self-directed study and learning from test experiences.
- Sen. Pearl suggested that the experience of taking the test itself could be considered a form of training, helping individuals identify areas for improvement and further study.
- Sen. Pearl requested further discussion and input on the potential implications and effectiveness of requiring additional training for individuals seeking to retake certification tests.

Mr. Spaulding highlighted the challenge of obtaining specific feedback from the department responsible for the certification test.

- Mr. Spaulding mentioned conducting a spring review for individuals who previously took his class but did not pass the test, emphasizing the importance of understanding deficiencies.
- Mr. Spaulding expressed frustration with vague feedback provided to test-takers, calling for a clearer mechanism to identify areas of weakness.
- Mr. Spaulding emphasized the need for specific feedback on deficiencies, such as tank sizing, soil knowledge, or lot sizing, rather than generalizations about needing more study.
- Mr. Spaulding advocated for a better system that informs individuals where they need improvement to effectively prepare for the certification test.

- Sen. Pearl sought clarification on the feedback process after taking the certification test.
- Sen. Pearl questioned whether test-takers receive a breakdown of their results or just a general indication of failure.
- Sen. Pearl aimed to confirm whether individuals are provided with specific information about their performance in different test sections or if they receive only a broad overview of areas needing improvement.

Mr. Spaulding stated that test-takers receive a letter indicating their grade after completing the certification test.

- Mr. Spaulding stated that the letter provides a simple overview, specifying the sections that require further study.

Mr. Spaulding recalled that individuals are not permitted to review the test itself for clarification.

Mr. Spaulding reflected on a recent participant in his class that sought clarification on specific exam problems but was informed by the Department of Environmental Services that such inquiries could only be made to be later redacted.
Neutral Information Presented:

Philip Trowbridge
NH Department of Environmental Services

- Mr. Trowbridge noted that the department conducted the certification exam twice a year but faced challenges due to an excess of applicants.
- Mr. Trowbridge highlighted that many exam takers had failed multiple times, indicating a need for improvement in the program.
- Mr. Trowbridge emphasized that while primarily a permitting agency, the department acknowledged the need for changes in the exam process.
- Mr. Trowbridge mentioned efforts made to enhance the exam, including providing feedback on areas of deficiency.
- Mr. Trowbridge explained that generating new exams every six months posed logistical challenges due to the complexity of the questions and designs.
- Mr. Trowbridge mentioned that despite limitations, the department hired personnel to improve the exam's readability and organization.
- Mr. Trowbridge noted collaborative efforts with stakeholders like Mr. Spaulding aimed to enhance communication and preparatory courses.
- Mr. Trowbridge pointed out that the bill allowed for rulemaking authority, enabling the department to clarify acceptable training through a public administrative rules process.
  - Sen. Watters inquired on if the training concerns could be addressed with rulemaking authority.
- Mr. Trowbridge stated that many of the training concerns could hopefully be addressed with rulemaking authority.
  - Sen. Pearl highlighted the concern about government barriers to business, referencing the limited availability of the exam.
  - Sen. Pearl posed a question on addressing the issue, seeking thoughts on potential solutions to improve accessibility to the exam.
- Mr. Trowbridge emphasized the importance of workforce development in addressing the challenges faced by the industry.
- Mr. Trowbridge mentioned discussions with NHTI and other community college systems to establish non-degree credential programs, aiming to provide training opportunities that have been lost over the years.
- Mr. Trowbridge stated that goal is to develop affordable credential programs covering various aspects of water-related professions, including septic system installation, design, wetland science, and drilling.
- Mr. Trowbridge highlighted ongoing efforts to collaborate with NHTI, with one course already set up on soils, and plans to expand further.
- Mr. Trowbridge expressed appreciation for any support from lawmakers in advancing these initiatives.
- Mr. Trowbridge stated that in the short term the department aims to ensure that limited exam seating does not prevent qualified individuals from taking the
test, acknowledging the challenge of accommodating all applicants within existing capacity constraints.

- Sen. Pearl inquired about the feasibility of increasing the frequency of exams from two times a year to three, recognizing potential associated costs.
- Sen. Pearl expressed understanding of the department's efforts and concerns but raised the issue of whether offering exams only twice a year might inadvertently create barriers for some individuals.
- Sen. Pearl highlighted the importance of accessibility and flexibility in exam scheduling, especially for individuals who might miss the opportunity due to unforeseen circumstances.

- Mr. Trowbridge mentioned that offering exams more frequently, such as on a monthly or biweekly basis, had been done in the past but became impractical for the department due to resource constraints.
- Mr. Trowbridge explained that the department had transitioned to offering exams every six months to streamline the process and better allocate staff resources, as a significant amount of time was previously spent administering and grading exams for individuals taking them multiple times.
- Mr. Trowbridge stated that while the department is open to the idea of increasing exam frequency, the primary focus is on improving the pass rate and overall effectiveness of the testing program, rather than simply increasing the number of test takers.
  - Sen. Birdsell inquired whether the department would consider delegating the administration of tests to community colleges once a program with them is established.
- Mr. Trowbridge explained that the department has retained the responsibility for test administration due to its strong relationship with designers and installers in the industry.
- Mr. Trowbridge stated that the department currently administers the test, it acknowledges that it does not necessarily need to do so.
- Mr. Trowbridge noted that other licensing agencies often utilize national standard programs, which may not align with the unique requirements of septic system regulations in New Hampshire.

Rene Pelletier
NH Department of Environmental Services

- Mr. Pelletier expressed his preference for the program to be shifted to OPLC (Office of Professional Licensure and Certification).
- Mr. Pelletier highlighted that both he and Philip Trowbridge are licensed through OPLC, which issues licenses rather than permits.
- Mr. Pelletier emphasized that such a transition would save a significant amount of staff time currently spent on the program.
- Mr. Pelletier mentioned the existing vacancies in the program and the strain it puts on the department's resources.
Mr. Pelletier clarified that moving the program to OPLC would not slow down the process, but rather streamline it and ensure professional standards are met through licensing exams.

Michael Carbonneau
Connecticut Valley Design

- Mr. Carbonneau introduced himself as a licensed designer, installer, and evaluator who works closely with DES (Department of Environmental Services).
- Mr. Carbonneau mentioned his familiarity with Gary Spaulding and expressed understanding of Chris’s concerns, although they haven't met.
- Mr. Carbonneau and his wife have considered teaching a class in the North Country, where they reside in Littleton.
- Mr. Carbonneau expressed frustration at the high pass failure rate and the lack of insight into the test content despite DES's reluctance to share it.
- Mr. Carbonneau emphasized the importance of proper preparation for the test, drawing from his own educational experiences.
- Mr. Carbonneau expressed reluctance to teach a class without clarity on the test content and highlighted the need for alignment between what is taught and what is tested.
- Mr. Carbonneau praised the DES staff and acknowledged the challenges they face, but urged reconsideration of the test’s effectiveness and alignment with teaching methods.
- Mr. Carbonneau suggested collaboration between teachers and the department, as well as offering classes at technical schools in the northern regions.
  - Sen. Pearl inquired about his thoughts on switching from a permit to a license.
- Mr. Carbonneau expressed a realization that he had previously mistaken his certification as a license, only to discover it was a permit.
- Mr. Carbonneau stated that he saw no harm in changing it from a permit to a license.
HOUSE BILL 1143

AN ACT including control of cyanobacteria blooms under the New Hampshire clean lakes program.


COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires the department of environmental services to provide remedial actions for cyanobacteria blooms under the New Hampshire clean lakes program.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT including control of cyanobacteria blooms under the New Hampshire clean lakes program.

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

1 New Hampshire Clean Lakes Program; Cyanobacteria Blooms. Amend RSA 487:17 to read as follows:

487:17 Program Established.

I. A program for the preservation and restoration of New Hampshire lakes and ponds eligible under RSA 487:20 shall be established and administered within the department of environmental services. Said program shall function to:

(a) Limit the eutrophication process in New Hampshire lakes by reducing nuisance growths of macrophyton and phytoplankton.

(b) Monitor, manage and reduce the risk of cyanobacteria blooms.

I-a. The program shall reinforce and complement the authorized programs authorized by the federal program and shall serve the following basic purposes:

(a) To diagnose degraded lakes and ponds and implement long-term solutions for the purpose of restoring water quality where such solutions are feasible and cost effective.

(b) To diagnose lakes and ponds and implement methods for long-term preservation of the water quality when such measures can be shown to be feasible and cost effective.

(c) To provide short-term remedial actions which can effectively maintain water quality conditions adequate for public recreation and enjoyment, including, but not limited to, the control or eradication of exotic aquatic weeds pursuant to paragraphs II and III.

(d) To provide remedial actions which can effectively maintain water quality conditions adequate for public recreation and enjoyment, including, but not limited to, the control of cyanobacteria blooms pursuant to paragraphs III and IV.

II. The department is directed to prevent the introduction and further dispersal of exotic aquatic weeds and to manage, control, or eradicate exotic aquatic weed infestations in the surface waters of the state. The department is authorized to:

(a) Display and distribute promotional material and engage in educational efforts informing boaters of the problems with exotic aquatic weed control.

(b) Control or eradicate infestations of exotic aquatic weeds, according to the following criteria:

(1) The department shall have determined that the exotic aquatic weed can in fact be controlled or eradicated in the waterbody.
(2) The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under RSA 430. Notwithstanding any law or interagency agreement to the contrary, the department’s recommendation to use herbicide applications shall be made in consultation with the fish and game department and shall be implemented only if the department of agriculture, markets, and food issues the permit pursuant to RSA 430:33, with or without the concurrence of the department of fish and game.

(c) Develop an emergency response protocol to control or eradicate small new infestations. The protocol may include contractual agreements with one or more licensed pesticide applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides consistent with the criteria provided in subparagraph (b).

(d) Designate, in consultation with the department of fish and game and the division of state police, department of safety, restricted use of exotic aquatic weed control areas.

III. After notice and opportunity for hearing and comment, the department may make financial grants to lakefront associations, private businesses, citizens, and local governmental agencies for the management of exotic aquatic weeds and/or the control of cyanobacteria blooms. All applications for grants by such groups shall be approved by the department, in consultation with the fish and game department, and shall meet state rule requirements.

IV. **The department is directed to reduce, control, and prevent the nutrient inputs which cause cyanobacteria blooms. The department may:**

(a) Display and distribute promotional material and engage in educational efforts informing the public of the problems with cyanobacteria blooms.

(b) Control the level of phosphorus using chemical or physical in-lake treatments, according to the following criteria:

(1) The department shall have determined that the prevalence of cyanobacteria blooms may be controlled with chemical or physical in-lake treatments.

(2) The most environmentally sound treatment technique determined by water quality analysis shall be used, which also meets the requirements adopted in administrative rules, including rules adopted under RSA 430. Notwithstanding any law or interagency agreement to the contrary, the department’s recommendation to use chemical applications or physical treatments shall be made in consultation with the fish and game department.

2 New Paragraph; New Hampshire Clean Lakes Program; Rulemaking. Amend RSA 487:24 by inserting after paragraph VII-c the following new paragraph:

VII-d. The issuance of permits for in-lake management projects including but not limited to the use of chemical or physical in-lake treatments for the specific purposes of preventing or remediating cyanobacteria blooms.
3 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development</td>
</tr>
<tr>
<td>01/22/2024</td>
<td>H</td>
<td>Public Hearing: 01/31/2024 10:00 am LOB 305</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Executive Session: 02/07/2024 10:00 am LOB 305</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0369h 02/07/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0369h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0369h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, SH, 09:10 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1143, including control of cyanobacteria blooms under the New Hampshire clean lakes program.

**Hearing Date:** April 30, 2024

**Time Opened:** 9:10 a.m.  
**Time Closed:** 9:17 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell and Altschiller

**Members of the Committee Absent:** Senator Watters

**Bill Analysis:** This bill requires the department of environmental services to provide remedial actions for cyanobacteria blooms under the New Hampshire clean lakes program.

**Sponsors:**
- Rep. Rung
- Rep. Coker
- Rep. Tanner
- Rep. J. MacDonald
- Rep. Ebel
- Rep. Ball
- Rep. Crawford
- Rep. Wolf

---

**Who supports the bill:** In total, 47 individuals signed in support of HB 1143. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Who opposes the bill:** In total, 1 individual signed in opposition of HB 1143. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Rep. Rosemarie Rung**  
**Hillsborough – District 12**

- Rep. Rung explained that the bill aims to expand the scope of the Clean Lakes Program to include addressing cyanobacteria blooms by the Department of Environmental Services (DES).
- Rep. Rung provided background information, mentioning a previous bill, House Bill 1066, which mandated DES to develop a cyanobacteria management plan.
• Rep. Rung noted that one of the recommendations from the cyanobacteria management plan was to integrate cyanobacteria management into the Clean Lakes Program.
• Rep. Rung clarified that HB 1143 grants DES the authority to address cyanobacteria within the existing framework of the Clean Lakes Program.
• Rep. Rung mentioned the presence of Mr. Ted Diers from DES, offering him as a resource to answer any questions regarding the bill.

Andrea LaMoreaux
NH Lakes

• Ms. LaMoreaux voiced the organization's support for the bill, echoing the points made by Representative Rung.
• Ms. LaMoreaux emphasized that addressing cyanobacteria blooms is a key priority aligned with the state's recent plan to tackle the issue.
• Ms. LaMoreaux highlighted the importance of controlling and preventing cyanobacteria blooms in lakes for the well-being of the state.
• Ms. LaMoreaux urged the committee members to support the bill and offered to address any questions they may have.

Ted Diers
NH Department of Environmental Services

• Mr. Diers stated unequivocal support from the department for the bill.
• Mr. Diers acknowledged the severity of the cyanobacteria issue and the department's efforts to address it.
• Mr. Diers explained that the bill codifies the department's response to cyanobacteria, clarifying its mandate and responsibilities.
• Mr. Diers mentioned that the bill grants the department authority to permit activities like alum treatments, which are used to mitigate phosphorus levels in lakes.
  o Sen. Pearl inquired about the bill's lack of a fiscal note.
• Mr. Diers explained that the initiatives addressed in the bill are already being implemented and funded through existing programs.
• Mr. Diers stated that despite the significant cost associated with addressing cyanobacteria in the future, the current programs have budgetary allocations and staffing in place.
• Mr. Diers clarified that the absence of a fiscal note is due to the bill codifying existing efforts rather than forecasting long-term funding needs.

Summary of testimony presented in opposition:

Neutral Information Presented:

PT
Date Hearing Report completed: May 2, 2024
HOUSE BILL 1145-FN

AN ACT prohibiting the private ownership of landfills.


COMMITTEE: Environment and Agriculture

ANALYSIS

This bill prohibits new solid waste landfill permits in the state for facilities owned by any person other than the state of New Hampshire or a political subdivision thereof.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT prohibiting the private ownership of landfills.

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

1 New Section; Solid Waste Management; Limitation on Landfill Ownership. Amend RSA 149-M by inserting after section 10 the following new section:

149-M:10-a Limitation on Ownership of Landfill Facilities.

I. After the effective date of this section, no new landfill permits in the state shall be granted for facilities owned by any person other than the state of New Hampshire or a political subdivision thereof.

II. Any landfill owned by the state shall be contracted for management and operations by a private operator. Any landfill owned by a political subdivision may be contracted for management and operations by a private operator.

II-a. The contract between the state and operator of a publicly owned landfill shall address the relative liability of the parties in the event of a leak or other contamination resulting from operator mistakes or negligence.

III. Nothing in this section shall be construed to prohibit continued ownership and the expansion or modification of any landfill facilities on any site on which, as of December 1, 2023, a RCRA Subtitle D landfill exists that has been fully permitted and that is actively accepting waste. For the purposes of this section, the term “site” shall mean a single parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2023, including a site where one or more public utility easements traverse the site; perennial water bodies traversing a footprint shall still be monitored in accordance with or exceeding United States Environmental Protection Agency regulations and guidelines.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT prohibiting the private ownership of landfills.

**FISCAL IMPACT:**

- [X] State
- [X] County
- [X] Local
- [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
</tbody>
</table>

### METHODOLOGY:

The Department of Environmental Services states this bill would prohibit the issuance of new landfill permits to entities other than the State of New Hampshire or political subdivisions thereof. The Department assumes that allowable landfill permittees would include the state, county and municipal entities, and combinations thereof, including entities formed under RSA 53-B, Solid Waste Management Districts. The bill does not prohibit the Department from issuing permit modifications, including expansions, for RCRA Subtitle D landfills that are owned by private entities and that are actively receiving waste as of December 1, 2023.
The Department assumes no increased expenditures would be incurred for administration of RSA 149-M and the NH Solid Waste Rules because existing staff would absorb any work required to update and enforce regulations to reflect the revised statute. To the extent the state, county or municipal entities, including solid waste management districts, elect to become landfill permittees, they will become responsible for design, construction, operation, closure and post-closure care of a landfill. Such public entities will incur significant indeterminate expenditures. The Department assumes expenditures would begin within the next one to two years so that there would be sufficient time to identify a landfill site, design the landfill, obtain necessary approvals/permits, and construct the landfill such that it is ready to accept waste in order to address any shortfall in landfill capacity. Landfill permittees will likely accrue indeterminate revenues from waste tipping fees, but revenues would not be realized until the landfill begins operation. For public entities electing not to become a landfill permittee, the Department anticipates increased expenditures for transportation and waste tipping fees, with no increase in revenue, due to a lack of locally available waste disposal options.

The New Hampshire Municipal Association indicates, according to Environmental Research & Education Foundation (EREF) data, the average tip fee of privately owned facilities was greater compared to publicly owned facilities. Private facilities averaged $65.45, 17% greater than the $53.96 average for public facilities. Fees at publicly owned facilities observed little change since 2017, rising 4.7% from $51.53. Fees at privately owned facilities have observed a larger change, increasing 23% from $53.18 to $65.45.

Based on the information available, it is unlikely that most New Hampshire municipalities could reasonably find financing to engage in the opening and operation of a new landfill to service their own population. It is not possible to determine, with the information available, what financing may be available for regional approaches or whether such approaches are reasonable solutions to increasing landfill capacity. Nor is it possible to estimate the necessary tipping fee to offset the costs of operating said solid waste disposal facility.

While it is possible to determine that costs of solid waste disposal will rise, with tipping fees likely rising similarly to the CPI, that assumes that capacity is not an issue and adequate out-of-state landfill capacity can be sourced as in-state capacity decreases and/or in-state capacity increases as a consequence of newly constructed state or municipal landfills. At present, the costs and revenues are indeterminable.

AGENCIES CONTACTED:
Department of Environmental Services and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Abb</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Public Hearing: 02/14/2024 01:00 pm LOB 301-303</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 11:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/06/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass 03/19/2024 (Vote 11-9; RC) HC 12 P. 29</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Lay HB1145 on Table (Rep. Sweeney): MF RC 180-193 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>FLAM # 2024-1329h (Reps. Germana, Simon): AA DV 234-125 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1329h: MA RC 208-162 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 103, SH, 01:40 pm; SC 15</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1145-FN, prohibiting the private ownership of landfills.

Hearing Date: April 18, 2024

Time Opened: 4:00 p.m. Time Closed: 4:57 p.m.

Members of the Committee Present: Senators Avard, Watters and Altschiller

Members of the Committee Absent: Senators Pearl and Birdsell

Bill Analysis: This bill prohibits new solid waste landfill permits in the state for facilities owned by any person other than the state of New Hampshire or a political subdivision thereof.

Sponsors:
Sen. Fenton

Who supports the bill: In total, 380 individuals signed in support of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who opposes the bill: In total, 10 individuals signed in opposition of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who is neutral on the bill: In total, 1 individual signed in neutral of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Summary of testimony presented in support:

Rep. Peter Bixby
Strafford – District 13

- Rep. Bixby introduced himself as the prime sponsor of the bill.
- Rep. Bixby highlighted the necessity of the bill due to the high percentage of out-of-state trash in New Hampshire.
- Rep. Bixby explained that the bill proposes all future landfills to be publicly owned, giving the jurisdiction complete control over waste acceptance.
• Rep. Bixby mentioned the option for privately owned landfills to refuse out-of-state waste.
• Rep. Bixby stated that the bill exempts existing landfills and renewals from its provisions.
• Rep. Bixby clarified that permits are judged based on rules at the time of filing.
• Rep. Bixby stated that the implementation details are not fleshed out currently, as the need for new landfills is in the future.
• Rep. Bixby stated that the bill includes provisions for liability in case of mishaps at landfill sites.
• Rep. Bixby emphasized that the legislature would be in control of the siting process, funding, and guidelines for new landfills.
• Rep. Bixby stated that bill allows New Hampshire to control the amount and type of trash from out of state, potentially reducing the need for new landfills.
• Rep. Bixby addressed liability concerns, stating that responsibility would be outlined in the contract between the state and the landfill operator.

Rep. Kelley Potenza
Strafford – District 19

• Rep. Potenza expressed her support for HB 1145.
• Rep. Potenza highlighted concerns about the lack of emphasis on need in the discussion.
• Rep. Potenza drew attention to the potential for private companies, including international ones, to acquire land for landfill development.
• Rep. Potenza criticized the current landfill permitting process, stating that the Department of Environmental Services (DES) focuses on approving applications rather than assessing need.
• Rep. Potenza emphasized the importance of landfills being built based on need, not solely for profit.
• Rep. Potenza advocated for a public-private partnership model for landfill development.
• Rep. Potenza mentioned that the bill would allow New Hampshire to prioritize its own waste disposal needs.
• Rep. Potenza clarified that the bill would not mandate a reduction in out-of-state trash but would provide the option to do so.
• Rep. Potenza highlighted the flexibility the bill offers in adjusting the intake of out-of-state trash based on changing circumstances.
• Rep. Potenza addressed concerns raised by DES and emphasized the availability of suitable sites and financing for landfill development.
• Rep. Potenza pointed out the success of public-private landfill partnerships in other states.
• Rep. Potenza expressed frustration with the lack of consideration for local perspectives in the landfill development process.
Rep. Nicholas Germana  
Cheshire – District 1

- Rep. Germana noted that the bill allows for setting limits on out-of-state waste intake and discriminating between different types of waste.
- Rep. Germana mentioned the possibility of charging different rates for in-state and out-of-state waste, providing compensation for operators.
- Rep. Germana addressed concerns raised by DES and Commissioner Scott, particularly regarding expertise, liability, suitable sites, and financing.
- Rep. Germana emphasized the presence of expertise in the state and referenced lease agreements in Maine to illustrate liability arrangements.
- Rep. Germana argued regarding suitable sites that the issue exists regardless of ownership and questioned its relevance to the bill.
- Rep. Germana pointed out that waste management companies are familiar with the proposed model and highlighted successful examples in other states.
- Rep. Germana concluded by presenting the bill as a win-win proposal supported by waste management companies' expertise and success in other states.
  - Sen. Watters inquired about if the assumption under this model is that the state would select and determine the suitability of a site before it finds a permittee.
- Rep. Germana affirmed Sen. Watters assumption pertaining to the state’s role of determining the suitability of the site.

Rep. Jared Sullivan  
Grafton – District 2

- Rep. Sullivan expressed support for the bill, despite being a strong advocate for the free market, due to market distortions caused by neighboring states' policies.
- Rep. Sullivan highlighted that HB 1145 provides a tool to regulate an unregulated market affected by interstate policies.
- Rep. Sullivan emphasized the need for regulation to address out-of-state waste influx, mentioning the limitations posed by the interstate commerce clause.
- Rep. Sullivan argued that financing would not be an issue in a profitable private partnership, as companies would compete to offer the best contract.
- Rep. Sullivan addressed local support concerns, noting that opposition to landfills exists regardless but can be addressed through competitive bidding processes.
• Rep. Sullivan criticized the Department of Environmental Service’s (DES) fiscal note for bias, alleging a focus on negatives without presenting a balanced perspective on the model's pros and cons.
• Rep. Sullivan criticized DES's analysis for not considering the bill's intent to reduce out-of-state trash, suggesting a potential shift in demand that could reduce costs.

Rep. Linda Haskins
Rockingham 11

• Rep. Haskins emphasized the significance of the waste management industry due to its billion-dollar nature and its critical health and safety implications.
• Rep. Haskins corrected a colleague's point about the bill not impacting current applications, stating that HB 1145 could affect future landfill ownership decisions.
• Rep. Haskins asserted that the bill aligned New Hampshire with other states by promoting municipally owned landfills to ensure regulatory compliance and local control.
• Rep. Haskins argued that public-private partnerships were vital for municipalities to engage with the waste management industry based on necessity rather than solely profit.
• Rep. Haskins stressed the importance of wise landfill management and advocated for better waste reduction strategies like improved food packaging and increased recycling efforts.
• Rep. Haskins concluded by urging the committee to pass HB 1145 to retain control over solid waste management and meet the state's environmental goals.

Heidi Trimarco
Conservation Law Foundation

• Ms. Trimarco stated that all relevant points had been covered during the hearing.
• Ms. Trimarco urged the committee to vote ought to pass, emphasizing strong support for it.

Tom Tower

• Mr. Tower highlighted the history of solid waste privatization in New Hampshire, dating back 38 years.
• Mr. Tower emphasized the disproportionate amount of trash being imported into New Hampshire compared to exported out.
• Mr. Tower referenced SB 159 and the subsequent subcommittee's discussions about addressing the imbalance.
• Mr. Tower mentioned the proposal to have state-owned land leased to an operator to manage solid waste, stemming from the SB 159 discussions.
• Mr. Tower addressed concerns about the impact on businesses, citing precedents like the arrangement at Mount Sunapee.
• Mr. Tower discussed the importance of indemnification and liability protections, advocating for stronger measures than the current Department of Environmental Service’s rules.
• Mr. Tower urged support for HB 1145, citing the desire to avoid New Hampshire becoming New England's dumping ground and concerns about the toxicity of imported waste.

Summary of testimony presented in opposition:

Rep. Judy Aron
Sullivan – District 4

• Rep. Aron reiterated her opposition to HB 1145.
• Rep. Aron expressed concerns about banning private ownership of landfills in the state.
• Rep. Aron noted the current distribution of privately and publicly owned landfills.
• Rep. Aron highlighted the grandfather clause and its potential limitations on addressing out-of-state trash.
• Rep. Aron raised questions about the acquisition of land by the state or subdivisions and the potential for eminent domain issues.
• Rep. Aron expressed uncertainty about the details of contracts between the state or political subdivisions and their implications for liability.
• Rep. Aron voiced concerns about the potential financial liability to New Hampshire taxpayers in case of issues with the landfill.
• Rep. Aron emphasized her opposition to the bill due to various unresolved concerns.

Kirsten Koch
Business Industry Association

• Ms. Koch expressed the view that the bill is detrimental to business interests.
• Ms. Koch pointed out that the bill lacks a comprehensive plan for state-owned, privately operated landfill facilities.
• Ms. Koch highlighted various details that the bill fails to address, such as facility development, administrative oversight, site selection, pricing structure, and other key aspects.
• Ms. Koch expressed concern that the bill may result in a mere prohibition on private landfill ownership without any actual development of new facilities.
• Ms. Koch emphasized the importance of private industry involvement and suggested that the bill's vagueness and lack of guidance may deter private investment.
• Ms. Koch noted that while similar models exist in other states, New Hampshire lacks the necessary framework and details to implement such a system effectively.
• Ms. Koch echoed concerns raised by Sen. Watters and about the lack of essential details in the bill.
• Ms. Koch urged the committee not to pass the bill, citing concerns about the state undertaking landfill ownership without adequate attention to crucial details.
• Ms. Koch concluded by expressing the belief that the bill is not yet ready for implementation.

Eric Steinhauser

• Mr. Steinhauser clarified his qualifications and affiliations, emphasizing that his testimony represented his personal views.
• Mr. Steinhauser highlighted his extensive experience in waste management and engineering across multiple states, including New Hampshire.
• Mr. Steinhauser expressed concerns about the bill's potential impact on landfill development in the state.
• Mr. Steinhauser cited examples of publicly owned, privately operated landfill sites in other states but noted the absence of a similar model in New Hampshire.
• Mr. Steinhauser questioned whether a publicly owned landfill would be easier to permit than a privately owned one and raised concerns about potential unintended consequences.
• Mr. Steinhauser emphasized the importance of thoroughly considering the details and implications of the bill before implementation.
  o Senator Watters inquired about the economic feasibility of a state-operated landfill limiting out-of-state waste to 15 percent.
• Mr. Steinhauser discussed the site selection process and the economic feasibility of landfill operations, emphasizing the need for revenue to cover operating costs.
  o Sen. Avard inquired about the merits of incineration.
• Mr. Steinhauser discussed incineration and waste-to-energy facilities as an alternative but noted challenges and opposition associated with such facilities.
• Mr. Steinhauser concluded by reiterating the importance of careful consideration and examination of alternatives in waste management policies.

Neutral Information Presented:

Sarah Yuhas Kirn
New Hampshire Department of Environmental Services

• Ms. Yuhas Kirn highlighted that there are currently no laws or regulations prohibiting public ownership of landfills in New Hampshire.
Ms. Yuhas Kirn mentioned existing publicly owned landfills in Conway, Berlin, Lebanon, and Nashua.

Ms. Yuhas Kern interpreted the bill as preventing private ownership rather than enabling public ownership.

Ms. Yuhas Kirn expressed concern that public entities might not choose to construct new landfills due to budget constraints and liability issues.

Ms. Yuhas Kirn raised the possibility of a capacity problem in the future if public entities do not opt to build new landfills, potentially leading to increased disposal costs.

Ms. Yuhas Kirn summarized the department's concern regarding the bill's potential impact on the solid waste market.

- Sen. Watters inquired about the process of selecting a suitable landfill site, noting that the fiscal note did not address the associated costs.
- Sen. Watters questioned whether the state or municipality would bear the expenses of determining site suitability.
- Sen. Watters highlighted the absence of cost estimation for the site selection process in the fiscal note.
- Sen. Watters raised concerns regarding the financial implications of site selection, separate from the operational costs addressed in the fiscal note.
- Sen. Watters emphasized the importance of understanding the potential financial burdens related to determining the suitability of a landfill site.

Ms. Yuhas Kirn acknowledged the oversight in addressing the costs associated with locating a suitable landfill site in the fiscal note.

Ms. Yuhas Kirn emphasized the significant expenses involved in ensuring that a site meets all the criteria outlined in the solid waste rules.

Ms. Yuhas Kirn expressed doubts about the feasibility of requesting another fiscal note at this stage, considering the impending deadlines.

Ms. Yuhas Kirn recognized the potential challenges in estimating the costs, given the lack of prior experience in independently funding such assessments.

Ms. Yuhas Kirn suggested that hydrogeologic investigations, which can be costly, would be necessary to evaluate the suitability of potential sites.

Ms. Yuhas Kirn speculated that the responsibility for covering these costs could potentially be outlined in the contract arrangements.

Ms. Yuhas Kirn indicated that it would be difficult to imagine the state not being responsible for at least some portion of the costs involved.
AN ACT relative to state park system fees for retired members of the armed forces.


COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill amends state park fees for retired members of the armed forces.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to state park system fees for retired members of the armed forces.

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

1 Fees for Park System. Amend RSA 216-A:3-g, V to read as follows:

   V. (a) Upon presentation of military identification, any active member of the armed
   forces who meets the minimum requirements for satisfactory membership, or any retired member
   of the armed forces, or any spouse or unmarried surviving spouse of a retired member of
   the armed forces as defined in federal regulations, shall not be charged a fee for admission to day-
   use areas of the state park system provided that retired members of the armed forces and
   spouses or unmarried surviving spouses of a retired member of the armed forces provides
   proof of New Hampshire residency. In this section, "armed forces" means armed forces as defined
   in RSA 21:50, II and includes active, retired, and reserve members of the New Hampshire national
   guard.

   (b) Any New Hampshire national guard member who retired in pay grade E6 or below
   shall not be charged a fee for day use admission to the state park system.

   (c) Any fees for the use of enterprise activities as described in paragraph II of this
   section shall be charged.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to state park system fees for retired members of the armed forces.

FISCAL IMPACT:  [X] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td>$0</td>
<td>Indeterminable Decrease ($126,000+) to $0</td>
<td>Indeterminable Decrease ($126,000+) to $0</td>
<td>Indeterminable Decrease ($126,000+) to $0</td>
</tr>
<tr>
<td><strong>Revenue Fund(s)</strong></td>
<td>State Park Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill removes State park fees from being charged to any retired member of the armed forces, or any spouse or unmarried surviving spouse of a retired member of the armed forces who provides proof of NH residency. The Department of Natural and Cultural Resources (DNCR) states the majority of state park visitors reside in NH. The day-use admissions to states parks is $4.00/adult and $5.00/adult at the popular, high use parks. In order to calculate a fiscal impact, the Department used a cost of a $5.00 admission fee to calculate the high end of the estimated impact. The Department states the average number of visits to NH state parks for active members of the armed forces, New Hampshire National Guard members, and disabled veterans is 2.65. Additionally, the total count of military retirees for NH is 9,533. When calculating these factors, the Department estimates a loss of revenue of $126,312 (NH Military retirees 9,533 x park admission $5 x average visits 2.65). This loss is not offset by the current RSA exemption for NH national guard members who have retired at pay grade E6 or below as the Department does not collect that information.

The estimated loss of $126,312 does not factor in spouses or unmarried surviving spouses as the DNCR does not have that data.
AGENCIES CONTACTED:

Department of Natural and Cultural Resources
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to State-Federal Relations and Veterans Affairs</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/12/2024 01:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Executive Session: 01/19/2024 02:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/24/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0192h 01/19/2024 (Vote 20-0; RC) HC 4 P. 16</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Amendment # 2024-0192h: AA VV 02/01/2024 HJ 3 P. 36</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0192h: MA VV 02/01/2024 HJ 3 P. 36</td>
</tr>
<tr>
<td>02/01/2024</td>
<td>H</td>
<td>Referred to Ways and Means 02/01/2024 HJ 3 P. 36</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 01:00 pm LOB 202-204</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 01:30 pm LOB 202-204</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/20/2024 (Vote 19-0; CC) HC 9 P. 16</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>S</td>
<td>Hearing: 03/26/2024, Room 103, SH, 09:45 am; SC 12</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1179-FN, relative to state park system fees for retired members of the armed forces.

**Hearing Date:** March 26, 2024

**Time Opened:** 9:45 a.m.  
**Time Closed:** 9:51 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent:** None

**Bill Analysis:** This bill amends state park fees for retired members of the armed forces

**Sponsors:**
Rep. Horgan  
Rep. Calabro  
Rep. Porcelli  
Rep. McGough  
Rep. J. Harvey-Bolia  
Rep. Pauer  
Rep. Creighton


**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Rep. James Horgan**  
**Strafford – District 1**

- Rep. Horgan explained that HB 1179 was originally intended to grant access to retired military under 65 from both New Hampshire and Massachusetts, totaling about 24,000 people, with an estimated financial impact of about $15,000 annually.
- Rep. Horgan noted that the bill was amended to include a New Hampshire residency requirement, eliminating Massachusetts individuals, but adding military spouses and surviving spouses of retired military, reducing the eligible population to just over 8,000 people and the financial impact to just over $5,000 annually.
• Rep. Horgan stated that the bill does not make a major impact on the Division of Parks' annual allotment for such programs.
• Rep. Horgan mentioned that the Division of Parks did not provide extensive input, and the statistics used were from 2019.
  o Sen. Birdsell sought clarification on what forms of identification could be used to verify proof of eligibility.
• Rep. Horgan responded that retired military members could use their Armed Forces ID card, while spouses or surviving spouses could use their dependent ID card along with a New Hampshire driver's license.
• Rep. Horgan confirmed that spouses would need both cards and a driver's license to prove eligibility.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
AN ACT relative to the use of certain fertilizers on turf.


COMMITTEE: Environment and Agriculture

ANALYSIS

This bill prohibits the use of certain fertilizers using phosphorus.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1293-FN - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the use of certain fertilizers on turf.

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

1 Definitions; Soil and Plant Additives; Fertilizers. RSA 431:3 is repealed and reenacted to read as follows:

3 Definitions. In this subdivision:

5 I. “Available nitrogen” means water soluble nitrogen in either ammoniacal, urea, or nitrate form that does not have either slow or controlled release properties.

7 II. “Available phosphate” means the sum of the water soluble and the citrate soluble phosphate.

9 III. "Brand" means a term, design, or trademark used in connection with one or several grades of fertilizer.

11 IV. "Bulk fertilizer" means a fertilizer distributed in a non-packaged form.

13 V. "Commissioner" means the commissioner of agriculture, markets, and food or the commissioner's authorized agent.

15 VI. "Deficiency" means the amount of nutrient found by analysis less than that guaranteed which may result from a lack of nutrient ingredients or from lack of uniformity.

17 VII. "Department" means the department of agriculture, markets, and food of the state of New Hampshire.

19 VIII. "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend fertilizer, or to offer for sale, sell, barter, or otherwise supply fertilizer in this state.

21 IX. "Distributor" means any person who distributes.

23 X. "Enhanced efficiency fertilizer" means lawn fertilizer products with characteristics that allow increased plant uptake and reduce potential of nutrient losses to the environment when compared to an appropriate reference product.

25 XI. "Fertilizer" means any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and other products exempted by rule by the commissioner. "Fertilizer" shall not include any horticultural growing medium as defined in RSA 433-A:3, VI.

27 XII. "Fertilizer material" means a fertilizer which:

31 (a) Contains important quantities of no more than one of the following primary plant nutrients, nitrogen (N), phosphorous (P), and potassium (K); or
(b) Has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or

c) Is derived from a plant or animal residue or byproduct or natural material deposit which has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

XIII. "Grade" means the percentage of total nitrogen, available phosphate, and soluble potash stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis, provided that:

(a) Specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphate, and soluble potash.

(b) Fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units.

XIV. "Guaranteed analysis" means the minimum percentage by weight of plant nutrients claimed to be present in a fertilizer.

XV. "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.

XVI. "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of fertilizer.

XVII. "Label" means the display of all written, printed, or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.

XVIII. "Labeling" means all written, printed, or graphic matter, upon or accompanying any fertilizer, or advertisements, brochures, posters, television, and radio announcements used in promoting the sale of such fertilizer.

XIX. "Low phosphate fertilizer" means fertilizer products intended for new or established urban turf or lawns, with available phosphate levels equal to or above 0.5 percent P2O5 and an application rate not to exceed 0.25 pounds P2O5 per 1000 square feet per application and 0.5 pounds P2O5 per 1000 square feet per year.

XX. "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

XXI. "Natural inorganic fertilizer" means a mineral nutrient source that exists in or is produced by nature and may be altered from its original state only by physical manipulation.

XXII. "Natural organic turf fertilizer" means materials derived from either plant or animal products containing one or more elements other than carbon, hydrogen, and oxygen which are essential for plant growth. These materials may be subject to biological degradation processes under normal conditions of aging, rainfall, sun-curing, air drying, composting, rotting, enzymatic, or
anaerobic/aerobic bacterial action, or any combination of these. These materials shall not be mixed
with synthetic materials or changed in any physical or chemical manner from their initial state
except by manipulations such as drying, cooking, chopping, grinding, shredding, hydrolysis, or
pelleting. These products may be supplemented with natural inorganic fertilizers not containing
phosphorus.

XXIII. “New urban turf” means urban turf established less than 12 months.
XXIV. “No phosphate fertilizer” means fertilizer products with phosphate levels below 0.5
percent intended for established urban turf or lawns.
XXV. “Official sample” means any sample of fertilizer taken by the commissioner and
designated as "official" by the commissioner.
XXVI. "Percent" or "percentage" means the percentage by weight.
XXVII. "Person" means any individual, firm, company, partnership, corporation, association,
cooperative, business trust, or legal entity of any kind.
XXVIII. “Phosphorus deficiency” means soil test results from a laboratory indicating that
additional phosphorus is needed for establishing or maintaining that lawn or turf.
XXIX. "Plant biostimulant" means a substance, microorganism, or mixture thereof, that,
when applied to seeds, plants, the rhizosphere, soil or other growth media, acts to support a plant’s
natural nutrition processes independently of the plant biostimulant's nutrient content, improving
nutrient availability, uptake or use efficiency, tolerance to abiotic stress, and consequent growth,
development, quality, or yield. The commissioner may clarify the definition of plant biostimulant by
rule in order to maintain consistency with United States Department of Agriculture requirements.
XXX. "Primary nutrient" means nitrogen, available phosphate, and soluble potash.
XXXI. "Registrant" means the person who registers fertilizer under the provisions of this
subdivision.

XXXII. "Specialty fertilizer" means a fertilizer distributed for non-farm use.
XXXIII. "Ton" means a net weight of 2,000 pounds avoirdupois.
XXXIV. "Turf" or "lawn" means non-agricultural land planted in closely mowed, managed
grasses except golf courses, parks, athletic fields, and sod farms.
XXXV. “Turf fertilizer” means no-phosphate or low phosphate fertilizer intended for urban
turf or lawns
XXXVI. “Urban Turf or Lawns” means non-agricultural land planted in closely mowed,
managed grasses except golf courses, parks, and athletic fields.

2 Nitrogen Content of Turf Fertilizer. Amend RSA 431:4-a to read as follows:
431:4-a Nitrogen Content of Turf Fertilizer.
HB 1293-FN - AS AMENDED BY THE HOUSE
- Page 4 -

I. No turf fertilizer sold at retail shall exceed an application rate of 0.7 pounds per 1,000 square feet of soluble nitrogen per application [when applied according to the instructions on the label].

II. No turf fertilizer sold at retail shall exceed an application rate of 0.9 pounds per 1,000 square feet of total nitrogen per application [when applied according to the instructions on the label].

III. No turf fertilizer shall exceed an annual application rate of 3.25 pounds per 1,000 square feet of total nitrogen when applied [according to the instructions on the label].

IV. No enhanced efficiency fertilizer shall exceed a single application rate of 2.5 pounds per 1,000 square feet of total nitrogen and an annual application rate of 3.25 pounds per 1,000 square feet of total nitrogen nor release at greater than 0.7 pounds per 1,000 square feet per month [when applied according to the instructions on the label].

3 Phosphorus Content of Turf Fertilizer. Amend RSA 431:4-b to read as follows:

431:4-b Phosphorus Content of Turf Fertilizer.

I. No no-phosphate fertilizer sold at retail [that is intended] for use on turf shall [exceed a content level of 0.67% available phosphate unless specifically labeled for establishing new lawns, for repairing a lawn, for seeding, or for use when a soil test indicates a phosphorus deficiency] have an available phosphate level in excess of 0.5 percent.

II. No turf fertilizer sold at retail that is intended for use on newly established or repaired lawns, or for lawns testing deficient in phosphorus shall exceed an application rate of [one pound per 1,000 square feet annually of available phosphate] 0.25 pounds P2O5 per 1,000 square feet per application and 0.5 pounds P2O5 per 1,000 square feet per year.

III. No natural organic turf fertilizer shall exceed a per application rate of one pound of available phosphate per 1,000 square feet [when applied according to the instructions on the label].

4 New Section; Application of Fertilizer to Urban Turf and Lawn. Amend RSA 431 by inserting after section 4-d the following new sections:

431:4-e Application of Fertilizer to Urban Turf and Lawn.

I. The provisions of this paragraph relative to the application of fertilizer to urban turf and lawn shall not apply to golf courses and sod farms operating in accordance with best management practices for chemical fertilizers published by the department.

II. Only fertilizer products approved as a turf fertilizer in accordance with RSA 431:4-a and RSA 431:4-b shall be applied to urban turf or lawn.

III. No fertilizer shall be applied to urban turf or lawn during heavy rain (equal to or greater than 2 inches in 24 hours) or when heavy rain is predicted. No fertilizer shall be applied to urban turf or lawn when the ground is frozen. No fertilizer shall be applied to turf when turf grass is not actively growing.
IV. No fertilizer shall be applied to impervious surfaces as defined in RSA 431:3. Fertilizer inadvertently released on an impervious surface shall be immediately collected for legal application to a target area or disposal.

V. No fertilizer shall be applied to urban turf or lawn within 25 feet of a storm drain. No fertilizer shall be deposited where it can enter a storm drain.

VI. No fertilizer shall be applied within 25 feet of waters as defined in RSA 431:3.

VII. Restrictions relative to the application of turf fertilizers sold at retail fertilizer shall apply to all persons including licensed commercial, certified applicators unless otherwise noted.

431:4-f Public Education Regarding Application of Fertilizer to Urban Turf and Lawns.

I. If a retailer sells or offers for sale fertilizer to consumers, the retailer shall post in all retail locations where fertilizer is accessible to the consumer a clearly visible turf-information sign as designed by the department that is at least 8.5 inches by 11 inches in size informing the consumer about the environmental threats of run-off and referencing New Hampshire laws relative to fertilizer application.

II. The department shall design the turf fertilizer information sign and make it available online to retailers in the form of a PDF or other digital document.

III. The signs shall contain information about the environmental threats posed by nutrient run-off into water bodies and the restrictions on application of fertilizer to turf and lawns in RSA 431:4-e.

5 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to the use of certain fertilizers on turf.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:
The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:
Department of Agriculture, Markets and Food
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/08/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>==CANCELLED== Executive Session: 01/22/2024 02:30 pm LOB 301-303</td>
</tr>
<tr>
<td>01/16/2024</td>
<td>H</td>
<td>Full Committee Work Session: 01/22/2024 02:30 pm LOB 301-303</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Executive Session: 02/06/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0494h (NT) 02/06/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0494h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0494h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Ways and Means 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Public Hearing: 03/05/2024 11:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/06/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Executive Session: 03/06/2024 01:30 pm LOB 202-204</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/06/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Hearing: 05/07/2024, Room 103, SH, 09:00 am; SC 18</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1293-FN, relative to the use of certain fertilizers on turf.

Hearing Date: May 7, 2024

Time Opened: 9:04 a.m. Time Closed: 9:17 a.m.

Members of the Committee Present: Senators Avard, Pearl, Watters and Altschiller

Members of the Committee Absent: Senator Birdsell

Bill Analysis: This bill prohibits the use of certain fertilizers using phosphorus.

Sponsors:
Rep. Pettrigno

Who supports the bill: Rep. Rosemarie Rung (Hillsborough – District 12), Rep. Peter Bixby (Strafford – District 13), Rep. Bill Boyd (Hillsborough – District 12), Andrea LaMoreaux (NH Lakes), Chirstine Kamal, Mitchell Kamal, Jodi Grimbilas (NH Association of Realtors), Robert Johnson (NH Farm Bureau), Carol Foss (NH Audubon), Stephanie Thornton, Tom Riha, Michael Lehner, David Beardsley, Stephen Barker, Julia Steed Mawson, Chandler Harris, Mary Olive, Robert Martin, Janice Beal, Don Jutton, James Hull, Deborah Fraser, Bob Grazer, Cynthia Everson, Patricia Greenfield, Carol Carlson, Valerie Scarborough, Susan Richman, Maria Clark, Steve Wingate (Lakes Management Advisory Committee), Kelly Marshall, Michele L. Tremblay (Rivers Management Advisory Committee), Martha Jane Rich, Shirley Green, Thomas Claus, Daniel Richardson.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Rep. Rosemarie Rung
Hillsborough – District 12

- Rep. Rung introduced herself as representing Hillsboro 12, encompassing the town of Merrimack.
• Rep. Rung presented HB 1293, aimed at restricting fertilizer use to prevent its runoff into water bodies.
• Rep. Rung highlighted the increased occurrence of cyanobacteria blooms in New Hampshire, largely attributed to fertilizer runoff.
• Rep. Rung stated that the bill underwent thorough review and discussion in the House Environment and Agriculture Committee.
• Rep. Rung noted the presence of Rep. Peter Bixby, who could provide further details on the bill's amendment.

Rep. Peter Bixby
Strafford – District 13

• Rep. Bixby described the bill's structure and intent, stressing the need for clarity and alignment with existing statutes.
• Rep. Bixby explained the initial crafting challenges due to integration within the soil amendments chapter.
• Rep. Bixby detailed amendments made to ensure consistency and effectiveness in regulating turf fertilizers.
• Rep. Bixby clarified definitions added to address low phosphate and no phosphate fertilizers, aligning them with APCO standards.
• Rep. Bixby highlighted adjustments to the maximum phosphate content to meet current national standards.
• Rep. Bixby stated that the bill explicitly excluded golf courses, requiring adherence to best management practices outlined by the Department of Environmental Services.
• Rep. Bixby outlined specific regulations regarding fertilizer application, including restrictions during heavy rain or frozen ground conditions.
• Rep. Bixby emphasized the importance of applying fertilizers only when turf is actively growing to prevent runoff.
• Rep. Bixby detailed requirements for retailers to educate consumers about proper fertilizer usage through posted signage.
  o Sen. Pearl raised a concern about the definition of "urban turf or lawn" on page 3, line 31, seeking assurance that it won't affect fertilizer application.
  o Sen. Pearl addressed another point on page 4, lines 18-21, regarding phosphate calculations for turf establishment.
• Rep. Bixby confirmed that the definition aligns with APCO recommendations and won't impact fertilizer application practices.

Andrea LaMoreaux
NH Lakes

• Ms. LaMoreaux stated support for the bill, echoing the reasons provided by Representative Rung and Rep. Bixby.
• Ms. LaMoreaux acknowledged the collaborative effort involving Rep. Bixby, the Farm Bureau, and DES in crafting the bill.
• Ms. LaMoreaux emphasized support for the outreach component of the bill, citing their Lake Friendly Living Program aimed at educating property owners.
• Ms. LaMoreaux highlighted the importance of reducing fertilizer use to mitigate phosphorus pollution in lakes.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HB 1294-FN - AS AMENDED BY THE HOUSE
22Feb2024... 0487h
2024 SESSION
24-2171
10/08

HOUSE BILL 1294-FN

AN ACT establishing a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.


COMMITTEE: Environment and Agriculture

_____________________________________________________________________

AMENDED ANALYSIS

This bill establishes a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

------------------------------------------------------------------------

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT establishing a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

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

1. Committee Established. There is established a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

   I. The members of the committee shall be as follows:
   (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
   (b) One member of the senate, appointed by the president of the senate.

3. Duties. The committee shall review RSA 426 and RSA 434 and assess the following:
   I. Would having the department of environmental services assume National Pollutant Discharge Elimination System (NPDES) permitting authority help municipalities better meet the requirements of the Clean Water Act?
   II. How can the state help municipalities acquire more funding to meet Clean Water Act NPDES requirements?

4. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

6. Effective Date. This act shall take effect upon its passage.
AN ACT establishing a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

FISCAL IMPACT:  [ ] State  [ ] County  [ ] Local  [X] None

METHODOLOGY:
The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:
None
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/08/2024 11:00 am LOB 301-303</td>
</tr>
<tr>
<td>01/16/2024</td>
<td>H</td>
<td>Full Committee Work Session: 01/22/2024 02:30 pm LOB 301-303</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Executive Session: 02/06/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0487h (NT) 02/06/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0487h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0487h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Referral Waived by Committee Chair per House Rule 47(f) 02/27/2024</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 103, SH, 09:40 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1294-FN, establishing a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

Hearing Date: April 23, 2024

Time Opened: 9:54 a.m. Time Closed: 10:04 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill establishes a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

Sponsors:

Who supports the bill:

Who opposes the bill:

Who is neutral on the bill:

Summary of testimony presented in support:

Rep. Peter Bixby
Strafford – District 13

- Rep. Bixby stated that the fiscal note attached to the bill indicated that the committee did not support the original proposal due to its perceived implications.
- Rep. Bixby stated that upon further examination during the hearing, it became evident that there was a legitimate issue prompting the bill's introduction, particularly concerning the town of Milton or Farmington's obligation to upgrade their wastewater treatment system as mandated by the EPA.
- Rep. Bixby stated that highlighted the substantial financial burden this upgrade would impose on a small town raised questions about mitigating such burdens on smaller communities while meeting wastewater processing requirements.
• Rep. Bixby stated that consulted with Dover's city manager, who suggested studying the delegated status of EPA permits in wastewater treatment as a potential solution.
• Rep. Bixby stated that currently most states handle process wastewater permits at the state level, but New Hampshire, along with two others, relies on federal oversight, resulting in less state control but also reduced state expenses.
• Rep. Bixby mentioned study committee's charges include examining the question of delegation, although DES expressed reservations about this aspect, and exploring ways for the state to financially assist municipalities in meeting permit requirements, a notion supported by DES.
• Rep. Bixby outlined two potential paths for the bill: passing it as is to allow the committee to study delegation and funding mechanisms, or amending it to focus solely on funding solutions for municipalities.
• Rep. Bixby deferred to Mr. Diers to provide further insight into the department's position on the bill and expressed willingness for the bill to proceed in either amended or non-amended form based on its merit for further study.

Summary of testimony presented in opposition:

Ted Diers
NH Department of Environmental Services

• Mr. Diers commended Rep. Bixby for effectively outlining the bill's background and journey through the legislative process.
• Mr. Diers described the bill's history as a "long strange path," attributing its rushed handling to the extensive workload faced by the House.
• Regarding the bill's first section on studying NIFTY's delegation, Mr. Diers noted that this issue resurfaces periodically every few years, despite the underlying facts remaining unchanged.
• Mr. Diers emphasized the substantial costs associated with taking on NIFTY's delegation, estimated to exceed $3 million and necessitate the creation of 10-11 new positions.
• Mr. Diers recalled past discussions where concerns were raised by both small and large communities regarding the financial impact of permitting fees.
• Mr. Diers mentioned a previous committee recommendation for a $350,000 study to evaluate the costs and feasibility of NIFTY's delegation, which ultimately did not progress further.
• Mr. Diers acknowledged the credible issue raised by the bill's second part, which addresses compliance costs for communities, particularly in the context of aging infrastructure.
• Mr. Diers highlighted the broader funding challenges confronting communities in maintaining various infrastructure components, including drinking water, wastewater, stormwater, and dams.
Neutral Information Presented: None.
HB 1314-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1314-FN

AN ACT relative to the comprehensive state development plan.


COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill adds provisions to the comprehensive state development plan concerning protection of natural resources and identifying environmental threats.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1314-FN - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the comprehensive state development plan.

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

1 Comprehensive State Development Plan; Natural Resources; Environmental Threats. Amend RSA 9-A:1, III to read as follows:

III. The comprehensive development plan shall include:

(a) State policies to provide for the orderly growth and development of the state and to maximize smart growth.

(b) Goals and policies which are relevant to the topical areas included in the plan, including but not limited to:

(1) An overall vision section that serves as the direction for the other sections of the plan. This section shall contain a set of statements which articulates the desires of the public relative to the future. It shall contain a set of guiding principles and priorities to implement that vision, with special emphasis on maximizing the smart growth principles in RSA 9-B.

(2) A land use section which examines the state's role in land development and in funding projects and programs which affect land uses.

(3) A transportation section which considers all pertinent modes of transportation and provides a framework of policies and actions which will provide for a safe and adequate transportation system to serve the needs of the state.

(4) A public facilities section which examines the projected needs of state institutions and coordinates with other governmental units, whether federal, county, local, special districts, or school districts, as to their needs as well.

(5) A housing section which sets forth approaches to meeting the need for affordable housing.

(6) An economic development section which proposes actions and policies to suit the state's economic goals and needs, based on the current and projected economic strengths and weaknesses. The section shall reference the economic development strategy and operating plan and process developed by the division of economic development under RSA 12-O:24 through 12-O:28.

(7) A natural resources section which identifies trends in land protection, open space, drinking water aquifer identification and protection, protection of our lakes, rivers, estuaries, forest, wetlands and shoreline uplands, coastal marshlands, wildlife habitat, and farm land preservation and protection, and proposes policies and actions necessary at the state level to protect those resources which are perceived to be of statewide significance.
(8) A natural hazards section which identifies actions to improve the ability of the state to minimize damages from future disasters that affect land and property subject to such disasters.

(9) A recreation section which assesses current and future recreation needs within the foreseeable future and identifies policies and a plan of action to support them at the state level.

(10) A utility and public service section which details state level policies and actions necessary to assure adequate service to the citizens of the state.

(11) A regional concerns section which describes specific areas of the state with potentially unique concerns and identifies policies and actions which may reasonably be undertaken to assist in addressing those issues.

(12) A section which identifies state policies and actions necessary to protect cultural and historic resources of statewide significance and assist in their rehabilitation or preservation, and generally assure their availability for future generations of state citizens.

(13) An implementation section, which is a long range action program for assessing the effectiveness of each section of the plan.

(14) An environmental threats section which identifies environmental threats from chemical and biological contamination, waste disposal, and inadequate recycling opportunities, in order to address the cumulative effects of natural and man-madec contaminants on our air, waters, and land, and to anticipate possible future threats to our natural environment.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to the comprehensive state development plan.

FISCAL IMPACT:  [ X ] State      [ ] County      [ ] Local      [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill amends the Comprehensive State Development Plan (SDP) by enhancing provisions related to safeguarding natural resources and identifying environmental risks. It revises RSA 9-A:1, III (b) as follows:

- amends existing sub-section 7 to include the evaluation of "drinking water aquifer identification and protection, safeguarding lakes, rivers, estuaries, forests, wetlands, shoreline uplands, coastal marshlands, and wildlife habitat" within the natural resources section.

- add a new sub-section 14 focusing on assessing environmental threats. This section aims to identify risks stemming from chemical and biological contamination, waste disposal, and insufficient recycling opportunities. Its purpose is to address the combined impacts of both natural and human-made contaminants on air, water, and land, while also preemptively anticipating potential future threats to the natural environment.

The Department of Business and Economic Affairs states the proposed changes to the SDP will result in an indeterminable increase in the project's overall cost. As the plan necessitates an RFP for a third-party vendor to draft the plan and collaborate with the Department's Office of Planning and Development, this augmentation will demand increased expertise, time, and effort from the vendor resulting in increased State expenditures starting in FY 2025.
AGENCIES CONTACTED:
    Department of Business and Economic Affairs
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development  HJ 1</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Public Hearing: 02/14/2024 01:00 pm LOB 305</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 10:00 am LOB 305</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/21/2024 (Vote 19-1; CC) HC 9 P. 14</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>S</td>
<td>Hearing: 04/09/2024, Room 103, SH, 09:20 am; SC 14</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1314-FN, relative to the comprehensive state development plan.

Hearing Date: April 9, 2024

TimeOpened: 9:25 a.m. TimeClosed: 9:39 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell and Watters

Members of the Committee Absent: Senator Altschiller

Bill Analysis: This bill adds provisions to the comprehensive state development plan concerning protection of natural resources and identifying environmental threats.

Sponsors:

Who supports the bill: Rep. Chuck Grassie (Strafford – District 8), Andrea LaMoreaux (NH Lakes), Meredith Hatfield (The Nature Conservancy), Carol Foss (NH Audubon), Michele Tremblay (Rivers Management Advisory Committee), Steve Wingate (Lakes Management Advisory Committee), Matt Leahy (Forest Society), Janet Lucas, Virginia Riege-Blackman, Claudia Damon, Lois Cote, Andrew Jones, Gary Devore, Chrisinda Lynch, Bruce Berk, Ruth Perencevich, Susan Richman, David Holt, Sharon Racusin, Margaret Claudill Slosberg, and Sheryl Liberman.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Rep. Chuck Grassie
Strafford – District 8

- Rep. Grassie introduced HB 1314, which seeks to amend the state development plan to prioritize environmental stewardship alongside development.
- Rep. Grassie shared a paragraph underscoring the importance of preserving New Hampshire's natural beauty and environment, emphasizing the need to balance development with conservation.
• Rep. Grassie stated that the bill stemmed from collaboration with environmental advocates, aiming to address the state's environmental priorities.
• Rep. Grassie highlighted the absence of environmental considerations in the current State Development Plan, noting the significance of integrating environmental concerns as a resource.
• Rep. Grassie provided copies of the State Development Plan to committee members, stressing its importance as the state's master plan and advocating for its update.
• Rep. Grassie stated that the proposed amendment to the plan would incur no immediate costs, with potential updates to be integrated into future legislative budgets.
• Rep. Grassie acknowledged a drafting error regarding "inadequate recycling opportunities," clarifying that it should read "adequate recycling opportunities."
• Rep. Grassie affirmed the importance of enhancing recycling initiatives in the state and expressed readiness to incorporate scientific data and research into legislative decision-making.
• Rep. Grassie assured that the amendment could be modified without difficulty, emphasizing the bill's focus on fostering proactive solutions to environmental challenges.
  o Sen. Watters raised concerns about the feasibility of securing funding for the proposed initiative within the next year.
  o Sen. Watters sought clarification on whether the scope of environmental threats, as outlined in the bill, includes ocean acidification.
  o Sen. Watters also inquired about the inclusion of cyanobacteria issues within the bill's provisions regarding the protection of lakes and biological contamination.
  o Sen. Watters emphasized the importance of ensuring comprehensive coverage of environmental challenges, particularly regarding land protection.
  o Sen. Watters expressed a need for clarity on the bill's language to effectively address diverse environmental threats and protections.
• Rep. Grassie highlighted two sections within the bill, one addressing the environment and the other focusing on threats.
• Rep. Grassie emphasized the collaborative effort to ensure comprehensive coverage, particularly regarding environmental challenges around Lake Winnipesaukee.
• Rep. Grassie explained the importance of crafting general language to encompass various issues such as cyanobacteria, invasive species, and ocean acidification.
• Rep. Grassie stated the goal was to create a flexible document capable of accommodating current and future environmental concerns effectively.
• Rep. Grassie underscored the need for inclusivity in addressing present and potential threats to New Hampshire's natural resources.
  o Sen. Watters pointed out the potential economic impact of insect species on forest processes, emphasizing the relevance of the issue.
Sen. Watters also highlighted the threat posed by invasive species such as vines, indicating their potential impact on various ecosystems.

Sen. Watters suggested that the bill should not be viewed solely as an environmental threats plan but rather as a framework addressing economic development affected by environmental factors.

- Rep. Grassie emphasized viewing the environment as a valuable resource for economic development in the state.
- Rep. Grassie highlighted the significance of tourism and the timber industry as key economic indicators influenced by environmental conditions.
- Rep. Grassie pointed out that the environmental section of the bill addresses various resources vital to New Hampshire's well-being.
- Rep. Grassie underscored the interconnectedness between environmental protection and economic prosperity, noting that issues like clean water, invasive species, and insect infestations directly impact economic development.
- Rep. Grassie advocated for recognizing the intrinsic value of a clean environment in bolstering the state's overall welfare and economic vitality.
  - Sen. Watters suggested adding language on line 20 to clarify the purpose of the section, proposing, "as they may impact the economic development or prosperity of the state."
  - Sen. Watters emphasized the intention for the group to consider environmental threats in the context of their potential effects on economic development.
  - Sen. Watters aimed to ensure that the focus of the group aligns with economic development goals rather than comprehensive environmental planning.
  - Sen. Watters stated that the proposed addition aims to guide the group in examining environmental threats through the lens of their economic implications for the state.
- Rep. Grassie expressed some hesitation about the proposed change, feeling it might be pushing the scope too far.
- Rep. Grassie acknowledged the importance of a comprehensive approach to environmental protection within the context of the state's economy.
- Rep. Grassie indicated openness to the suggested amendment if it helps foster a discussion about integrating environmental considerations into the state's economic framework.
- Rep. Grassie emphasized the need for recognition that the environment plays a significant role in the state's economy, despite its absence from official documents.
- Rep. Grassie viewed the proposed change as a potential first step in acknowledging the economic value of environmental conservation efforts.
Andrea LaMoreaux  
NH Lakes

- Ms. LaMoreaux expressed support for the bill, echoing Representative Grassie's sentiments about the importance of including lakes and ponds in economic discussions.
- Ms. LaMoreaux emphasized the significance of clean and healthy lakes to New Hampshire's economy, noting that they are a major attraction for visitors and contribute significantly to property values.
- Ms. LaMoreaux highlighted the economic impact of cyanobacteria blooms on property values, citing studies that show a potential decrease of up to 33%.
- Ms. LaMoreaux voiced concern about the degradation of lakes and ponds in the state, emphasizing the need to address issues like cyanobacteria blooms to preserve their economic value.
- Ms. LaMoreaux expressed no concerns in regard to tightening the language of the bill and emphasized the importance of including clean and healthy lakes in economic discussions.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HOUSE BILL 1360

AN ACT relative to emergency authority on the public or coastal waters of the state.


COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill allows the department of safety to establish an emergency no wake zone on public and coastal waters for up to 10 days due to weather or environmental conditions.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to emergency authority on the public or coastal waters of the state.

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

1 Supervision of Navigation; Enforcement; Emergencies. Amend RSA 270:12-a, VI(c) to read as follows:

   (c) The commissioner of the department of safety may establish a safety and security zone, including the establishment of a no wake zone for a period not to exceed 10 days due to weather or environmental conditions, on any public or coastal waters of the state in case of an emergency requiring prompt action.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 02:00 pm LOB 305</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 10:00 am LOB 305</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0492h 02/21/2024 (Vote 20-0; CC) HC 9 P. 14</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment # 2024-0492h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0492h: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, SH, 09:20 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1360, relative to emergency authority on the public or coastal waters of the state.

Hearing Date: April 30, 2024

Time Opened: 9:21 a.m.  
Time Closed: 9:25 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell and Altschiller

Members of the Committee Absent: Senator Watters

Bill Analysis: This bill allows the department of safety to establish an emergency no wake zone on public and coastal waters for up to 10 days due to weather or environmental conditions.

Sponsors:  
Rep. Wolf  
Rep. Ebel  
Rep. B. Boyd
Rep. Tanner  
Rep. Stapleton  
Rep. B. Sullivan

Who supports the bill: In total, 43 individuals signed in support of HB 1360. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who opposes the bill: In total, 2 individuals signed in opposition of HB 1360. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who is neutral on the bill: None.

Summary of testimony presented in support:

Rep. Dan Wolf  
Merrimack – District 7

- Rep. Wolf explained that HB 1360 grants the commissioner of safety clear authority to impose speed limits on public waters during adverse weather or environmental conditions.
- Rep. Wolf recounted a situation from the previous summer when Lake Sunapee experienced record-high water levels, posing significant dangers to navigation.
• Rep. Wolf highlighted the lack of clear authority to impose speed restrictions during such emergencies, leading to local law enforcement taking action independently.

• Rep. Wolf noted the need for statewide dissemination of safety information, which this bill aims to address.

• Rep. Wolf emphasized that HB 1360 empowers the state to issue public notices and reduce speed limits during emergencies without the need for lengthy rulemaking processes.

• Rep. Wolf clarified that the bill does not aim to penalize violators but rather to inform the public and enhance safety measures.

Andrea LaMoreaux
NH Lakes

• Ms. LaMoreaux referenced Rep. Wolf's mention of the high water levels on Lake Sunapee and the confusion regarding authority to implement emergency orders.

• Ms. LaMoreaux emphasized the need for statewide action to address issues related to high water levels, which are becoming more common due to climate change.

• Ms. LaMoreaux expressed the importance of the Department of Safety being able to issue emergency orders to protect property, safety, and water quality.

• Ms. LaMoreaux urged the committee to support the bill, highlighting its significance in addressing statewide challenges related to changing environmental conditions.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HOUSE BILL 1371

AN ACT relative to allowing the land use master plan to include a section on waste reduction.


COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows town master plans to include a waste reduction section.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1371 - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to allowing the land use master plan to include a section on waste reduction.

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

1 Municipal Land Use Master Plan; Waste Reduction Section. Amend RSA 674:2, III by inserting after subparagraph (o) the following new subparagraph:

    (p) A waste reduction section outlining a municipality’s solid waste reduction plan, including ways to reduce solid waste disposal, such as increasing reuse, recycling, composting, hazardous and electronic waste management. Such efforts may include education and outreach, a needs analysis, grant funding, community polling, a town waste committee, and regional cooperation.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Municipal and County Government  HJ 1</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Public Hearing: 02/21/2024 01:00 pm LOB 307</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/11/2024 09:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Committee Report: Inexpedient to Legislate 03/11/2024 (Vote 17-1; CC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, SH, 09:30 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1371, relative to allowing the land use master plan to include a section on waste reduction.

Hearing Date: April 30, 2024

Time Opened: 9:30 a.m. Time Closed: 9:33 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell and Altschiller

Members of the Committee Absent: Senator Watters

Bill Analysis: This bill allows town master plans to include a waste reduction section.

Sponsors:

- Rep. Ebel
- Rep. Rochefort
- Rep. Massimilla
- Rep. Stapleton
- Sen. Pearl

- Rep. M. Murray
- Rep. Wolf
- Rep. Rung
- Sen. Avar
- Sen. Perkins Kwoka

- Rep. Stavis
- Rep. Preece
- Rep. Germaine
- Sen. Watters


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Howard Pearl
Senate District 17

- Sen. Pearl introduced HB 1371, which allows town master plans to incorporate a waste reduction section.
Sarah Yukas Kirn  
NH Department of Environmental Services

• Ms. Yuhas Kirn stated that the Department of Environmental Services supports the bill, which allows municipal master plans to incorporate a section on solid waste diversion and reduction.
• Ms. Yuhas Kirn emphasized that the bill aligns with the state's solid waste management plan and reduction goals.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HOUSE BILL 1424

AN ACT relative to pistols permitted for taking game.


COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill makes changes to the caliber of pistol that may be used to lawfully take deer.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1424 - AS AMENDED BY THE HOUSE

8Feb2024... 0350h 24-2087
08/02

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to pistols permitted for taking game.

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

1 1 Pistols Permitted; Taking of Deer. Amend RSA 208:3-d to read as follows:
2 208:3-d Pistols Permitted. Pistols permitted under RSA 208:3, 3-a, 3-b, and 3-c shall include [a
3 .357 Magnum, 10mm Automatic, .41 Remington, .44 Magnum, .45 Long Colt, .480 Ruger, .50
4 Magnum, .45 ACP (Automatic Colt Pistol), .460 Rowland, .45 Super, .50 AE (Action Express), .357
5 SIG Sauer, .327 Federal Magnum, and .400 Corbon] .327 Federal Magnum, and any caliber .357
6 Magnum and greater, provided that a pistol used for taking deer under this section shall be loaded
7 with no more than 6 rounds of ammunition at any time.

2 Effective Date. This act shall take effect January 1, 2025.
<table>
<thead>
<tr>
<th>Date</th>
<th>Initial Referee</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Fish and Game and Marine Resources HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 10:40 am LOB 307</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Executive Session: 01/30/2024 02:30 pm LOB 307</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>==CANCELLED== Executive Session: 02/06/2024 02:30 pm LOB 307</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0350h 01/30/2024 (Vote 17-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Amendment # 2024-0350h: AA VV 02/08/2024 HJ 4 P. 10</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0350h: MA VV 02/08/2024 HJ 4 P. 10</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>S</td>
<td>Hearing: 03/26/2024, Room 103, SH, 09:00 am; SC 12</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1424, relative to pistols permitted for taking game.

Hearing Date: March 26, 2024

Time Opened: 9:04 a.m. Time Closed: 9:06 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill makes changes to the caliber of pistol that may be used to lawfully take deer.

Sponsors:


Who opposes the bill: Susan Price (NH Fish and Game), Scott Mason (NH Fish and Game), and Janet Lucas.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Rep. James Spillane
Rockingham – District 2

- Rep. Spillane described the bill as a simple housekeeping measure.
- Rep. Spillane explained that the bill corrects an error in listing an incorrect firearm model in the RSA.
- Rep. Spillane shared that upon consultation with Col. Jordan, it was decided to also simplify the list of calibers.
- Rep. Spillane stated that the bill proposes to list calibers from .357 and larger instead of individually listing each caliber.
- Rep. Spillane assured that no calibers are being removed or added, just the structure of the list is being modified for convenience.
Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HB 1463 - AS INTRODUCED

2024 SESSION

24-2598
08/05

HOUSE BILL 1463

AN ACT establishing a committee to study the effects of laws relative to the production of beef, pork, and poultry.


COMMITTEE: Environment and Agriculture

ANALYSIS

This bill establishes a committee to study the effects of laws relative to the production of beef, pork, and poultry.

Explanation: Matter added to current law appears in **bold italics**. Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT establishing a committee to study the effects of laws relative to the production of beef, pork, and poultry.

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

1  Committee Established. There is established a committee to study the effects of laws regarding the production of beef, pork, and poultry.

2  Membership and Compensation.

   I. The members of the committee shall be as follows:

   (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

   (b) One member of the senate, appointed by the president of the senate.

   II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3  Duties. The committee shall study the effects of legislation regarding the production of beef, pork and poultry, conflicts of other states' laws with New Hampshire law, conflicts of USDA law with New Hampshire law, USDA exemptions for farmers, and any other mandates for beef, pork, and poultry producers.

4  Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5  Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

6  Effective Date. This act shall take effect upon its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>H/S</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Public Hearing: 03/06/2024 11:00 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/06/2024 11:00 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/06/2024 (Vote 12-0; CC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Hearing: 05/07/2024, Room 103, SH, 09:10 am; SC 18</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
**Senate Energy and Natural Resources Committee**  
*Philip Tatro  271-1403*

**HB 1463**, establishing a committee to study the effects of laws relative to the production of beef, pork, and poultry.

**Hearing Date:**  May 7, 2024

**Time Opened:**  9:17 a.m.  
**Time Closed:**  9:19 a.m.

**Members of the Committee Present:**  Senators Avard, Pearl, Watters and Altschiller

**Members of the Committee Absent:**  Senator Birdsell

**Bill Analysis:**  This bill establishes a committee to study the effects of laws relative to the production of beef, pork, and poultry.

**Sponsors:**
- Rep. Comtois  
- Rep. Aron  
- Rep. Bixby  
- Rep. Hoell  
- Rep. Sirois  
- Sen. Innis  
- Sen. Pearl

---

**Who supports the bill:** In total, 57 individuals signed in support of HB 1114. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro *(philip.tatro@leg.state.nh.us)*.

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

**Rep. Barbara Comtois**  
Belknap – District 7

- Rep. Comtois noted the prevalence of conflicting information in agriculture, particularly in meat production, with no centralized resource for farmers to access relevant laws.
- Rep. Comtois cited instances where different USDA inspectors provided contradictory guidance, creating confusion among farmers.
• Rep. Comtois expressed the goal of the study committee to consolidate information into one accessible resource for farmers.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HB 1465-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0650h
2024 SESSION
24-2572
10/05

HOUSE BILL 1465-FN

AN ACT relative to studies of nuclear energy technologies and renaming the office of offshore wind industry development.


COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill requires the department of energy to coordinate the continuing studies by various state agencies on the uses and development of nuclear energy, including advanced nuclear reactors, and wind energy. This bill renames the office of offshore wind industry development to the office of energy innovation.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to studies of nuclear energy technologies and renaming the office of offshore wind industry development.

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

1 Nuclear Energy Policy; Continuing Studies. Amend RSA 162-B:1 and 2 to read as follows:
2 162-B:1 Declaration of Policy.
3 I. The state of New Hampshire endorses the action of the Congress of the United States in
4 enacting the Atomic Energy Act of 1954 to institute a program to encourage the widespread
5 participation in the development and utilization of atomic energy for peaceful purposes to the
6 maximum extent consistent with the common defense and security and with the health and safety of
7 the public; and therefore declares the policy of the state to be, (1) To cooperate actively in the
8 program thus instituted; and (2) To the extent that the regulation of special nuclear materials and
9 by-product materials, of production facilities and utilization facilities, and of persons operating such
10 facilities, may be within the jurisdiction of the state, to provide for the exercise of the state's
11 regulatory authority so as to conform, as nearly as may be, to the Atomic Energy Act of 1954, as
12 amended, and regulations issued thereunder, to the end that there may, in effect, be a single
13 harmonious system of regulation within the state.
14 II. The state of New Hampshire recognizes that the development of industries producing or
15 utilizing atomic energy may result in new conditions calling for changes in the laws of the state and
16 in [regulations issued] administrative rules thereunder with respect to health and safety, working
17 conditions, workers' compensation, transportation, public utilities, life, health, accident, fire, and
18 casualty insurance, the conservation of natural resources, including wildlife, and the protection of
19 streams, rivers and airspace from pollution, and therefore declares the policy of the state to be, (1)
20 To adapt its laws and [regulations] rules to meet the new conditions in ways that will encourage the
21 healthy development of industries producing or utilizing atomic energy while at the same time
22 protecting the public interest; and (2) To initiate continuing studies [of] and regularly publish
23 public results concerning the need for changes in the relevant laws and [regulations] rules of the
24 state by the respective departments and agencies of state government responsible for their
25 administration; and (3) To assure the coordination of the studies thus undertaken, particularly with
26 other atomic industrial development activities of the state and with the development and regulatory
27 activities of other states and of the government of the United States.
28 162-B:2 United States Licenses or Permits Required. No person shall manufacture, construct,
29 produce, transfer, acquire or possess any special nuclear material, by-product material, production
30 facility, or utilization facility or act as an operator of a production or utilization facility wholly within
HB 1465-FN - AS AMENDED BY THE HOUSE
- Page 2 -

this state unless [he] **the person** shall have first obtained a license or permit for the activity [in which he proposes to engage] **proposed** from the United States [Atomic Energy] **Nuclear Regulatory** Commission, if, pursuant to the Atomic Energy Act of 1954, **as amended**, the commission requires a license or permit to be obtained by persons proposing to engage in activities of the same type over which it has jurisdiction.

2  Conduct of Studies; Publication. RSA 162-B:3 is repealed and reenacted to read as follows:

162-B:3  **Conduct of Studies; Publication.**

    I. The coordinator of nuclear development and regulatory activities established under RSA 162 B:4 shall have the duty to pursue continuing studies as to the need, if any, for changes in the laws and regulations administered by the departments and agencies of the state that would arise from the presence within the state of special nuclear materials and by-product materials and from the operation herein of production or utilization facilities, and, on the basis of such studies, to make such recommendations for the enactment of laws or amendments to laws in effect and such proposals for amendments to the regulations adopted under RSA 541-A as may appear necessary and appropriate. In pursuing these continuing studies, the coordinator of nuclear development and regulatory activities shall consult with following state departments and agencies:

    (a) The department of health and human services, particularly as to hazards, if any, to the public health and safety.

    (b) The department of labor, particularly as to hazardous working conditions, if any, the time and character of proof of claims of injuries and the extent of the compensation allowable therefor.

    (c) The department of transportation, particularly as to the transportation of special nuclear materials and by-product materials on highways of the state.

    (d) The public utilities commission and the department of energy, particularly as to the transportation of special nuclear materials and by-product materials by common carriers or public or private air carriers not in interstate commerce and as to the participation by public utilities subject to their jurisdiction in projects looking to the development of production or utilization facilities for industrial or commercial use.

    (e) The department of insurance, particularly as to the insurance of persons and property from hazards to life and property resulting from atomic nuclear development.

    (f) The council on resources and development, particularly as to the hazards, if any, to the natural resources of the state, including wildlife, and as to the protection, if necessary, of rivers, streams, and airspace from pollution.

    (g) The department of business and economic affairs, particularly as to how matters relating to nuclear development may affect the overall economic well-being of the state.
(h) Such other departments and agencies including departments and agencies of political subdivisions of the state as the coordinator of nuclear development and regulatory activities, the commissioner or the department of energy or the governor may deem appropriate.

II. The coordinator of nuclear development and regulatory activities shall also examine the ongoing costs versus benefits of existing and proposed new nuclear developments in the state including, but not limited to, the impact on meeting projected energy requirements; any required upgrades that may be required to the existing transmission and distribution infrastructure; how the development of additional nuclear production capacity may affect electricity reliability; and what impact additional capacity may have on seasonal fluctuations in electricity prices.

III. The department of energy shall publish a public report, prepared by the coordinator of nuclear development and regulatory activities, at least once every three years beginning with a report due not later than December 1, 2025.

3 New Paragraph; Continuing Studies; Department of Energy; Advanced Nuclear Reactors. Amend RSA 162-B:3 by inserting after paragraph VII the following new paragraph:

VIII. The department of energy shall study state and federal policies, technologies, supply chains, and potential siting locations related to advanced nuclear reactors.

4 Coordination of Studies; Commission of Energy. RSA 162-B:4 is repealed and reenacted to read as follows:

162-B:4 Coordination of Studies and Development Activities; Position Established.

I. The commissioner of the department of energy or a designee from within the department shall be the senior adviser to the governor with respect to the development and regulatory activities of the state government relating to the industrial and commercial uses of nuclear energy; and as deputy of the governor in matters relating to nuclear energy, including participation in the activities of any committee formed by the New England states to represent their interest in such matters and also cooperation with other states and with the government of the United States.

II. To assist the commissioner of the department of energy in his or her role as senior adviser to the governor with respect to the development and regulatory activities of the state government relating to the industrial and commercial uses of nuclear energy, the position of coordinator of nuclear development and regulatory activities is established in the department of energy, office of energy innovation.

III. The coordinator of nuclear development and regulatory activities shall have the duty to coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies conducted, and the recommendations and proposals made, in this state with like activities in New England and other states and with the policies and regulations of the United States Nuclear Regulatory Commission.

IV. All departments and agencies of the state government are directed to keep the coordinator of nuclear development and regulatory activities fully and currently informed as to their
activities relating to nuclear energy. No administrative rule or amendment to a rule applying specifically to a nuclear energy matter shall be adopted under RSA 541-A until it has been submitted to the coordinator, unless the governor declares it an emergency need.

V. The coordinator of nuclear development and regulatory activities shall keep the commissioner of the department of energy, the governor and council and the several interested departments and agencies informed at least biennially as to private and public activities affecting nuclear industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety and general welfare of this state.

5 New Paragraph; Definition Added; Advanced Nuclear Reactor. Amend RSA 162-B:6 by inserting after paragraph I the following new paragraph:

I-a. The term "advanced nuclear reactor" means the same as defined in 42 U.S.C. section 16271(b)(1).

6 Office of Offshore Wind Industry Development. Amend the subdivision heading preceding RSA 12-O:51 to read as follows:


7 Offshore Wind Industry Workforce Training Center Committee. Amend RSA 12-O:51-a, I(k) to read as follows:

(k) The director of the office of [offshore wind industry development] **energy innovation** under RSA 12-P:7-b.

8 Office of Offshore Wind Industry Development. Amend the section heading of RSA 12-P:7-b to read as follows:


9 Office of Offshore Wind Industry Development Established. Amend RSA 12-P:7-b, I to read as follows:

I. There is established in the department of energy the office of [offshore wind industry development] **energy innovation**. The office shall be under the supervision of a classified director of the office of [offshore wind industry development] **energy innovation**, who shall serve under the supervision of the commissioner. The director shall provide administrative oversight and ensure that the responsibilities of the office described in this section are fulfilled.

10 Office of Offshore Wind Industry Development Established. Amend introductory paragraph RSA 12-P:7-b, II to read as follows:

II. The office of [offshore wind industry development] **energy innovation** shall:

11 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing special fund shall be continually appropriated to the department of energy to be expended in accordance with this section; provided that at the start of the period in which there is no adopted state operating budget, the department of energy shall in a timely manner seek the approval of the fiscal committee of the
general court to continue using moneys from the renewable energy fund to support renewable energy rebate and grant programs in order to ensure there are no interruptions to the programs. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. Any remaining moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the department of energy to support thermal and electrical renewable energy initiatives and offshore wind initiatives, including the office of [offshore wind industry development] energy innovation. Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the department of energy as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the department of energy due to the inclusion of useful thermal energy in class I production.

12 Offshore Wind and Port Development; Commission Established. Amend RSA 374-F:10, VI to read as follows:

VI. The commission shall receive staff support and other services, including research and facilities assessments, from the department of energy, office of [offshore wind industry development] energy innovation established in RSA 12-P:7-b.

13 Effective Date. This act shall take effect June 30, 2025.
AN ACT relative to studies of nuclear energy technologies.

**FISCAL IMPACT:** [X] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Variable</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund Insurance Department Assessment and Highway Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

**METHODOLOGY:**

This bill requires the Department of Energy to coordinate the continuing studies by various state agencies on the uses and development of nuclear energy, including advanced nuclear reactors.

The Department of Energy indicates it is unaware if the duties under the statute as it currently exists are being fulfilled by another state agency. The Department states it could absorb the costs of performing the duties as directed in the bill by repurposing existing federal funds, although it would result in the Department forgoing or reducing some activities that it currently undertakes with those funds.

The Department of Business and Economic Affairs assumes it would work with the Department of Energy to help coordinate with the other state agencies and develop the recurring five-year report. The other agencies will initiate and pursue continuing studies concerning the need for changes in the laws and administrative rules arising from the presence of nuclear materials and by-products from the operation of production or utilization facilities in NH. From these continuing studies, the report will recommend changes to state laws and administrative rules. The Department assumes it would require a Program Specialist IV position within the Office of
Planning and Development. This person will possess an understanding of federal and state nuclear issues and work with other offices in the Department and at least six other state agencies, including the Department of Justice since the Department of Business and Economic Affairs does not have a staff attorney. The estimated annual cost for this position, starting in FY 2025 at step 1 is $121,000 ($60,000 salary, $31,000 benefits and $30,000 office space, equipment and operating expenses). Because the bill requires the report to be updated every five years, the Department assumes the position will be permanent. The Department notes that it may be difficult to hire for such a specialized position and they may have to offer the salary at a higher step in order to fill the position.

The Department of Insurance indicates this bill relates to a 1955 statute that addresses the impact of nuclear material in NH on certain forms of insurance. The Department states this 60 plus year old statute has not been the focus of the Insurance Department in at least many years. The bill would require the Department to perform studies and produce public reports of the type that the Department does not currently produce. The Department would require additional staff or a contractor/expert to conduct such studies and produce public reports. This will increase the Department's expenditures which are funded by the Insurance Department Assessment, however the Department is not able to estimate the amount of such increase.

The Department of Labor indicates that it is unlikely that this bill would have significant impact on revenues or expenditure at the state, county or local level. The Department notes that it is possible that any administrative rule amendment borne from continuing nuclear energy studies could have some impact on the state and municipalities, but any quantification of such change is difficult. It is not anticipated that the bill would materially impact the administration of hazardous working conditions, the workers compensation system, or other workplace safety legislation from the Department’s perspective.

The Department of Health and Human Services does not anticipate an increase in state expenditures due to this bill. With respect to the proposed changes, the Department understands the role of the Department's Radiological Health Section is to monitor federal NRC requirements (new or revised regulations) related to nuclear energy industrial development, and share any information and coordinate with the Department of Energy. The Department states that participating in and monitoring the proceedings of national councils and training programs related to the industry can be managed with existing staff, including the preparation of a periodic report every 5 years.

The Department of Transportation indicates it does not have the expertise or the staff capable of leading and conducting a study that could define the impact of transporting special nuclear
material or byproducts or for the presence of these material in the vicinity of a state highway. The Department would need to retain a consultant that could provide the expertise and service including the generation of the report. The Department states the fiscal impact is indeterminable since the scope of the study, mainly due to the materials to be handled, is outside of the normal projects the department oversees. The engineering consultant the Department would need to undertake this study is not one that would be on the Department’s normal prequalified list. The study would require an expert in the field, and this would limit the number of firms available and increase the cost. Depending on the scope the study, it could take 1,000 to 1,500 hours and cost between $185,000 to $280,000. Annual coordination for continuous study and to update and maintain the report would require an estimated at 200 hours per year at a cost of $35,000.

AGENCIES CONTACTED:

Departments of Energy, Health and Human Services, Insurance, Labor, Business and Economic Affairs, and Transportation
Amendment to HB 1465-FN

Amend RSA 162-B:4, II as inserted by section 4 of the bill by replacing it with the following:

II. To assist the commissioner of the department of energy in his or her role as senior adviser to the governor with respect to the development and regulatory activities of the state government relating to the industrial and commercial uses of nuclear energy, the position of coordinator of nuclear development and regulatory activities is established in the department of energy, office of offshore wind industry development and energy innovation.

Amend the bill by replacing all after section 5 with the following:

6 Office of Offshore Wind Industry Development. Amend the subdivision heading preceding RSA 12-O:51 to read as follows:

Office of Offshore Wind Industry Development and Energy Innovation

7 Offshore Wind Industry Workforce Training Center Committee. Amend RSA 12-O:51-a, I(k) to read as follows:

(k) The director of the office of offshore wind industry development and energy innovation under RSA 12-P:7-b.

8 Office of Offshore Wind Industry Development. Amend the section heading of RSA 12-P:7-b to read as follows:


9 Office of Offshore Wind Industry Development and Energy Innovation Established. Amend RSA 12-P:7-b, I to read as follows:

I. There is established in the department of energy the office of offshore wind industry development and energy innovation. The office shall be under the supervision of a classified director of the office of offshore wind industry development and energy innovation, who shall serve under the supervision of the commissioner. The director shall provide administrative oversight and ensure that the responsibilities of the office described in this section are fulfilled.

10 Office of Offshore Wind Industry Development and Energy Innovation Established. Amend RSA 12-P:7-b, II to read as follows:

II. The office of offshore wind industry development and energy innovation shall:
(a) Support the work of the New Hampshire members of the Intergovernmental Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management (BOEM).

(b) Support the work of the offshore wind commission established in RSA 374-F:10.

(c) Assist the offshore wind commission to develop and implement offshore wind development strategies including:
   (1) Assessment of port facilities.
   (2) Economic impact analyses.
   (3) Supply chain analyses.
   (4) Outcome and performance measurements.

(d) Collaborate with key state agencies and partners on offshore wind industry development initiatives.

(e) Coordinate offshore wind industry economic development policy, including:
   (1) Development of workforce.
   (2) Identification of and recruitment of offshore wind development employers.
   (3) Identification and recruitment of offshore wind supply chain employers.
   (4) Promotion of New Hampshire's benefits to the various components of the offshore wind industry.

(f) Provide updates and guidance to the general court with regard to policy and funding.

(g) Fulfill the duties outlined in RSA 162-B:4.

11 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing special fund shall be continually appropriated to the department of energy to be expended in accordance with this section; provided that at the start of the period in which there is no adopted state operating budget, the department of energy shall in a timely manner seek the approval of the fiscal committee of the general court to continue using moneys from the renewable energy fund to support renewable energy rebate and grant programs in order to ensure there are no interruptions to the programs. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. Any remaining moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the department of energy to support thermal and electrical renewable energy initiatives and offshore wind initiatives, including the office of offshore wind industry development and energy innovation. Class II moneys shall
primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the department of energy as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the department of energy due to the inclusion of useful thermal energy in class I production.

12 Offshore Wind and Port Development; Commission Established. Amend RSA 374-F:10, VI to read as follows:

VI. The commission shall receive staff support and other services, including research and facilities assessments, from the department of energy, office of offshore wind industry development and energy innovation established in RSA 12-P:7-b.

13 Effective Date. This act shall take effect upon its passage.
AMENDE ANALYSIS

This bill requires the department of energy to coordinate the continuing studies by various state agencies on the uses and development of nuclear energy, including advanced nuclear reactors, and wind energy. This bill renames the office of offshore wind industry development to the office of offshore wind industry development and energy innovation.
<table>
<thead>
<tr>
<th>Date</th>
<th>Session</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Science, Technology and Energy HJ 1</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/29/2024 09:45 am LOB 302-304</td>
</tr>
<tr>
<td>01/22/2024</td>
<td>H</td>
<td>Full Committee Work Session: 01/30/2024 01:30 pm LOB 302-304</td>
</tr>
<tr>
<td>01/22/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/30/2024 03:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/01/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/13/2024 01:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment #2024-0650h (NT) 02/13/2024 (Vote 17-3; RC)</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment #2024-0650h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0650h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/13/2024 01:00 pm LOB 212</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; CC) HC 14 P. 6</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 1</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Energy and Natural Resources; SJ 10</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 103, SH, 09:00 am; SC 16</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1691s, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1465-FN, relative to studies of nuclear energy technologies and renaming the office of offshore wind industry development.

**Hearing Date:** April 25, 2024

**Time Opened:** 9:05 a.m.  
**Time Closed:** 9:17 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell and Watters

**Members of the Committee Absent:** Senator Altschiller

**Bill Analysis:** This bill requires the department of energy to coordinate the continuing studies by various state agencies on the uses and development of nuclear energy, including advanced nuclear reactors, and wind energy. This bill renames the office of offshore wind industry development to the office of energy innovation.

**Sponsors:**
- Rep. Ammon
- Rep. Harrington
- Rep. D. Thomas
- Rep. See
- Rep. P. Schmidt
- Rep. Cambrils
- Rep. A. Lekas
- Rep. T. Lekas
- Rep. Osborne
- Sen. Pearl
- Sen. Watters

---

**Who supports the bill:** Rep. Keith Ammon (Hillsborough – District 42), Senator David Watters (Senate District 4), Joshua Elliott (NH Department of Energy), and Madison Schroder (Generation Atomic).

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

Rep. Keith Ammon  
Hillsborough – District 42

- Rep. Ammon stated that the bill originated from the findings of a commission dedicated to studying advanced nuclear energy due to its clean and reliable nature.
- Rep. Ammon highlighted the existing statutes related to nuclear energy, particularly Chapter 162 B, were found to be underutilized, including the
position of coordinator of atomic development activities, which has remained vacant since the mid-2000s.

- Rep. Ammon stated that HB 1465 aims to revitalize and modernize this role, renaming it as the coordinator of nuclear development and regulatory activities and situating it within the newly established Department of Energy.
- Rep. Ammon stated that the bill intends to allocate necessary resources and support for interdepartmental coordination to focus on nuclear energy, specifically advanced nuclear technology.
- Rep. Ammon stated that HB 1465 proposes a definition of advanced nuclear reactors based on the federal definition, highlighting their safety features, low waste, and improved fuel performance.
- Rep. Ammon urged the committee to consider HB 1465 favorably, emphasizing its potential benefits.
  - Sen. Watters inquired about the possibility of maintaining the offshore wind office with its current title and functions while ensuring that the coordinator position proposed in the bill is situated within the Department of Energy.
- Rep. Ammon mentioned that the House Energy Committee proposed renaming the office of offshore wind to the office of energy innovation, expanding its scope beyond offshore wind.
- Rep. Ammon indicated that the Department of Energy might suggest naming it the office of offshore wind and energy innovation to accommodate both aspects.
- Rep. Ammon expressed openness to the suggested adjustment and stated that further discussion and decision-making on this tweak would be left to the committee's discretion.
- Rep. Ammon conveyed willingness to collaborate and stay in communication regarding any potential modifications to the bill.

Joshua Elliott
NH Department of Energy

- Mr. Elliot, Director of the Division of Policy and Programs at the New Hampshire Department of Energy, expressed support for the bill as amended by the House, with one suggested tweak regarding the name of the office.
- Mr. Elliot, highlighted the accessibility and quality of the study commission's report referenced by Rep. Ammon, encouraging committee members to read it.
- Mr. Elliot mentioned two technical changes, including flexibility on the title of the office and proposing an earlier effective date of June 30th, 2024, instead of 2025.
- Mr. Elliot emphasized openness to alternative suggestions for the office title and clarified the process for advancing the effective date.
- Mr. Elliot engaged in a light-hearted exchange with committee members regarding puns and the effective date of the bill.
  - Sen. Watters acknowledged Mr. Elliot's suggestion for the office title but expressed concern about ensuring the director's portfolio aligns with offshore wind responsibilities.
Sen. Watters proposed adding another position under the office to oversee nuclear and other innovative energy initiatives.

Sen. Watters suggested naming the additional staff position to reflect its focus on nuclear and other innovative energies, seeking input on the appropriate title.

Mr. Elliot highlighted the importance of considering various options for placing the position and determining its title.

Mr. Elliot expressed the need to consult with the business office to ensure alignment with organizational structure.

Mr. Elliot emphasized the importance of avoiding unintended consequences and expressed optimism about finding a solution that satisfies everyone.

Sen. Watters emphasized the importance of ensuring readiness for potential industry interest and involvement.

Sen. Watters highlighted the need for a clear definition and delineation of duties for the additional position.

Sen. Watters suggested aligning the description of the position with the objectives outlined in the bill.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

PT
Date Hearing Report completed: April 29, 2024
AMENDED ANALYSIS

I. Establishes a paint stewardship program wherein a nonprofit organization approved by the department of environmental services organizes a program for the reception of discarded architectural paint.

II. Establishes an assessment to fund the paint stewardship program.

III. Requires the department of environmental services to propose changes to the assessment for approval by the joint legislative committee on administrative rules.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to architectural paint recycling.

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

1 New Subdivision; Architectural Paint Recycling Program. Amend RSA 149-M by inserting after section 63 the following new subdivision:

Architectural Paint Recycling Program

149-M:64 Purpose.

I. The general court recognizes that it is unusual for any painting project to use all of the paints purchased for the project, and that current disposal practices for the remaining paints are inefficient and can be costly. The general court further recognizes that the recycling cannot be done efficiently and economically, and in a way that allows a level playing field for producer competition, without the collaboration of all paint producers. The general court thus establishes a paint stewardship program to support and encourage the collection and recycling of latex paint and of oil-based paints and stains that can be exempt from regulation as hazardous waste if properly managed.

II. The goals of the paint stewardship program are:

(a) To reduce the amount of unwanted paint generated and promote the reuse and recycling of such paint.

(b) To establish collection points for post-consumer paints that are convenient and accessible to all areas of the state; to manage post-consumer paint collected at the collection points established under the program using environmentally-sound management practices.

(c) To manage post-consumer paint and paint containers using environmentally-sound management practices in an economically sound manner, while adhering to the waste management hierarchy of source reduction, reuse, recycling, energy recovery, and disposal; and to generate sufficient revenues to cover all costs of the paint stewardship program.

149-M:65 Definitions. In this chapter:

I. “Architectural paint” or “paint” means any interior or exterior architectural coating sold in containers of 5 gallons or less which is either latex-based paint, oil-based paint, or stain that, if properly managed, can be exempt from regulation as hazardous waste under RSA 147-A and has been exempted by rules adopted by the commissioner under RSA 147-A.

II. “Collection point” means a location that is under the direct supervision and control of a retailer, producer, or political subdivision at which there is a suitable container dedicated to collecting and consolidating post-consumer paint.

III. “Consumer” means a purchaser or user of architectural paint.
IV. “Costs of the paint stewardship program” means the actual costs incurred by the stewardship organization to establish and maintain the program plus the actual costs of the department for program oversight and compliance assurance.

V. “Distributor” means a business that has a contractual relationship with one or more producers to market and sell architectural paint to retailers in the state.

VI. “Energy recovery” means recovery in which all or a part of solid waste materials is processed in order to use the heat content or other forms of energy of or from the materials.

VII. “Environmentally-sound management practices” means procedures for the collection, storage, transportation, reuse, recycling, and disposal of post-consumer paint to be implemented to ensure compliance with all applicable federal, state, and local laws, regulations, rules, and ordinances and protection of human health and the environment. Such procedures shall include adequate recordkeeping, tracking, and documentation of the final disposition of collected materials both within the state and beyond, as well as adequate environmental liability coverage for professional services and for the operations of the contractors working on behalf of the stewardship organization.

VIII. “Final disposition” means the point after which no further processing takes place and the paint has been transformed for reuse as a feedstock in producing new products or is disposed of, including for energy recovery, at permitted facilities.

IX. “Paint stewardship assessment” means the amount added to the purchase price of architectural paint sold in the state to cover the costs of the paint stewardship program.

X. “Paint stewardship program” or “program” means a program for management of post-consumer paint to be operated by a stewardship organization.

XI. “Post-consumer paint” means architectural paint that was purchased by or for a consumer that was not used and is no longer wanted by the consumer.

XII. “Producer” means a manufacturer of architectural paint that sells, offers for sale, or distributes such paint in the state under the producer’s own name or brand.

XIII. “Recycling rate” means the percentage of the total amount of post-consumer paint collected by a stewardship organization in a calendar year that is recycled within 12 months of being collected.

XIV. “Recycling” means any process by which discarded products, components, and byproducts are transformed into new, usable, or marketable materials in a manner in which the original products may lose their identity but does not include energy recovery or energy generation by means of combusting discarded products, components, and by products with or without other waste products, for purposes of this subdivision.

XV. “Representative organization” means a nonprofit organization created by producers to operate a paint stewardship program that is open to all producers on a nondiscriminatory basis.
XVI. “Retailer” means a person that offers architectural paint for sale directly to consumers in the state, whether from a physical location or through catalogs or electronically via the Internet or similar conduits.

XVII. “Reuse” means the return of a product into the economic stream for use in the same kind of application as originally intended.

XVIII. “Stewardship organization” means a producer or representative organization that has submitted a paint stewardship program plan in accordance with RSA 149-M:66 and has received approval for the plan pursuant to RSA 149-M:67, II.

149-M:66 Proposals to Establish a Paint Stewardship Program.

I. Any producer or representative organization that wishes to become the stewardship organization shall, by January 1, 2025, submit a plan for the establishment of a paint stewardship program to the department for approval, together with a non-refundable application fee as specified in paragraph III and established in rules.

II. A retailer or political subdivision, may participate in being a collection site, but paint manufacturers shall participate in the paint stewardship program and fees associated within the state of New Hampshire to ensure the paint stewardship program remains viable for years to come.

III. The plan required by paragraph I shall include:

(a) A description of the applicant, including whether it is a producer or a representative organization, how it is managed and operated, how it is funded, and whether it is operating or has operated a paint stewardship program or similar product stewardship program in another jurisdiction and, if so, a description of that program.

(b) A description of how the applicant proposes to collect, transport, recycle, and process post-consumer paint covered by the program to meet the goals stated in RSA 149-M:64, II, including the number and location of proposed collection points, which shall be situated so as to ensure that at least 90 percent of state residents have a permanent collection point within a 25-mile radius of their residence.

(c) A description of how containers used to collect and consolidate post-consumer paint will be managed and protected against damage that could result in a spill, leak, or other discharge.

(d) The proposed initial amount of the paint stewardship assessment and the information on which the initial amount was determined, together with a description of the process by which the applicant will review and propose adjustments to the assessment, and the frequency of such review and proposed adjustments. A description of the financial assurance mechanism the applicant proposes to use as required by RSA 149-M:70.

IV. A non-refundable application fee shall be paid by an applicant for review of a paint stewardship plan the application fee structure shall be determined in rulemaking. The applicant shall pay such costs prior to the department issuing a decision under RSA 149-M:67.

149-M:67 Approval of Plan.
I. The department shall review a plan submitted under RSA 149-M:66 as provided in RSA 541-A:29. The department shall publish a notice on its web site that the plan is available for public review at least 30 days prior to making a determination of whether to approve the plan.

II. The department shall approve a plan and send written notification of such approval to the organization that submitted the plan upon determining that:

(a) The organization submitting the plan appears capable of implementing the plan;

(b) The proposed methods of collecting, transporting, and processing post-consumer paint appear adequate to meet the goals stated in RSA 149-M:64, II; and

(c) The funding mechanism proposed in the plan appears adequate to meet the requirements of RSA 149-M:68, I; and the proposed financial assurance mechanism meets applicable requirements.

III. If the department does not approve the plan, the department shall provide written notification to the organization that submitted the plan of the reason for the denial. Such denial shall not preclude the organization from submitting an amended plan.

149-M:68 Paint Stewardship Program Funding.

I. The stewardship organization shall administer the paint stewardship assessment for all architectural paint sold by participating producers in the state. The amount of the assessment shall be set so as to recover the costs of the paint stewardship program without exceeding such costs, based on a good faith estimate of those costs. If the funds generated by the assessment exceed the amount necessary to recover the costs of the program, the excess funds shall be used by the stewardship organization as stated in the approved plan to reduce future paint stewardship assessments and to improve services under the program. The department shall approve such changes in services before they are instituted.

(a) The original assessment shall not be more than: $3.50 for cans above one gallon and no less than $0.75 for quantities less than or equal to one pint. Otherwise, these fees, as set forth in the rulemaking process, shall be reviewed annually to ensure the fees continue to meet the cost of the program. However, nothing in this section shall be construed to require the product stewardship organization to implement the paint stewardship program if the amount of the approved assessment does not recover the costs of the paint stewardship program based on a good faith estimate of those costs.

(b) By July 1, 2025 the department shall establish the assessment by rule. Any change in the assessment shall be proposed by the department with the approval of the joint legislative committee on administrative rules and copies of the proposal shall be sent to the chairs of the house and senate ways and means committees at least 2 weeks before the public hearing.

II. All paint manufacturers shall add the paint stewardship assessment to the cost of all architectural paint sold for sale or other distribution in the state. Each producer/manufacturer shall
remit the assessments collected to the stewardship organization. Collection of the paint stewardship assessment shall commence no later than July 1, 2025.

III. A retailer or distributor shall include the paint stewardship assessment in the consumer's purchase price of the architectural paint sold by that retailer or distributor. The organization managing the program shall provide sample language to be displayed in the paint department explaining the paint stewardship program.

IV. No additional charge of any type shall be made at the time of post-consumer paint collection by a retailer or distributor.

V. The department shall send an invoice to the stewardship organization in each quarter that accrued costs exceed $100, with documentation of the costs being invoiced to the organization. The stewardship organization shall pay such costs within 30 days of the date of the invoice. In any quarter that the department’s costs do not exceed $100, the amounts shall continue to accrue and be invoiced when the total exceeds $100. All funds received at the department as recovered costs shall be deposited to the hazardous waste cleanup fund established under RSA 147-B:3.

149-M:69 Operation of Paint Stewardship Program.

I. The stewardship organization shall implement the approved plan within 3 months of receiving approval under RSA 149-M:67, II.

II. Upon implementation of the plan, no producer shall sell or offer for sale architectural paint in the state unless the producer participates in the paint stewardship program. The stewardship organization shall notify the department within 30 days of which producers are participating in that organization’s paint stewardship program.

III. (a) The stewardship organization shall provide consumers and retailers with educational materials regarding the paint stewardship assessment and paint stewardship program. Such materials shall include information regarding available end-of-life management options for architectural paint offered through the paint stewardship program; promote waste prevention, reuse and recycling; and notify consumers that the assessment to fund the paint stewardship program is included in the purchase price of architectural paint sold in the state and that state law prohibits consumers from being charged any fee at the point of collection of waste paint.

(b) The materials provided pursuant to subparagraph (a) may include the following:

(1) Signage that is prominently displayed and easily visible to consumers;

(2) Printed materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery;

(3) Advertising or other promotional materials that include references to the paint stewardship program; and

(4) A manual for the operator of a collection point to ensure the use of environmentally-sound management practices when handling architectural paints.
IV. The stewardship organization shall notify the department in writing within 30 days of establishing any additional collection points, changing the location of a collection point, or terminating a collection point.

V. If the stewardship organization wishes to change the paint stewardship assessment, the stewardship organization shall submit a request to change the assessment to the department. The organization shall explain in detail the basis for the change and include audited financial reports to support the request. The department shall submit the request to the joint legislative committee on administrative rules by the process provided in RSA 149-M:68, I(b) if it determines that the change is necessary to cover the actual reasonable costs of the program.

VI. The stewardship organization that organizes the collection, transportation, and processing of post-consumer paint, in accordance with the paint stewardship program approved by the department under this subdivision, shall be exempt from RSA 356 with respect to any claims of a violation of antitrust arising from conduct undertaken in accordance with the paint stewardship program.

VII. Paint received at a collection location shall be considered universal waste pursuant to rules adopted by the department of environmental services. Nothing in this section shall otherwise reclassify paint as universal waste elsewhere in statute. This classification applies only to the paint stewardship collection receiving locations under the oversight of the nonprofit organization.

149-M:70 Financial Assurance Required.

I. Upon receiving approval of a proposed paint stewardship program, the stewardship organization shall take such steps as are necessary to ensure that financial assurance is in place. No post-consumer paint shall be collected until financial assurance is in place.

II. Financial assurance shall be in the form of a bond, letter of credit, or some other financial mechanism, with or without a trust or standby trust, provided that whatever mechanism is used shall:

(a) Be in an amount sufficient to remove all collected post-consumer paint if the stewardship organization terminates the program unexpectedly or fails to provide collection services that are consistent with the approved plan.

(b) Insure to the benefit of, and be payable to, the state of New Hampshire, department of environmental services, upon presentation of appropriate documentation; and require at least 120 days prior notice to the department prior to termination.

149-M:71 Annual Report Required.

I. The stewardship organization shall submit a report to the department annually, with the first report due 90 days after completion of the first year of program implementation, and in no case later than 18 months from the date the plan was approved pursuant to RSA 149-M:67, II. Thereafter, annual reports shall be submitted within 90 days after the end of each operating year. Such reports shall include:
(a) A description of the methods used to collect, transport, reduce, reuse, and process post-consumer paint in the state, including the location of each collection point;

(b) The volume and type of post-consumer paint collected in the state by method of disposition, including reuse, recycling, and other methods of processing; and whether the recycling rate has increased, decreased, or remained the same;

(c) The total costs of the paint stewardship program, as determined by an independent financial audit which may be funded from the paint stewardship assessment, that includes a breakdown of administration, collection, transportation, disposition, and communication costs; a summary of all outreach and educational activities undertaken and samples of educational materials provided to consumers of architectural paint;

(d) The total volume of post-consumer paint collected by the paint stewardship program and a breakdown of the volume collected at each collection site;

(e) Based on the paint stewardship assessment collected by the paint stewardship program, an estimate of the total volume of architectural paint sold in the state during the preceding year;

(f) An evaluation of the effectiveness of the paint stewardship program compared to prior years and anticipated steps the stewardship organization plans to take to improve performance throughout the state, if needed; and

(g) A report on how the stewardship organization has ensured environmental compliance at all collection points within the program.

II. Reports submitted to the department under this section shall be posted on the department’s website, except that proprietary information submitted to the department in a plan, in an amendment to a plan, or pursuant to reporting requirements of this section that is identified by the submittor as proprietary information shall be subject to the exception for confidential information in RSA 91-A. As used in this paragraph, “proprietary information” means information that is a trade secret or production, commercial, or financial information, the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available. Such an exclusion shall not be used to conceal information necessary to the understanding of the finances of the program or in opposition to any rules adopted by the department of environmental services or regulations enacted by the Environmental Protection Agency.

III. The department shall append to each annual report submitted under this section its own accounting of its activities and finances relative to this chapter, and shall provide the combined report to the chairs of the house and senate environmental and ways and means committees.

149-M:72 Retailers.

I. Beginning July 1, 2025 or 3 months after a plan is approved by the commissioner under RSA 149-M:67, whichever occurs later, no retailer shall sell architectural paint unless, on the date
the retailer ordered the architectural paint from the producer or the producer’s agent, the producer
or the paint brand is listed by the department as provided under RSA 149-M:73 as implementing or
participating in an approved paint stewardship program.

II. Any retailer may serve as a paint collection point under the paint stewardship program
provided the retailer complies with all applicable requirements of the paint stewardship program,
including using environmentally-sound management practices.

149-M:73 List of Producers and Brands. The department shall maintain a list of producers
participating and the brands included in the paint stewardship program. Such list shall be made
available to the public on the department’s web site and by other means as the department deems
appropriate.

149-M:74 Liability for Discharges.

I. Any person who causes or suffers a spill, leak, or other discharge of materials collected
under this program shall be liable for all costs of containment and removal of the discharged paint
and, if the spill, leak, or discharge was onto or into any land surface, sewer or storm water collection
network, surface water, or wetland, or in any area where the paint could reach surface water or
groundwater, also shall be liable for the costs of cleanup and restoration of the site and surrounding
environment.

II. Any person who causes or suffers a spill, leak, or other discharge of materials collected
under this program due to gross negligence or reckless disregard, or by intention, shall be subject to
the applicable penalty provisions of RSA 149-M and RSA 147-A.

III. Any person who agrees to operate a collection point and who responsibly implements
environmentally-sound management practices in good faith shall not be subject to penalties for the
acceptance or storage of, or for any spill, leak, or discharge of collected paint, or other materials that
are inadvertently accepted pursuant to the program, and which occurs despite the implementation of
such practices.

149-M:75 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The content and structure of applications under RSA 149-M:66, including information and
other materials to be submitted by an applicant.

II. The amount of the assessments for the stewardship organization.

III. The types of financial assurance that may be used to comply with RSA 149-M:70.

IV. The content and structure of annual reports under RSA 149-M:71, including information
and other materials to be submitted by the stewardship organization.

V. Procedures for filing and review of requests to change the paint stewardship assessment.

VI. Environmentally-sound management practices at collection points.

VII. Definitions of terms not defined in this chapter.

VIII. Standards for granting any waivers from RSA 149-M:64-74.

2 Effective Date. This act shall take effect July 1, 2024.
AN ACT relative to architectural paint recycling.

FISCAL IMPACT:  [X] State  [X] County  [X] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 Indeterminable Increase</td>
</tr>
<tr>
<td>FY 2026 Indeterminable Increase</td>
</tr>
<tr>
<td>FY 2027 Indeterminable Increase</td>
</tr>
<tr>
<td><strong>Revenue Fund(s)</strong></td>
</tr>
<tr>
<td>Hazardous Waste Cleanup Fund</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 In excess of $87,000</td>
</tr>
<tr>
<td>FY 2026 In excess of $112,000</td>
</tr>
<tr>
<td>FY 2027 In excess of $116,000</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
</tr>
<tr>
<td>Hazardous Waste Cleanup Fund</td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 $0</td>
</tr>
<tr>
<td>FY 2026 $0</td>
</tr>
<tr>
<td>FY 2027 $0</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>County Revenue</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 $0</td>
</tr>
<tr>
<td>FY 2026 $0</td>
</tr>
<tr>
<td>FY 2027 $0</td>
</tr>
<tr>
<td><strong>County Expenditures</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 $0</td>
</tr>
<tr>
<td>FY 2026 Indeterminable Increase</td>
</tr>
<tr>
<td>FY 2027 Indeterminable Increase</td>
</tr>
<tr>
<td><strong>Local Revenue</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 $0</td>
</tr>
<tr>
<td>FY 2026 $0</td>
</tr>
<tr>
<td>FY 2027 Indeterminable</td>
</tr>
<tr>
<td><strong>Local Expenditures</strong></td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 $0</td>
</tr>
<tr>
<td>FY 2026 Indeterminable</td>
</tr>
<tr>
<td>FY 2027 Indeterminable</td>
</tr>
</tbody>
</table>

METHODOLOGY:

The Department of Environmental Services indicates this bill would amend RSA 149-M (Solid Waste Management Act) to establish a takeback program for collection and recycling/disposal of post-consumer architectural paint. The program would be coordinated by paint manufacturers individually or through a representative organization, with the Department providing oversight and enforcement. Implementation of the program would begin three months after the Commissioner approves a program plan submitted by the representative organization. The representative organization must submit this plan by January 1, 2025. Once the program is implemented, manufacturers, wholesalers and retailers would be prohibited from selling...
architectural paint in New Hampshire from manufacturers not participating in the program. The Department makes the following assumptions concerning the fiscal impact of the bill:

- The program will likely be coordinated through a single representative organization instead of individual manufacturers (as this is the model adopted in other states with paint takeback programs).

- The representative organization would manage day-to-day operations and financial aspects of the program, including collection and management of paint, development of education materials, submission of annual reports, contracting with independent auditors, etc.

- The cost of the program would be funded by a fee added to the purchase price of new architectural paint sold in New Hampshire. The fee proceeds will be paid to the stewardship program to fund the organization's costs to operate the program.

- The Department would be responsible for general administration and enforcement, including approving the program, rulemaking, reviewing annual reports submitted by manufacturers, evaluating program efficacy, assuring compliance by manufacturers and collection points, and submitting reports to the legislature. These responsibilities would necessitate the creation of a new Environmental Scientist position, (SOC 19, Pay Band 8). This position would need to be filled no later than October 1, 2024.

- Initial administrative costs of the Department will be funded by the application fee paid by the stewardship organization prior to plan approval. Subsequent expenses would be reimbursed quarterly based upon documented costs invoiced by the Department to the stewardship organization.

- Currently, the cost of managing post-consumer paint is borne primarily by local governments (municipalities and solid waste districts). Thus, the implementation of this program would likely reduce local expenditures as the cost burden would shift to consumers purchasing new paint. The Department is not in a position to precisely quantify this fiscal impact.

- Construction/renovation cost for state, county and local projects would increase by an indeterminable amount due to the fee added to the purchase price of new paint. The Department is not in a position to quantify this fiscal impact.

- The bill is not expected to impact county or local revenues and is expected to increase state revenues to the hazardous waste cleanup fund cover costs to run the program.

The Department estimates the cost of a new Environmental Scientist position would be approximately $87,000 in FY 2025, $112,000 in FY 2026 and $116,000 in FY 2027. The Department is unable to accurately calculate the complete costs or fiscal impact of this bill. The Department anticipates that there are likely to be indeterminable costs to the State beyond the position costs. Such costs may include increased expenditures for the procurement of paint for state construction/renovation projects.

AGENCIES CONTACTED:
Department of Environmental Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 03:30 pm LOB 301-303</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/13/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/20/2024 09:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/05/2024 10:45 am LOB 301-303</td>
</tr>
<tr>
<td>03/08/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/13/2024 11:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/19/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1210h 03/19/2024 (Vote 20-0; CC) HC 12 P. 13</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1210h: AA VV 03/28/2024  HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1210h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 103, SH, 01:00 pm; SC 15</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1504-FN, relative to architectural paint recycling.

Hearing Date: April 18, 2024

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: I. Establishes a paint stewardship program wherein a nonprofit organization approved by the department of environmental services organizes a program for the reception of discarded architectural paint.

II. Establishes an assessment to fund the paint stewardship program.

III. Requires the department of environmental services to propose changes to the assessment for approval by the joint legislative committee on administrative rules.

Sponsors:

Who supports the bill: Representative Megan Murray, Representative Lucius Parshall, Representative Sherry Dutzy, Representative Peter Bixby, Representative Nick Germana, Faun Gaudet, Nancy Morison, Sarah Silk (Lakes Region Household Hazardous Product Facility), Scott Burns, Joan Widmer (Americans for Prosperity-New Hampshire), Janet Lucas, Daniel Richardson, Emma Rearick

Who opposes the bill: Curtis Howard, Greg Moore

Who is neutral on the bill: Todd Piskovits (NH Department of Environmental Services), Tim Josephson (Upper Valley Lake Sunapee Regional Planning Committee), Jeremy Jones (American Coating Association)
Summary of testimony presented in support:

Representative Lucius Parshall
- Representative Lucius Parshall introduced HB 1504, emphasizing its environmental benefits and potential for significant cost savings for municipalities.
- Rep. Parshall explained that the bill was inspired by local community needs for efficient waste management and was crafted through a bipartisan effort to ensure broad support and relevance.
- Rep. Parshall outlined the bill’s primary goal to divert paint, a challenging post-consumer waste product, from landfills to more sustainable disposal methods such as recycling and reuse, thus reducing environmental impact.

Representative Megan Murray
- Representative Murray provided detailed insights into the legislative process, noting the extensive subcommittee work that shaped HB 1504 into a viable legislative framework.
- Rep. Murray stressed that New Hampshire is one of the last states in New England without a paint stewardship program, placing it behind in regional environmental efforts.
- Rep. Murray highlighted the environmental benefits of the bill, including reduced landfill usage and enhanced recycling efforts, which contribute to sustainable waste management.
- Senator Watters asked if the bill would increase costs for municipalities.
- Rep. Murray confirmed that it would not increase costs and would likely save money by promoting reuse and recycling of paint, thus reducing landfill usage.
- Rep. Murray noted the strong bipartisan support the bill received in the committee and its design to encourage industry participation in managing the paint stewardship program, ensuring it is practical and effectively implemented.

Representative Peter Bixby
- Representative Bixby discussed how HB 1504 represents an shift from previous bills pertaining to the subject, which faced challenges due to mandatory retailer participation.
- Rep. Bixby clarified that the current version of the bill allows but does not require retailers to accept returned paint, easing operational challenges and encouraging voluntary compliance.
- Rep. Bixby explained the funding mechanism where paint producers contribute to a stewardship fund, which is used to manage the recycling program without imposing additional costs on consumers or municipalities.

- Rep. Bixby emphasized that the bill complements existing recycling infrastructures, enhancing its effectiveness and ease of integration into current waste management practices.

Representative Sherry Dutzy

- Representative Dutzy praised the bill for its clarity and straightforward approach, making it easily understandable for consumers and easy to implement for municipalities.

- Rep. Dutzy Highlighted how the bill effectively balances environmental needs with economic considerations, reducing the financial burden on municipalities by lowering the volume of waste processed and disposed of in landfills.

- Rep Dutzy suggested that HB 1504 sets a positive precedent for future recycling legislation, providing a scalable model that can be adapted for other types of waste management initiatives. She suggested that this was potentially the first step to a thread of future legislation pertaining to paint disposal.

Sarah Silk (Lakes Region Household Hazardous Product Facility)

- Ms. Silk supported the bill for its potential to significantly reduce both the financial and environmental impacts of paint disposal on local communities.

- Ms. Silk provided a detailed description of the operational challenges and budgetary strains faced by waste management facilities, explaining how the bill could alleviate these pressures by diverting significant volumes of paint from the waste stream, thus reducing disposal costs and conserving landfill space.

Neutral Information Presented:

Todd Piskovitz (NH Department of Environmental Services)

- Mr. Piskovitz expressed neutrality but detailed specific concerns about the bill’s language and the resources necessary for implementation.

- Mr. Piskovitz suggested amendments to clarify the classification of various types of paint as universal waste, ensuring that the bill aligns with existing environmental regulations and standards.

- Mr. Piskovitz raised issues regarding the feasibility of the bill, particularly concerning the resource demands it would place on the Department of Environmental Services, and suggested adjustments to the bill’s timelines and funding structures to ensure practical implementation.
**Tim Josephson (Upper Valley Lake Sunapee RPC)**

- Mr. Josephson represented the Regional Planning Commission and shared his role as Household Hazardous Waste Coordinator, discussing the challenges of current paint disposal practices.

- Mr. Josephson advocated for the benefits of paint recycling as observed in other states, describing cost savings and environmental benefits that could be realized in New Hampshire.

- Mr. Josephson emphasized that transitioning to a paint recycling system could significantly reduce municipal waste fees by decreasing the volume and weight of landfill waste, aligning with state sustainability goals.

**Jeremy Jones (American Coating Association)**

- Mr. Jones brought expertise from his experience managing paint care programs across several states, emphasizing the importance of careful legislative planning and stakeholder engagement.

- Mr. Jones recommended a summer study to thoroughly refine the bill, ensuring that it incorporates best practices for program management and fee structures.

- Mr. Jones advocated for a stewardship role in setting fees and managing the program, leveraging industry expertise to minimize state expenditures and ensure the program's efficiency and uniformity across states. He claimed that in every state that has a successful structure similar to this, stewardships are in charge of setting fees.
HB 1554 - AS AMENDED BY THE HOUSE

28Mar2024... 0969h
2024 SESSION
24-2810
08/10

HOUSE BILL 1554

AN ACT relative to certified culvert maintainer program reporting and requiring the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in lakes and establishing rulemaking authority for such regulation.

SPONSORS: Rep. McConkey, Carr. 8

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill:

I. Specifies who in a municipality shall submit a quarterly report on culvert maintainers.

II. Requires the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in lakes and establishes rulemaking authority to accomplish that.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to certified culvert maintainer program reporting and requiring the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in lakes and establishing rulemaking authority for such regulation.

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

1 Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, XVIII to read as follows:

  XVIII. The department shall develop a certification program for culvert maintainers, in accordance with paragraph XVII, and shall determine the educational requirements for certification, including continuing education requirements. Professional engineers who are duly licensed by the New Hampshire board of professional engineers are exempt from the program requirements of this section. The road agent, highway director, board of selectmen, or certified official of a municipality who supervises certified individuals who perform such work in the municipality shall submit a quarterly report to the department fully identifying work that they performed during each quarter and documentation of continuing education requirements.

2 New Subdivision; Native Aquatic Vegetation. Amend RSA 482-A by inserting after section 482-A:35 the following new subdivision:

  Native Aquatic Vegetation

  482-A:36 Rulemaking. The commissioner shall regulate the cutting of native aquatic vegetation on submerged lands in lakes subject to this chapter. The commissioner shall adopt rules to effect the requirements of this section in furtherance of the purpose enumerated in RSA 482-A:1.

3 Effective Date. This act shall take effect 60 days after its passage.
Amendment to HB 1554

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

AN ACT relative to certified culvert maintainer program reporting and requiring the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in public waters or certain public-owned water bodies and establishing rulemaking authority for such regulation.

Amend RSA 482-A:36 as inserted by section 2 of the bill by replacing it with the following:

482-A:36 Rulemaking. The commissioner shall regulate the cutting of native aquatic vegetation on submerged lands in public waters or public-owned water bodies regulated under RSA 482-A:16. The commissioner shall adopt rules to effect the requirements of this section in furtherance of the purpose enumerated in RSA 482-A:1.
AMENDED ANALYSIS

This bill:

I. Specifies who in a municipality shall submit a quarterly report on culvert maintainers.

II. Requires the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in public waters and certain publicly owned water bodies and establishes rulemaking authority to accomplish that.
<table>
<thead>
<tr>
<th>Date</th>
<th>Target</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development HJ 1</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Public Hearing: 02/21/2024 02:30 pm LOB 305</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Public Hearing on non-germane Amendment # 2024-0969h:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>03/13/2024 10:15 am LOB305</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:30 am LOB 305</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0969h (NT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>03/13/2024 (Vote 20-0; CC) HC 12 P. 18</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0969h (NT): AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0969h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SJ 8</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Hearing: 05/07/2024, Room 103, SH, 09:40 am; SC 18</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1829s,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1554, relative to certified culvert maintainer program reporting and requiring the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in lakes and establishing rulemaking authority for such regulation.

Hearing Date: May 7, 2024

Time Opened: 10:12 a.m.  Time Closed: 10:27 a.m.

Members of the Committee Present: Senators Avard, Pearl, Watters and Altschiller

Members of the Committee Absent: Senator Birdsell

Bill Analysis: This bill:

I. Specifies who in a municipality shall submit a quarterly report on culvert maintainers.

II. Requires the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in public waters and certain publicly owned water bodies and establishes rulemaking authority to accomplish that.

Sponsors:
Rep. McConkey

Who supports the bill: In total, 55 individuals signed in support of HB 1114. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who opposes the bill: None.

Who is neutral on the bill: None.
Summary of testimony presented in support:

Rep. David McConkey
Carroll – District 8

- Rep. McConkey introduced as the prime sponsor for HB 1554, which pertains to the certified culvert maintainer program.
- Rep. McConkey mentioned the origins of the bill, which stemmed from requests from towns and the Department of Environmental Services (DES).
- Rep. McConkey highlighted the two main aspects of the bill: changes to the certified culvert manager program and regulations regarding the cutting of native aquatic vegetation.
- Rep. McConkey deferred to others for specific questions regarding the cutting of native aquatic vegetation.

Christine Kamal

- Ms. Kamal introduced herself as Christine Kamal, a property owner on Little Island Pond in Pelham, New Hampshire.
- Ms. Kamal voiced support for HB 1554 with the amendment to grant the Department of Environmental Services (DES) the authority to regulate the cutting of submerged native aquatic vegetation in New Hampshire lakes and ponds.
- Ms. Kamal emphasized the importance of lakes and ponds as vital resources for the state, highlighting their role in water quality and aquatic ecosystem health.
- Ms. Kamal raised concerns about the impact of unregulated cutting of native aquatic vegetation, citing a personal experience with excessive vegetation removal by a lake association.
- Ms. Kamal described the use of a mechanical harvester by the lake association and its ineffectiveness in collecting vegetation, leading to loose cut vegetation floating in the lake.
- Ms. Kamal provided information on the target plant, clasping pondweed, and its potential to spread through cuttings left behind by excessive cutting.
- Ms. Kamal referenced a DES fact sheet that highlights the consequences of excessive aquatic vegetation removal, including a shift from clear water to murky water in lakes.
- Ms. Kamal urged support for the bill with the proposed amendment to empower experts to regulate the cutting of native aquatic vegetation.
  - Sen. Altschiller inquired about the aftermath of the situation described, particularly regarding efforts made to address the detritus left behind by the machine.
  - Sen. Altschiller asked whether there were subsequent attempts to use the machine for cutting vegetation or if any cleanup efforts were undertaken afterward.
• Ms. Kamal noted the presence of a chaser boat following the machine but highlighted the challenge of collecting vegetation that doesn't immediately resurface after being cut.
• Ms. Kamal suggested the idea of using a floating barrier to contain the vegetation for easier collection, especially in windy or wavy conditions.
• Ms. Kamal pointed out the significant cyanobacteria bloom depicted in the provided photo, which lasted for 69 days from August to November, indicating a potential correlation with the vegetation cutting.
• Ms. Kamal acknowledged the uncertainty regarding causation but emphasized the need for expert oversight to prevent disruptions to the aquatic ecosystem.
• Ms. Kamal highlighted the discovery of an invasive species in September and emphasized the importance of expert guidance on timing, quantity, and location of vegetation cutting to maintain ecological balance.

Darlene Forst
Department of Environmental Services

  o Sen. Avard inquired about if DES has the necessary resources to address issues concerning the maintenance of native aquatic vegetation in lakes.
• Ms. Forst highlighted the existence of multiple positions within DES or agencies with overlapping jurisdictions regarding the regulation of native vegetation cutting.
• Ms. Forst confirmed the availability of resources within the section supervised by Ms. Forst to adopt rules for setting parameters on cutting native vegetation.
• Ms. Forst clarified that the burden of regulation would primarily fall on other sections within DES, such as watershed and exotic aquatic species sections.
• Ms. Forst noted the absence of a specific section within DES dedicated to regulating the removal of native vegetation.
• Ms. Forst explained that consulting on the impacts of removing native vegetation would likely be handled by other programs within DES, such as the 319 grant program or overall water quality initiatives.
• Ms. Forst indicated that the bill would only authorize DES to adopt rules and would not require consulting or permitting activities.
Sen. Avard inquired about what DES would recommend to address the issue at hand.

- Ms. Forst acknowledged the complexity of the issue, emphasizing that it requires careful consideration beyond a quick response.
- Ms. Forst expressed agreement with the intent of the legislation.
- Ms. Forst raised a concern regarding the lack of a proper definition for "lakes" within the legislation.
- Ms. Forst suggested that before proceeding with the proposed actions, clarity is needed on the jurisdiction and intended scope of the legislation.
- Ms. Forst proposed using the term "public waters" or "publicly owned water bodies" instead of "lakes".
- Ms. Forst suggested referencing RSA 482-A:16, which defines "great ponds" as bodies of water greater than 10 acres in size or where the state controls the dam for flowage, owns the bed, or is owned by a state agency.
- Ms. Forst emphasized the importance of aligning terminology with existing statutes to ensure clarity and consistency in legal interpretation.
  - Sen. Watters inquired about the effectiveness of the bill if the definitional change were implemented.
- Ms. Forst highlighted the importance of defining jurisdictional boundaries for regulating native vegetation.
- Ms. Forst emphasized the need for clarity in defining the scope of regulatory authority to ensure effective implementation of the legislation.
  - Sen. Avard inquired about the impact of the change in definition on private bodies of water under 10 acres.
- Ms. Forst stated that the definitional change would not impact native vegetation in small farm ponds.

Andrea LaMoreaux
NH Lakes

- Ms. LaMoreaux expressed support for the bill under consideration.
- Ms. LaMoreaux appreciated the bill's intent to address the balance between lake use and natural plant communities.
- Ms. LaMoreaux highlighted the interest among lake associations in managing native plants.
- Ms. LaMoreaux advocated for the establishment of clear rules and guidelines to prevent unintended consequences of overharvesting native plants.
- Ms. LaMoreaux urged support for the bill and emphasized the importance of making it effective.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

PT
Date Hearing Report completed: May 9, 2024
HOUSE BILL 1600-FN

AN ACT relative to participation in net energy metering.


COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill provides that when a municipal host offsets the group load of a municipal or county aggregation, rather than individual customer accounts, then it shall be considered a customer of the municipal or county aggregation and compensated for its output.

Explanation: Matter added to current law appears in **bold italics.** Matter removed from current law appears [in bracket and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to participation in net energy metering.

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

1 New Paragraph; Aggregation of Electric Customers by Municipalities and Counties; Regulation. Amend RSA 53-E:4 by inserting after paragraph IV the following new paragraph:

IV-a. When a municipal host, as defined in RSA 362-A:1-a, II-c, consents to use its generation to offset the group load of a municipal or county aggregation, and not one or more individual retail customer accounts, then it shall be a customer of a municipal or county aggregation and not on utility default service, with compensation for their output made pursuant to RSA 362-A:9, II.

2 Aggregation of Electric Customers by Municipalities and Counties; Regulation; Reference Change. Amend RSA 53-E:4, VI to read as follows:

VI. Municipal or county aggregations shall be subject to RSA 363:38 as service providers and individual customer data shall be treated as confidential private information and shall not be subject to public disclosure under RSA 91-A. An approved aggregation may use individual customer data to comply with the provisions of RSA 53-E:7, [4] III and for research and development of potential new energy services to offer to customer participants.

3 Effective Date. This act shall take effect upon its passage.
AN ACT relative to participation in net energy metering.

FISCAL IMPACT:  [ X ] State    [ X ] County    [ X ] Local    [ ] None

| Estimated State Impact - Increase / (Decrease) |
| --- | --- | --- | --- |
| Revenue | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| Revenue Fund(s) | $0 | Indeterminable | Indeterminable | Indeterminable |
| Expenditures | $0 | $0 | $0 | $0 |
| Appropriations | $0 | $0 | $0 | $0 |

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] No

| Estimated Political Subdivision Impact - Increase / (Decrease) |
| --- | --- | --- | --- |
| County Revenue | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| County Expenditures | $0 | Indeterminable | Indeterminable | Indeterminable |
| Local Revenue | $0 | Indeterminable | Indeterminable | Indeterminable |
| Local Expenditures | $0 | Indeterminable | Indeterminable | Indeterminable |

METHODOLOGY:

This bill provides that when a municipal host offsets the group load of a municipal or county aggregation, rather than individual customer accounts, then it shall be considered a customer of the municipal or county aggregation and compensated for its output.

The Department of Energy indicates this bill would have an indeterminable fiscal impact on state, county, and local revenues. If the state, a county, or local unit of government engages in net metering as a municipal host and is in a community served by a municipal or county aggregator, and such a municipal host is used to offset the load of the municipal or county aggregator, the compensation rates will be made by the municipal or county aggregator. To the extent that a municipal host meets these requirements, the total compensation to the municipal
host may increase or decrease. The final compensation design done by the municipal or county aggregator would determine any revenue impact and the magnitude of the impact. If the state, a county, or local unit of government engages in net metering as a municipal host and is not in a community served by a municipal or county aggregator, there would be no revenue impact.

Regarding state, county and local expenditures, the Department indicates there would be no fiscal impact. The bill only impacts the compensation of the group host for its exports of electricity to the grid. It has no impact on the tariff paid by group members of the arrangements for the electricity they consume, including for members that may be the state, counties, or local units of government. Neither statute nor rule have any prohibitions on group hosts and group members having different suppliers for the electricity portion of their bill. The Department indicates there be no impact on state expenditures for the Department to implement this bill.

The Public Utilities Commission states would have no fiscal impact on the Commission. The Commission has no information regarding any potential fiscal impact at the county or local level.

AGENCIES CONTACTED:
Department of Energy and Public Utilities Commission
Amendment to HB 1600-FN

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

AN ACT establishing a committee to study the aggregation of electric customers by municipalities and counties.

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

1 Committee Established. There is established a committee to study the aggregation of electric customers by municipalities and counties.

2 Membership and Compensation.
   I. The members of the committee shall be as follows:
      (a) Four members of the house of representatives, appointed by the speaker of the house of representatives.
      (b) One member of the senate, appointed by the president of the senate.

   II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall examine legislative options regarding regulation of aggregation of electric customers by municipalities and counties, including treatment of municipal hosts pursuant to RSA 362-A:9, II.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

6 Effective Date. This act shall take effect upon its passage.
AMENDED ANALYSIS

This bill establishes a committee to study the aggregation of electric customers by municipalities and counties.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Science, Technology and Energy</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/29/2024 02:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 01:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment #2024-0764h</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>02/20/2024 (Vote 18-0; CC) HC 9 P. 14</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment #2024-0764h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0764h: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources</td>
</tr>
<tr>
<td>04/09/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 103, SH, 09:10 am; SC 15</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1816s,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1600-FN, relative to participation in net energy metering.

Hearing Date: April 16, 2024

Time Opened: 9:21 a.m.                                              Time Closed: 9:48 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill provides that when a municipal host offsets the group load of a municipal or county aggregation, rather than individual customer accounts, then it shall be considered a customer of the municipal or county aggregation and compensated for its output.

Sponsors:

Who supports the bill: In total, 85 individuals signed in support of HB 1600-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who opposes the bill: Julie Smith.

Who is neutral on the bill: Joshua Elliot (NH Department of Energy), Tom Franz (NH Department of Energy).

Summary of testimony presented in support:

Rep. Thomas Cormen
Grafton District – 15

- Rep. Cormen clarified that the bill originated from a constituent request by Clifton Below, who chairs the Community Power Coalition.
- Rep. Cormen stated that the bill addresses the scenario where electrical power generated by a municipal host serves a municipal or county aggregation like community power instead of individual customer accounts.
• Rep. Cormen explain that in such cases the municipal host would become a customer of the municipal or county aggregation rather than default service, potentially reducing overall load requirements and transmission costs.
• Rep. Cormen stated that there's a housekeeping measure in the bill related to the correct RSA regarding customer data.
• Rep. Cormen mentioned an amendment suggested by Mr. Below that introduces a definition for a "community supplier" and substitutes it for "municipal host" in the bill. This change would make the community supplier the customer when serving a municipal or county aggregation.

Clifton Below
Community Power Coalition NH

• Mr. Below expressed support for the bill and proposed an amendment to reconcile the version passed by the House with an approach suggested by the Department of Energy, which came too late to be considered by the House committee.
• Mr. Below stated that the bill aims to offer a new option for community power aggregations to utilize renewable power generated by local net metered customer generators.
• Mr. Below discussed the evolution of the bill, highlighting the decision to maintain the definition of "municipal host" and focus the bill's function in section one.
• Mr. Below explained that the bill avoids cost shifting from energy supply by requiring customer generators to be on competitive community power aggregation service.
• Mr. Below highlighted the proposed definition of "community generator" is outlined, emphasizing its inclusion of customers with total peak capacity of less than 5 megawatts offsetting the load of a municipal or county aggregation.
• Mr. Below stated the bill also addresses compensation for energy supplying capacity value under RSA 362-A:9 and includes a technical fix to a reference in previous amendments to 53 E.
• Mr. Below concluded by emphasizing the importance of the bill in clarifying terms and conditions for group net metering and separating them from the proposed arrangement for customer generators.
  o Sen. Watters requested clarification on the differences between the replace all amendment and the bill.
• Mr. Below stated the bill introduces a new definition of a "community generator" in lines 4 to 7, which is akin to the definition of a municipal host. It specifies that the generator must use its generation to offset the load of a municipal or county aggregation, with all customers within the same utility service territory.
• Mr. Below highlighted that the second section of the bill, from lines 8 through 14, adds a new paragraph under the net metering part of the statute. This paragraph addresses concerns regarding inadvertently enrolling net metered customers who weren't identified as such. It stipulates that when a customer
generator consents, they can participate in the net metering program to ensure proper compensation, aligning with language in the house version of the bill.

**Rep. Michael Vose**  
Rockingham - District 5

- Rep. Vose acknowledged that the amendment was new to him, having seen it only recently. He noted that while the amendment seemed acceptable, it essentially achieved the same outcome as the original bill but used different language and sections of statute.
- Rep. Vose emphasized the need for careful consideration in placing the language within the statute in the amended bill from the House and highlighted that the intention was to clarify the focus on community power.
- Rep. Vose acknowledged that the amendment created a new definition of a community generator, which offered clarity compared to the previous definition of a municipal host. However, he questioned whether this change represented a better solution since both versions essentially served the same purpose.
- Rep. Vose indicated the need to consult with other members of his caucus before confirming whether the House would agree to the proposed amendment.
- Rep. Vose recalled Mr. Below’s initial approval of the amended version as an elegant solution and saw no compelling reason to further clutter the LEPA and net metering statutes with additional amendments.
- Rep. Vose urged serious consideration of passing the bill as amended by the House, as it essentially achieved the same objectives as the proposed amendment.

**Sam Evans Brown**  
Clean Energy NH

- Mr. Evans Brown affirmed Cleaners New Hampshire's support for the bill, emphasizing a willingness to support whatever language and placement is agreed upon by consensus.
- Mr. Evans Brown highlighted the organization’s strong endorsement of community-scale energy projects, noting their compatibility with the grid and the ease of navigating the interconnection process.
- Mr. Evans Brown pointed out the significant bureaucratic requirements often associated with creating community-scale renewable energy projects in other states, citing the complexity of net metering programs and double billing situations.
- Mr. Evans Brown praised the bill's approach for simplifying these processes by allowing community-scale projects to result in a bill credit for every resident in a community.
- Mr. Evans Brown urged the committee to find language that aligns with the House version of the bill, emphasizing the substantial improvement it offers over existing practices in other states.
• Mr. Evans Brown mentioned that the reimbursement value for these projects is still under consideration at the P.U.C., implying that there may be further developments in the future.

Bill Baber

• Mr. Baber, as a member of various local committees including the Community Power Coalition of New Hampshire, provided brief remarks to the Chair and Senate members.
• Mr. Baber shared a framework of high-level questions he finds helpful in assessing energy bills, focusing on clarity of purpose, new options for acquiring power, fair compensation for communities, knowledge acquisition, and marketplace enhancement for renewable energy and job creation.
• Mr. Baber affirmed his belief that the bill in question brings clarity of purpose, provides desirable options for power acquisition, ensures fair compensation for municipal generators supplying power to community aggregation, aids in knowledge acquisition for aggregated communities, and enhances the state marketplace for renewable energy and local job creation.
• Mr. Baber urged the committee to support the bill and recommended considering the suggested amendment.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Joshua Elliot
NH Department of Energy

• Mr. Elliot acknowledged Mr. Below's comprehensive summary of the bill's intentions and goals.
• Mr. Elliot stated that the Department of Energy, on the policy side, maintains a neutral stance on the bill.
• Mr. Elliot spoke on the topic of cost shifting and stated that any potential cost containment would be confined within community power aggregation, offering members the option to switch to default service or competitive suppliers if they disagree with the arrangement.
• Mr. Elliot explained that the regulatory structure for net metering is distinct, and previous concerns may not apply pending the outcome of the Public Utilities Commission docket on the matter.
• Mr. Elliot acknowledged the proposed amendment, and that the department would appreciate feedback from Mr. Below and the Community Power Coalition of New Hampshire to ensure accurate terminology usage and prevent unintended consequences.
• Mr. Elliot stated that compensation for entities under the bill would be determined by community power aggregators independent of the utility default service compensation structure.
HOUSE BILL 1620-FN

AN ACT relative to suspending the issuance of new landfill permits until 2031.


COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill requires the suspension of approval of new landfill permits by the department of environmental services until 2028.

Explanation: Matter added to current law appears in **bold italics.**

Matter removed from current law appears in [brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to suspending the issuance of new landfill permits until 2031.

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

1 Solid Waste Management; Department of Environmental Services; Applications for New Landfills Suspended. In order to ensure that any new landfills are sited properly, meet the need of public benefit, and are aligned with New Hampshire’s solid waste goals, the statutory process for issuing permits for the construction of a new landfill under RSA 149-M:9 are hereby suspended until July 1, 2028. The department shall continue to accept and investigate applications, provided that any time frames for required action by the department under RSA 149-M are also suspended.

2 Application of Suspension; Expansion or Modification of Landfill Facilities. Nothing in section one of this act shall be construed to prohibit the expansion or modification of any landfill facilities on any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully permitted. For the purposes of this section, the term “site” shall mean a single parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2022, including a site where one or more public utility easements traverse the site; perennial water bodies traversing a footprint shall still be monitored in accordance with or exceeding United States Environmental Protection Agency regulations and guidelines.

3 Effective Date. This act shall take effect 60 days after its passage.
HB 1620-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0738h)

AN ACT relative to suspending the issuance of new landfill permits until 2031.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Various Government Funds</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>County Revenue</strong></td>
</tr>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>$0</td>
</tr>
</tbody>
</table>

METHODOLOGY:
This bill requires suspension of the approval of new landfill permits by the Department of Environmental Services until 2028. The Department of Environmental Services indicates the bill would not increase expenditures for administration of RSA 149-M and the NH Solid Waste Rules because existing staff would absorb any work required to update and enforce the revised statute. For fiscal years 2024 and 2025 the Department does not anticipate an impact on state, county or local expenditures. The Department notes that waste transportation and disposal costs are subject to the availability of local disposal capacity and fluctuations in other market conditions. Assuming no changes in market conditions, the Department assumes that, under this bill, local disposal capacity will decrease in 2026-2027. A decrease in local disposal capacity
typically results in an increase in transportation and waste disposal costs, and these costs will be passed on to waste generators. Higher costs will increase expenditures for entities that generate waste, including state, counties and local governments beginning in FY 2026, as local waste disposal capacity decreases.

AGENCIES CONTACTED:

Department of Environmental Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Public Hearing: 02/13/2024 02:45 pm LOB 210-211</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/14/2024 03:30 pm LOB 301-303</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0738h 02/20/2024 (Vote 18-0; CC) HC 9 P. 8</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment # 2024-0738h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0738h: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 103, SH, 09:45 am; SC 13</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1620-FN, relative to suspending the issuance of new landfill permits until 2031.

Hearing Date:        April 2, 2024

Time Opened:        10:23 a.m.       Time Closed:       12:09 p.m.

Members of the Committee Present:  Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis:       This bill requires the suspension of approval of new landfill permits by the department of environmental services until 2028.

Sponsors:

Who supports the bill: In total, 515 individuals signed in support of HB 1620-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who opposes the bill: In total, 7 individuals signed in opposition of HB 1620-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who is neutral on the bill: In total, 2 individuals signed in as neutral of HB 1620-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Summary of testimony presented in support:

Rep. David Rochefort
Grafton – District 1

- Rep. Rochefort explained recommendation five from the committee to study unlimited service area permits for landfills, suggesting a moratorium on new landfill construction.
- Rep. Rochefort highlighted the genesis of the discussion around managing out-of-state trash and the need to pause until a solid agreement is reached.
• Rep. Rochefort advocated for pumping the brakes on new landfill construction until 2028 due to the existing capacity lasting for about 10 years.
• Rep. Rochefort mentioned considerations such as rewriting landfill rules and potential court challenges.
• Rep. Rochefort noted the significance of the Waste Management Council in overseeing waste management policies and the current vacancies in its membership.
• Rep. Rochefort emphasized the importance of filling vacant seats on the Waste Management Council to ensure proper consultation and decision-making.
• Rep. Rochefort stressed the need for cautious, thorough planning given the long-term implications of landfill construction on clean water and environmental risks.
  o Sen. Altschiller inquired about if this bill was drafted to compliment HB 602
• Rep. Rochefort stated that this bill was drafted to compliment multiple landfill related House Bills.

Amy Manzelli
North Country Alliance for Balanced Change

• Ms. Manzelli addressed three legal points regarding moratoria and legislative changes.
• Ms. Manzelli stated that moratoria are legal and constitutional tools, citing past instances in New Hampshire since 2000.
• Ms. Manzelli discussed the precedent of new, more protective laws applying to large projects, using the example of the Northern Pass proposal.
• Ms. Manzelli provided details on the Northern Pass project's compliance with updated rules from the Site Evaluation Committee.
• Ms. Manzelli offered to provide additional case references if needed and welcomed questions from the committee.
  o Sen. Watters raised the question regarding the impact of a moratorium on ongoing considerations.
  o Sen. Watters speculated on the potential for legal challenges, suggesting that the bill could lead to lawsuits.
  o Sen. Watters suggested a potential consequence of the bill's passage in relation to ongoing projects, particularly one up north.
• Ms. Manzelli addressed a specific concern regarding the Granite State landfill application.
• Ms. Manzelli rejected the notion of a founded concern about potential lawsuits stemming from the bill.
• Ms. Manzelli cited well-settled New Hampshire law regarding vested rights and imperiling public health and safety.
• Ms. Manzelli presented hypothetical scenarios to illustrate the distinction between ministerial updates and updates intended to protect public health.
• Ms. Manzelli argued that updates aimed at protecting public health would not be grandfathered.

Rep. Kelley Potenza
Strafford – District 19
• Rep. Potenza described HB 1620 as a prudent solution to pause and address multiple problems faced by New Hampshire.
• Rep. Potenza emphasized that the pause has zero cost and is necessary to tackle longstanding issues.
• Rep. Potenza stressed the importance of delivering real solutions and addressing the generational impacts of solid waste management.
• Rep. Potenza acknowledged the work of previous study committees and highlighted the need for fresh perspectives to enact effective legislation.
• Rep. Potenza outlined various issues to be addressed during the hiatus, including handling of New Hampshire trash, reduction goals, PFAS contamination, landfill gas emissions, and siting rules.
• Rep. Potenza advocated for prioritizing New Hampshire citizens over out-of-state trash and emphasized the need for proactive measures.
• Rep. Potenza criticized the distractions and lack of progress since 2019 and expressed the desire to focus on protecting public health and balancing industry interests.
• Rep. Potenza supported the four-year pause proposed by HB 1620 as a sensible approach to address solid waste management concerns.
• Rep. Potenza proposed the development of a public-private model for a statewide landfill to meet New Hampshire's needs for the next century.

Rep. Jared Sullivan
Grafton – District 2

Rep. Sullivan disclosed that he's an economist and was asked to review the fiscal impact methodology of the bill.
Rep. Sullivan noted that he's not a sponsor of the bill but wanted to address concerns about the economic analysis.
Rep. Sullivan criticized the methodology used in the fiscal impact analysis, stating it doesn't hold up under scrutiny.
Rep. Sullivan disputed the assumption that the bill would cause increased expenditures starting in 2026, pointing out that the Bethlehem landfill is set to close regardless of the bill.
Rep. Sullivan stressed that the Bethlehem landfill's closure is independent of the bill's passage, as confirmed by discussions with Casella, the company managing the landfill.
Rep. Sullivan argued that attributing future cost increases to the bill is misleading or demonstrates a lack of understanding of the situation.
Rep. Sullivan explained the economic principles behind supply and demand curves, suggesting that the analysis oversimplifies a complex market. Rep. Sullivan suggested that there are alternative waste management options, such as incineration and increased recycling rates, which could mitigate any decrease in supply caused by the bill. Rep. Sullivan called for a more accurate and comprehensive fiscal impact analysis of the bill.

**Rep. Nicholas Germana**  
**Cheshire – District 1**

- Rep. Germana noted the importance of getting the rules right and addressing critical questions regarding landfill setbacks.
- Rep. Germana highlighted the Department of Environmental Services' proposal to continue with a 30-year-old setback model despite recommendations for a more modern approach.
- Rep. Germana stressed the need for a moratorium given the importance of getting landfill decisions right.
- Rep. Germana emphasized the importance of considering public health and need, rather than just business profitability, when determining landfill placement.
- Rep. Germana outlined various initiatives aimed at waste reduction and limiting out-of-state waste, including upcoming bills HB 1632 and HB 1145.
- Rep. Germana discussed efforts to promote composting and develop new waste management technologies.
- Rep. Germana argued against rushing landfill citing decisions when alternative waste reduction measures are being pursued.
- Rep. Germana highlighted bipartisan collaboration in addressing waste management issues, citing unanimous committee support for the bill.

**Michael Wright**

- Mr. Wright noted that legislation sometimes comes with benefits and no costs, despite claims from special interests.
- Mr. Wright highlighted the surplus landfill capacity in New Hampshire, extending until at least 2034.
- Mr. Wright emphasized the requirement for a capacity shortfall before building a new landfill under New Hampshire law.
- Mr. Wright discussed the updated timeline of the proposed moratorium until 2028, allowing ample time for new landfill construction if needed.
- Mr. Wright addressed the economic impact of the moratorium, stating that delaying a new landfill wouldn't affect landfill prices.
- Mr. Wright outlined the benefits of the four-year pause, including the opportunity to concentrate on improving state policy and addressing important waste management challenges.
• Mr. Wright listed six important conversations that could occur during the pause, including solving the out-of-state trash problem and exploring the development of a publicly owned landfill.
• Mr. Wright emphasized the need for a better location for New Hampshire's next landfill and the importance of producing robust landfill citing rules.
• Mr. Wright suggested exploring ways to reduce landfill methane emissions and investigating issues at the active Casella landfill in Bethlehem leaking PFAS and other toxic substances.

Muriel Robinette
North Country Alliance for Balanced Change

• Ms. Robinette highlighted the state's limited focus on reducing waste in the waste stream despite the solid waste plan's goal of a 25% reduction in 10 years, with only a 3% reduction achieved so far.
• Ms. Robinette emphasized the need for leadership, focus, and education to achieve waste reduction goals, noting the Department of Environmental Services' resource constraints.
• Ms. Robinette argued against permitting another landfill due to existing excess capacity and the legislated priority of landfills as the lowest priority for solid waste management.
• Ms. Robinette supported the bill's pause to allow a focus on state priorities regarding solid waste.
• Ms. Robinette pointed out ongoing rulemaking and the importance of getting future landfill construction right to prevent contamination and protect future generations.

Matt Leahy
Forest Society

• Mr. Leahy introduced himself as the Public Policy Director for the Forest Society and expressed support for the bill.
• Mr. Leahy acknowledged the ongoing activity regarding solid waste management at the legislature, DES, and the New Hampshire Solid Waste Work Group.
• Mr. Leahy emphasized the importance of getting solid waste management policies right, particularly because once a property is converted into a landfill, it remains a landfill forever.
• Mr. Leahy highlighted the bill's reasonable approach of extending the timeline to reassess policies by moving the date from 2031 to 2028.
• Mr. Leahy stated the bill does not impose a blanket prohibition on new landfills but allows for a four-year period to evaluate policies.
• Mr. Leahy noted that the bill does not affect existing landfills and allows DES to accept and investigate applications during the suspension period.
Mr. Leahy stressed the need to find better ways to manage waste generation in the state, either by reducing the amount of trash generated or exploring alternative waste management methods. Mr. Leahy concluded that the bill offers a reasonable path toward achieving better outcomes in solid waste management.

Wayne Morrison
North Country Alliance for Balanced Change

- Mr. Morrison highlighted several pressing concerns regarding solid waste management in New Hampshire, including the emergence of issues like PFAS contamination and out-of-state waste disposal.
- Mr. Morrison commended the state's updated solid waste plan, emphasizing the need to transition from landfilling to diversion strategies.
- Mr. Morrison urged legislators to address the issue of out-of-state waste influx, emphasizing the need for proactive legislative action to protect New Hampshire's interests.
- Mr. Morrison underscored the urgency of the situation, stressing the need for a reset in solid waste management policies and actions.
- Mr. Morrison expressed confidence in the state's ability to lead on this issue and urged legislators to prioritize the long-term well-being of New Hampshire residents over short-term interests.
- Mr. Morrison called for bipartisan support for the bill, urging legislators to seize the opportunity to address critical waste management challenges facing the state.

Rep. Linda Haskins
Rockingham – District 11

- Rep. Haskins emphasized the need for a pause in landfill permitting to allow time for thorough consideration and rulemaking by the Department of Environmental Services (DES).
- Rep. Haskins highlighted the potential dangers and broader implications of unrestricted trash removal, particularly regarding truck transportation from Massachusetts to northern New Hampshire.
- Rep. Haskins underscored the importance of taking the time to gather information and make informed decisions before proceeding with the approval of another landfill.
- Rep. Haskins concluded by advocating for a pause to allow for careful consideration and proper evaluation of the situation before moving forward with any decisions regarding landfill permits.
Summary of testimony presented in opposition:

Kirsten Koch
Business and Industry Association

- Ms. Koch introduced herself as representing the Business and Industry Association and expressed opposition to House Bill 1620.
- Ms. Koch stated that the association supports science-based environmental policies that balance economic development and the long-term sustainability of natural resources.
- Ms. Koch argued that the bill is unnecessary because the solid waste rules are already being updated by the department this year.
- Ms. Koch criticized the timeline of the moratorium, stating that the year 2028 is arbitrarily determined and does not allow for a reasonable timeframe to maintain capacity.
- Ms. Koch highlighted the lengthy process of landfill siting, permitting, and development, which takes 6 to 10 years, according to Ms. Koch, would be hindered by the moratorium.
- Ms. Koch expressed concern that passing the bill would lead to a shortage of capacity, resulting in waste needing to be shipped out of state for disposal, which is more expensive and increases the carbon footprint.
- Ms. Koch highlighted the unintended consequences of shipping waste out of state, which goes against federal and state carbon reduction goals.

Sarah Yukas Kirn
NH Department of Environmental Services

- Ms. Yukas Kirn expressed the department's opposition to House Bill 1620, citing its suspension of solid waste permitting processes, which are crucial for maintaining a stable solid waste market and could have economic impacts.
- Ms. Yukas Kirn stated that the Department of Environmental Service's (DES) projections indicate that overall landfill capacity in New Hampshire exceeds projected needs beyond 2028. However, these projections do not consider the geographic distribution of capacity or the acceptance of waste from outside the state, potentially limiting disposal options and increasing transportation costs.
- Ms. Yukas Kirn stated that while the bill allows for the permitting of expansions at existing landfills, there is no guarantee that these landfills will seek permits for additional disposal capacity before 2028.
- Ms. Yukas Kirn highlighted the lengthy process of permitting a new landfill, which can take up to 10 years, and the bifurcated nature of the process, requiring approval for proof of concept and construction design.
- Ms. Yukas Kirn expressed concerns that the length of the permitting process could result in capacity issues before a new landfill is permitted.
- Ms. Yukas Kirn summarized DES's concerns about the bill and offered to answer any questions from the committee.
Sen. Watters requested further discussion on the capacity issue, specifically regarding its implications for certain catchment areas and their ability to transport trash.

- Ms. Yukas Kirn discussed the process by which DES projects capacity needs, stating that it is guided by statute.
- Ms. Yukas Kirn highlighted that the current projection method does not account for factors such as waste disposal from out of state, which could impact the overall capacity for in-state waste.
- Ms. Yukas Kirn emphasized that this oversight could result in a discrepancy between calculated capacity and actual capacity due to the exclusion of certain considerations.
- Ms. Yukas Kirn mentioned that having outlets for solid waste disposal within different regions of the state could be beneficial, suggesting a need for a more region-specific approach to capacity assessment.

Eric Steinhauser  
Sanborn Head & Associates

- Mr. Steinhauser, Senior Vice President at Sanford Head Associates, raised concerns regarding the objectives of HB 1620 and its alignment with existing rules and legislation.
- Mr. Steinhauser highlighted potential conflicts in terminology between the bill and existing regulations, particularly regarding landfill construction permits.
- Mr. Steinhauser provided a generalized timeline illustrating the lengthy process involved in permitting a new landfill, emphasizing the significant time investment required for approval.
- Mr. Steinhauser cautioned against unintended consequences of the bill, such as restrictions on expansions for companies acquiring landfill assets.
- Mr. Steinhauser pointed out inconsistencies between the bill's references to water bodies and existing landfill rules, suggesting the need for more specificity in the legislation.
- Mr. Steinhauser addressed the requirement for landfill operators to adhere to updated rules, noting that most permits already mandate compliance with current regulations.
- Mr. Steinhauser discussed landfill performance and capacity limitations, emphasizing the need to utilize existing facilities efficiently and the challenges posed by permit restrictions on waste intake.
- Mr. Steinhauser emphasized the importance of considering the implications of a moratorium on landfill expansions and urged for clarity and coherence in the legislation.
  - Sen. Pearl sought clarification on the impact of the moratorium, comparing it to putting the car in park rather than tapping the brakes, to understand if all permit issuance would be halted completely.
• Mr. Steinhauser emphasized the importance of understanding both current regulations and potential future changes, highlighting the educated risks entities take in navigating permitting processes.
• Mr. Steinhauser pointed out the potential consequences of extending timelines due to moratoriums, noting that delays could increase costs over time.
• Mr. Steinhauser expressed skepticism about the feasibility of finding a single location to accommodate the state’s waste disposal needs for the next century.
• Mr. Steinhauser highlighted the extensive infrastructure required to support landfill operations, citing examples such as Turnkey and North Country landfills as complex facilities requiring substantial investment and planning.
• Mr. Steinhauser illustrated the lengthy timeline involved in landfill development and permitting processes, emphasizing the significant lead time required before waste disposal operations commence.
• Mr. Steinhauser, while not an attorney, shared his perspective on permits for construction, suggesting that any permit allowing future building activities could be interpreted as a construction permit.
• Mr. Steinhauser acknowledged the potential legal implications and preferred not to provide ammunition for legal challenges but offered his understanding of how such permits might be perceived in the context of construction projects.

Neutral Information Presented:

Garrett Trierweiler
Waste Management

• Mr. Trierweiler highlighted the importance of an amendment to exempt existing facilities from the bill's provisions.
• Mr. Trierweiler emphasized the significance of the exemption for active facilities like Turnkey.
• Mr. Trierweiler addressed concerns about who absorbs the cost of fixing issues like PFAS leaks, stating that Turnkey would handle the costs.
• Mr. Trierweiler discussed the potential risks and insurance coverage for facilities like Turnkey.
• Mr. Trierweiler compared the ability of a municipality-owned facility versus a private facility like Turnkey to refuse out-of-state waste.
• Mr. Trierweiler clarified that Turnkey has an unlimited service area permit.
• Mr. Trierweiler shared insights into Waste Management’s decision to sell its waste energy component.
• Mr. Trierweiler mentioned personal experience working on waste energy issues at a Waste Management subsidiary.
  o Sen. Watters addressed a question regarding a statement made in a letter to DES, found on their website, regarding a forecasted drop-off in capacity in 2034 due to the anticipated conclusion of TLR3’s operations.
  o Sen. Watters inquired on behalf of Waste Management whether it is true that they do not anticipate being able to get extensions or expansions beyond 2034.
Sen. Watters sought clarification on Waste Management's stance regarding the forecasted capacity drop-off and their plans for extensions or expansions beyond 2034.

- Mr. Trierweiler addressed the current permitted capacity up to 2034.
- Mr. Trierweiler indicated the intention to move beyond the permitted capacity beyond 2034.
- Mr. Trierweiler mentioned the dependency of future capacity extension on statutory and regulatory changes.
- Mr. Trierweiler asserted the intent to seek extensions beyond 2034, provided the regulatory climate remains favorable.
  - Sen. Pearl clarified the process of applying for a landfill permit based on the capacity per year and the number of cells.
  - Sen. Pearl noted the impending closure of a facility up north, leading to a loss of capacity in the coming years.
  - Sen. Pearl raised the question of whether the remaining landfills would be able to manage the state's waste within their projected capacities annually.
- Mr. Trierweiler acknowledged that if the annual waste generation is below the permitted capacity, it would technically cover it.
  - Sen. Pearl raised the question of the typical time frame for permitting a new landfill, noting that the process can take years and may involve legal challenges, with some cases reaching the state Supreme Court.
  - Sen. Pearl voiced concerns about potentially backing into a corner with a moratorium until 2028 given the lengthy process for landfill permitting, seeking assurance that the moratorium won't pose future challenges.
- Mr. Trierweiler expressed his understanding of the complexity of waste management issues in New Hampshire and acknowledged the challenges associated with importation.
- Mr. Trierweiler mentioned active engagement with regulators and legislators, indicating a willingness to collaborate on finding solutions.
- Mr. Trierweiler emphasized the company's commitment to operating in the state and expressed optimism about potential opportunities beyond 2034.
- Mr. Trierweiler highlighted efforts to explore ways to improve recycling and minimize waste disposal, underscoring the company's proactive approach to sustainability.
HOUSE BILL 1623-FN

AN ACT relative to the state energy policy.


COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill revises the state energy policy to promote affordable, reliable, and secure energy resources for the health, safety, and welfare of its citizens.

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

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

1 Findings. The general court finds that:

   I. Affordable, reliable, and secure energy resources are important to the health, safety, and welfare of the state's citizens.

   II. The state has created an environment hospitable to the investment of substantial resources for the development of affordable, reliable, and secure energy resources within the state.

   III. The early involuntary retirement or decommissioning of an in-state electric generation facility that provides affordable, reliable, and secure energy poses a threat to the health, safety, and welfare of the state's citizens.

   IV. The state's police powers, reserved to the state by the Tenth Amendment of the United States Constitution, provide the state with sovereign authority to make and enforce laws for the protection of the health, safety, and welfare of the state's citizens.

   V. The state has a duty to defend the production and supply of affordable, reliable, and secure energy from external regulatory interference. The state's sovereign authority with respect to the involuntary retirement of an in-state electric generation facility for the protection of the health, safety, and welfare of the state's citizens is primary and takes precedence over any attempt from an external regulatory body to mandate, restrict, or influence the early involuntary retirement of an electric generation facility in the state.

2 New Hampshire Energy Policy. RSA 378:37 is repealed and reenacted to read as follows:

   I. It is the policy of the sovereign state of New Hampshire and purpose of this chapter, to promote affordable, reliable, and secure energy resources for the health, safety, and welfare of its citizens.

      (a) New Hampshire shall promote the development of resources to achieve the purpose of this chapter without preference toward technology type, with an emphasis on reliable, on-demand, and firm resources.

      (b) New Hampshire shall promote the development of resources, tools, and infrastructure to enhance the state's ability to ensure the state's energy independence by removing regulatory barriers to innovation to ensure that the state can procure affordable, reliable, and secure energy resources.
HB 1623-FN - AS AMENDED BY THE HOUSE
- Page 2 -

(c) New Hampshire shall allow market forces to drive prudent use of energy resources.

Government intervention to economically advantage one technology over another should be time-limited, narrow, and necessary to achieve a specific policy goal.

(d) New Hampshire shall pursue energy conservation and efficiency according to market principles and in accordance with cost-effective fiscal strategies as authorized by the legislature.

(e) New Hampshire shall maintain an environment that allows for accurate market signals while balancing low consumer prices, price stability, energy reliability, and the financial stability of utilities and energy suppliers.

(f) State regulatory processes shall balance economic costs with the level of review necessary to ensure protection of the state's various interests, and where federal action is required, New Hampshire will collaborate to encourage expedited federal review and action.

II. Loss of In-State Electrical Generation Capacity.

(a) An in-state electricity generator that receives notice of any external regulatory action that makes continued operation economically infeasible or may result in the involuntary retirement or decommissioning of the generator's facility shall inform the commissioner of the department of energy of the notice and regulation within 30 days after the receipt of said notice.

(b) After being informed of a generator's involuntary retirement or decommissioning as described in RSA 378:37, II(a), the department of energy shall open an investigatory docket to determine how such an involuntary retirement or decommissioning would affect the reliability and affordability of the state's energy resources and to recommend any action necessary to defend the generator, including appealing to the attorney general to file an action in court or to participate in administrative proceedings.

(c) The department of energy and the department of justice may seek funding from the legislative fiscal committee to conduct any actions described in RSA 378:37, II(b).

III. Any act or omission by a state agency inconsistent with this section shall not form the basis of any civil suit including, but not limited to, those seeking equitable relief or claiming damages.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to the state energy policy.

FISCAL IMPACT: [ X ] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill revises the state energy policy to promote affordable, reliable, dispatchable and secure energy resources for the health, safety and welfare of its citizens.

The Department of Energy indicates that this bill makes a number of changes to New Hampshire’s Energy Policy as set forth in RSA 378:37 that do not have a direct fiscal impact. Proposed RSA 378:37, II requires the Department to open an investigatory docket if a generator is forced to retire due to any external regulatory action, after being notified by an electricity generator that it has received such a notice. Such an investigation would be limited to the impact of the retirement on the relatability and affordability of the state’s energy resources, and to make a recommendation as to whether actions are necessary to defend the generator. The Department states its current funding mechanisms and resources would not be able to fund staff or hired consultants to conduct such investigations and the bill does not provide an appropriation. However, the Department is allowed to seek funding from the legislative fiscal committee to undertake the outlined duties.

The Department states it would be required to open an investigation if a generator receives a notice. The Department cannot forecast how often, if at all, these circumstances will occur.
Expenditures would depend on the size of the generator in question. Investigation scopes and level of work needed vary by the topic in question. Based on the recent experience of the Department in conducting investigations, the upper end of these investigations cost roughly $250,000 to complete.

The Public Utilities Commission states this bill would have no fiscal impact on the Commission. The Commission has no information regarding any potential fiscal impact on a county or local level.

There would be no impact on state, county or local revenue or on county or local expenditures.

AGENCIES CONTACTED:
Department of Energy and Public Utilities Commission
Amendment to HB 1623-FN

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

1. Findings. The general court finds that the state has a duty to defend the production and supply of affordable, reliable, and secure energy from external regulatory interference. The state's sovereign authority with respect to the involuntary retirement of an in-state electric generation facility for the protection of the health, safety, and welfare of the state's citizens is primary and takes precedence over any attempt from an external regulatory body to mandate, restrict, or influence the early involuntary retirement of an electric generation facility in the state.

2. New Hampshire Energy Policy. RSA 378:37 is repealed and reenacted to read as follows:


I. (a) An in-state electricity generator that receives notice of any external regulatory action that makes continued operation economically infeasible or may result in the involuntary retirement or decommissioning of the generator's facility shall inform the commissioner of the department of energy of the notice and regulation within 30 days after the receipt of said notice.

(b) The department of energy shall open an investigatory docket to determine how such an involuntary retirement or decommissioning would affect the reliability and affordability of the state's energy resources and to recommend any action necessary to defend the generator, including appealing to the attorney general to file an action in court or to participate in administrative proceedings.

(c) The department of energy and the department of justice may seek funding from the legislative fiscal committee to conduct any actions.

II. Any act or omission by a state agency inconsistent with this section shall not form the basis of any civil suit including, but not limited to, those seeking equitable relief or claiming damages.

3. Effective Date. This act shall take effect 60 days after its passage.
AMENDED ANALYSIS

This bill revises the state energy policy to require in-state electricity generators that receive notice of any external regulatory action that makes continued operation economically infeasible or may result in the involuntary retirement or decommissioning of the generator's facility to inform the commissioner of the department of energy of the notice and regulation, and requires the department to investigate the impact of such retirement or decommissioning.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Science, Technology and Energy</td>
</tr>
<tr>
<td>01/22/2024</td>
<td>H</td>
<td>Public Hearing: 01/30/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 01:00 pm LOB 302-304</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 02/20/2024 (Vote 10-10; RC)</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment #2024-0782h: AA DV 182-169 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0782h: MA RC 184-168 03/07/2024</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Reconsider HB1623 (Rep. Sweeney): MF DV 165-179 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources;</td>
</tr>
<tr>
<td>04/09/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 103, SH, 09:20 am; SC 15</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1828s, 05/16/2024</td>
</tr>
</tbody>
</table>
Senate Energy and Natural Resources Committee  
*Philip Tatro  271-1403*

HB 1623-FN, relative to the state energy policy.

**Hearing Date:** April 16, 2024  
**Time Opened:** 9:48 a.m.  
**Time Closed:** 11:16 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent:** None

**Bill Analysis:** This bill revises the state energy policy to promote affordable, reliable, and secure energy resources for the health, safety, and welfare of its citizens.

**Sponsors:**  
Rep. Vose  
Rep. D. McGuire  
Sen. Pearl  
Rep. D. Thomas  
Sen. Avard  
Rep. Harrington  
Sen. Lang

---

**Who supports the bill:** In total, 4 individuals signed in support of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Who opposes the bill:** In total, 47 individuals signed in opposition of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Who is neutral on the bill:** In total, 2 individuals signed in neutral of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Summary of testimony presented in support:**

**Rep. Michael Vose**  
Rockingham – District 5

- Rep. Vose, representing Rockingham District 5, introduced HB 1623, emphasizing its importance in protecting the state's energy resources.  
- Rep. Vose highlighted the critical role electricity plays in modern society, describing it as the "lion" of the energy space.
• Rep. Vose stated that the bill aims to safeguard the electric grid and assert state sovereignty in regulating power generation.
• Rep. Vose stated that the bill provides a mechanism for in-state generators to seek Department of Energy intervention if facing regulatory pressure for premature closure.
• Rep. Vose cited NERC's forecast indicating high or medium risk of inadequate power supplies in the next decade, underscoring the urgency of the bill.
• Rep. Vose noted that premature closure of power plants due to regulatory actions contributes to energy supply risks.
• Rep. Vose stated that the bill enshrines principles such as reliability, use of diverse energy technologies, market forces, affordability, and investment in conservation and efficiency.
• Rep. Vose invited questions, acknowledging potential opposition to the bill but urging consideration of its importance in addressing future energy challenges.
  o Sen. Watters raised a point of clarification regarding the language in the bill.
  o Sen. Watters noted that while the term "in state" appears in some sections, it is absent in others, particularly in lines 23 to 25.
  o Sen. Watters expressed concern that the emphasis on "reliable on demand and firm resources" could bias against certain technologies like offshore wind or battery storage.
  o Sen. Watters highlighted the potential contradiction between the emphasis on technology neutrality and the preference for certain types of resources.
  o Sen. Watters specifically mentioned offshore wind, which may not technically be considered "in state" but is crucial for addressing future energy risks.
• Rep. Vose clarified that the language emphasizes the importance of reliable, on-demand, and firm resources.
• Rep. Vose explained that intermittent resources, like solar or wind, can achieve reliability with battery backup.
• Rep. Vose emphasized that the language does not exclude intermittent resources as long as they are paired with battery backup to ensure reliability, on-demand capability, and firmness.
  o Sen. Watters highlighted the relevance of the issue, noting the decline in national investments in non-renewable energy sources.
  o Sen. Watters voiced concerns about the emphasis on reliable, on-demand, and firm resources potentially contradicting the preference for technology neutrality.
  o Sen. Watters emphasized the need for clarification to ensure that the emphasis on resource reliability does not hinder the development of offshore wind resources.
Rep. Vose reaffirmed his previous statement, expressing confidence in the reliability of renewable resources when coupled with appropriate backup systems.

Rep. Vose referenced the NERC long-range forecast, suggesting that a lack of reliable and on-demand resources contributes to reliability issues in the energy grid.

Rep. Vose highlighted the importance of ensuring the availability of resources that can provide energy when needed to mitigate long and short-term risks of electricity shortages.

- Sen. Watters raised a concern regarding the absence of energy efficiency and environmental concerns in the bill, particularly on lines 20 to 22.
- Sen. Watters highlighted the potential limitation of relying solely on market principles to address energy efficiency and environmental protection, citing externalized costs such as healthcare expenses due to air pollution from fossil fuels.
- Sen. Watters expressed uncertainty about whether excluding considerations of energy efficiency and environmental protection aligns with the state's goals to assist low-income individuals and safeguard the environment.

Rep. Vose responded by emphasizing existing robust statutes that ensure investment in energy efficiency, especially for low-income citizens, authorized by the legislature.

Rep. Vose pointed out that the bill's reference to "cost-effective fiscal strategies" aligns with established legislative mandates and supports existing efforts rather than contradicting them.

- Sen. Watters sought clarification on the term "involuntary retirement" mentioned on page 2, line 17, questioning its meaning and significance within the context of the bill.

Rep. Vose clarified that "involuntary retirement" refers to situations where a generation plant faces economic infeasibility due to regulatory changes or increased operational costs from nuisance lawsuits.

Rep. Vose explained that if a regulatory regime or lawsuits make continued operation economically unviable, leading to potential closure, it would constitute an involuntary closure.

Rep. Vose outlined the process whereby a plant owner would notify the Department of Energy to investigate the circumstances and assess if an involuntary closure is imminent.

Rep. Vose stated that if the Department of Energy concurs with the plant owner's assessment, they can notify the Department of Justice to intervene and potentially take legal action to prevent the involuntary closure.

- Sen. Avard sought clarification if the situation Rep. Vose described aligns with cases like Seabrook and the Clamshell Alliance, where reaching out to the Department of Energy and involving the Department of Justice would be appropriate.
Sen. Avard inquired if this scenario falls under the category of a nuisance lawsuit or if there are other specific circumstances that would trigger such action.

- Rep. Vose acknowledged the difficulty in recalling specific details of past incidents.
- Rep. Vose redirected the focus to a recent event, specifically mentioning the announcement by Granite Shore Power regarding the closure of the coal plant in Bow.
- Rep. Vose highlighted that Granite Shore Power faced significant lawsuits, necessitating substantial financial resources for defense, despite ultimately prevailing in court.
- Rep. Vose refrained from speculating on whether the legal challenges influenced Granite Shore Power's decision to close the plant but noted the financial burden imposed by such litigation could have been a factor.
  - Sen. Watters questioned the relevance of discussing lawsuits in the context of regulatory actions.
  - Sen. Watters expressed confusion regarding the term "involuntary retirement" as mentioned in the bill, highlighting the absence of a clear definition.
  - Sen. Watters raised concerns about potential conflicts with federal law and regulations, particularly regarding preemption of state statutes.
  - Sen. Watters inquired about the implications of providing vague or undefined terms to the Department of Justice, potentially placing the state in a position of preempting federal law.
- Rep. Vose emphasized the importance of providing a suitable definition of "involuntary retirement" to avoid potential complications with the Department of Justice and preempting federal law.
- Rep. Vose explained that the legislation was crafted to empower the Department of Energy's investigatory process to make recommendations to the Department of Justice or the Attorney General.
- Rep. Vose highlighted that the Department's investigative proceeding could offer clarity to the Attorney General, ensuring appropriate intervention if deemed necessary.
  - Sen. Watters raised a question regarding the designation of the Department of Energy as the entity authorized to seek funding, as stated on line 23.
  - Sen. Watters referenced previous cases where the responsibility for seeking funding was attributed to the Public Utilities Commission (PUC), prompting concerns about naming the Department of Energy instead.
- Rep. Vose acknowledged the validity of the question raised regarding the funding source for the Department of Energy.
- Rep. Vose clarified that the language specifying the Department of Energy as the entity responsible for seeking funding was proposed by the Finance Committee in the House.
Sen. Watters raised concerns about the absence of a clear definition for the concept of "market principles" mentioned on lines four and five of the bill.

Sen. Watters highlighted the complexity of interpreting "market principles" within the context of a historically regulated energy sector and substantial subsidies for various energy producers.

Sen. Watters pointed out the externalized costs associated with energy production, including health impacts and environmental damages, questioning the comprehensiveness of relying solely on market forces without a defined framework.

Sen. Watters sought input or clarification from Rep. Vose regarding the implications of lacking a clear definition for "market principles" in the bill.

- Rep. Vose responded by highlighting the extensive scholarly literature on market principles, indicating a well-established understanding of market operations.
- Rep. Vose emphasized the historical significance of markets as a foundational aspect of the country, albeit subject to erosion due to regulatory interference over time.
- Rep. Vose clarified that the inclusion of language on market principles in the statute aims to reaffirm the importance of markets in efficiently allocating scarce resources.
- Rep. Vose asserted that the concept of market principles and forces is well understood, drawing upon established knowledge and precedent in economic theory and practice.
  - Sen. Watters acknowledged familiarity with historical texts and figures such as Adam Smith and John Locke, suggesting an awareness of the complexities surrounding market regulation.
  - Sen. Watters referenced historical examples, such as timber cutting regulations, to illustrate the recognition of the need for market regulation to address negative impacts.
  - Sen. Watters highlighted potential negative consequences of unregulated market forces, including air pollution, and emphasized past efforts to mitigate such impacts through regulatory action.
  - Sen. Watters expressed concern about the lack of a clear definition for "market forces" in the bill, noting the importance of clarity when regulatory agencies are tasked with considering market principles in energy policies.
  - Sen. Watters advocated for the inclusion of a definition for "market forces" to ensure sufficient clarity and understanding within the context of energy policy regulation.
Summary of testimony presented in opposition:

Rep. Kat McGhee
Hillsborough – District 35

- Ms. McGhee referenced her committee chair's support for the bill and highlighted shared goals such as grid reliability, preventing premature plant closures, and safeguarding public health.
- Ms. McGhee focused her testimony on examining whether HB 1623 grants the state additional powers in decommissioning processes.
- Ms. McGhee questioned the necessity of the bill, suggesting that existing legal avenues, such as the Attorney General's office, already provide sufficient authority for state intervention.
- Ms. McGhee analyzed specific sections of the bill, starting with Section 3, Line 6, discussing the definition of "early involuntary retirement and decommissioning" and its implications.
- Ms. McGhee argued that the bill's assertion of the state's police powers under the 10th Amendment overlooks the primary authority of regulators in ensuring capacity and reliability.
- Ms. McGhee cautioned against the bill's potential to disrupt the current system of regulatory oversight and deter competition in the energy market.
- Ms. McGhee addressed concerns raised by the New England Power Generators Association regarding the bill's language and its impact on market dynamics.
- Ms. McGhee raised a concern about the bill's proposed rewrite of RSA 378:37, urging preservation of the existing definition of state energy policy.
- Ms. McGhee noted the financial implications of the bill, estimating a cost of approximately a quarter of a million dollars for Department of Energy investigations, plus potential lawsuits against the state.
- Ms. McGhee concluded by asserting that HB 1623 does not confer any additional powers to the state beyond what is already possessed, and she requested a vote against the bill based on concerns raised during committee hearings.

Rep. Tony Caplan
Merrimack – District 8

- Rep. Caplan greeted the committee members and briefly expressed his concerns about HB 1623.
- Rep. Caplan argued that asserting the state's primacy over in-state generation could lead to potential legal conflicts, given the federal government's authority over interstate commerce.
- Rep. Caplan criticized the bill's premise that fossil fuel power plants are essential for grid reliability, citing debunked theories regarding their role in providing inertia to the electrical grid.
- Rep. Caplan offered to provide a link to the National Renewable Energy Laboratory report that refutes the notion of fossil fuel plants' indispensability.
• Rep. Caplan disputed the idea that the federal government intends to mandate closures of fossil fuel power plants, suggesting a focus on incentivizing the transition to clean energy.
• Rep. Caplan highlighted the extensive regulatory framework based on EPA regulations, making it challenging to roll back federal regulations on air and water pollution.
• Rep. Caplan cautioned against sending a negative message to the market by favoring fossil fuel power plants, suggesting that it could deter investment in clean energy.
• Rep. Caplan characterized the bill as a partisan and ideological approach that does not belong as the state's official energy policy.
• Rep. Caplan urged the committee to reject the bill to avoid future disappointment and maintain a balanced approach to energy policy.

Rep. Thomas Cormen
Grafton – District 15

• Rep. Cormen discussed the overarching concept of the bill, emphasizing its focus on energy independence, as mentioned in the New Hampshire Energy Independence Act.
• Rep. Cormen questioned the feasibility of achieving energy independence, defining it as the ability to produce all the energy consumed within the state.
• Rep. Cormen pointed out that New Hampshire is interconnected with the ISO New England grid, receiving energy from out-of-state sources and exporting energy produced within the state.
• Rep. Cormen highlighted the reliance on non-local energy sources such as natural gas, oil, propane, and gasoline for heating and transportation, making true energy independence unattainable without significant changes.
• Rep. Cormen identified renewable energy sources like solar, wind, and geothermal as potential pathways to energy independence but noted the need for extensive storage capacity and widespread adoption of electric vehicles (EVs).
• Rep. Cormen dismissed nuclear power as a solution due to the non-local origin of nuclear fuel.
• Rep. Cormen acknowledged the appeal of energy independence but concluded that it is unlikely to be achievable in the near future, if ever.

Donald Kreis
NH Office of the Consumer Advocate

• Mr. Kreis stated his opposition to the bill, considering it a solution in search of a problem and potentially setting up a preemption fight with the federal government.
• Mr. Kreis highlighted the Federal Energy Regulatory Commission's exclusive authority over regulating wholesale electricity prices, which significantly influences the viability of power generators.
Mr. Kreis emphasized the absence of involuntary retirements and the elaborate process required for plant retirements under current market rules.

Mr. Kreis raised concerns about specific provisions of the bill, such as language on pursuing energy conservation and efficiency based on market principles, potentially undermining prior legislative enactments.

Mr. Kreis questioned the literal interpretation of phrases like "reliable, on-demand, and firm resources," arguing that no technology fits this paradigm perfectly.

Mr. Kreis drew attention to the repeal of RSA 378:37, urging caution in discarding existing language without clear justification.

  - Sen. Watters suggested that retaining line 18, as mentioned earlier, was a crucial aspect of passing House Bill 281 last year.

Mr. Kreis affirmed Sen. Watters' recollection, stating that the retention of that statute was indeed a compromise reached due to its significance.

  - Sen. Watters proposed replacing the word "emphasis" with "consideration of" on line 24, a suggestion that Mr. Kreis agreed would be preferable.

  - Sen. Watters inquired about replacing lines 4 and 5 with a citation to the New Hampshire Saves statute, referencing the accomplishments of House Bill 549. Mr. Kreis agreed, stating that citing that statute would be a better approach.

Jasen Stock

NH Timberland Owners Association

Mr. Stock, Director of the New Hampshire Timberland Owners Association, emphasized the importance of energy resource diversity.

Mr. Stock highlighted their concern regarding the omission of energy diversity in HB 1623.

Mr. Stock referenced the significance of energy diversity in various energy production methods, including hydro, wind, solar, and occasional diesel fuel usage.

Mr. Stock pointed out the existing linkages between energy policies such as the Renewable Portfolio Standards (RPS) statute and net metering statutes, which support diversity in electrical production.

Mr. Stock expressed concern that breaking this linkage in HB 1623 could be problematic.

Mr. Stock refrained from delving into discussions about sovereignty and constitutional preemption, focusing instead on the importance of energy diversity.

Heidi Kroll

Granite State Hydropower Association

Ms. Kroll from Gallagher, Callahan and Gartrell, representing the Granite State Hydropower Association, expressed opposition to HB1623.
Ms. Kroll echoed the concerns raised by the Consumer Advocate, Don Kreis, and Jason Stock regarding the lack of mention of diversity of resources in the bill.

Ms. Kroll specifically highlighted concerns about Part 2 of the bill, while expressing lesser concerns about Part 1. No position was taken on Part 3 (sovereignty).

Ms. Kroll voiced her concerns about the implications of the bill on the Renewable Portfolio Standards (RPS) program and the future of renewable resources participating in the state's net metering program.

Ms. Kroll emphasized the robustness of the current state energy policy, which has been in place since 1990, and questioned the need for its wholesale rewrite proposed in HB 1623.

Ms. Kroll suggested potential support for slight tweaks to the state energy policy, as proposed in HB 1431, but expressed serious concerns about the changes proposed in HB 1623.

Ms. Kroll concluded her remarks by reiterating the importance of fuel diversity and expressed readiness to answer any questions from the committee.

Sen. Watters aimed to gain a deeper understanding of the specific ways in which the proposed bill could affect net metering and its participants.

Ms. Kroll acknowledged that the tie between House Bill 1623 and net metering might be less direct compared to its connection with the Renewable Portfolio Standard (RPS).

Ms. Kroll emphasized the importance of renewable resources in participating in net metering programs.

Ms. Kroll expressed concerns about how the state's signals could affect the development of new renewable resources and the support for existing ones.

**Sam Evans-Brown**  
**Clean Energy NH**

Mr. Evans Brown, Executive Director of Clean Energy New Hampshire, expressed opposition to the bill, particularly focusing on Part 1a and 1d.

Mr. Evans Brown highlighted the conflict between the restatement of the state energy policy in the bill and the language considered in HB 1431, suggesting that this conflict should be resolved.

Mr. Evans Brown also raised concerns about Part 2D, noting potential implications for the state's energy efficiency programs and the possibility of reopening past battles over this issue.

**Karen Irwin**

Ms. Irwin expressed concerns about the changes proposed in the bill, particularly regarding the lack of definition for terms like "involuntary retirement" and "decommissioning."

Ms. Irwin questioned the bill's duty to defend the production and supply of energy without clear definitions and noted the potential fiscal impact of the bill, highlighting the fiscal note's mention of investigatory costs.
Ms. Irwin pointed out that facilities not generating electricity may do so due to cheaper options in the open market or inability to meet safety standards, which could lead to unintended consequences under the proposed bill.

Ms. Irwin emphasized that the current energy policy is well-stated and simple, advocating for its retention over the proposed changes.

Ms. Irwin concluded by respectfully requesting the committee to determine the bill as inexpedient to legislate in the Senate, citing potential fiscal costs and failure to meet the objectives of the current energy policy.

Catherine Corkery  
NH Sierra Club

- Ms. Corkery urged the committee to ITL (Inexpedient to Legislate) HB 1623, citing concerns about public health risks and potential financial burdens.
- Ms. Corkery criticized the bill for prioritizing fossil fuel energy over public health and challenging federal environmental laws.
- Ms. Corkery highlighted the issue of mercury pollution from coal burning, emphasizing its impact on freshwater fish and public health.
- Ms. Corkery expressed opposition to the bill's requirement for power plants to notify the Department of Energy about external regulations that could lead to plant closures, viewing it as a preemption issue.
- Ms. Corkery argued against using state funds to defend private companies in legal disputes, advocating instead for investment in local energy infrastructure to protect public health and safety.
- Ms. Corkery concluded by reiterating her request for the committee to oppose or ITL the bill.

Meredith Hatfield  
The Nature Conservancy

- Ms. Hatfield acknowledged that her testimony echoes points made by previous speakers, particularly emphasizing agreement with the Granite State Hydro Association and the New Hampshire Timberland Owners Association regarding the importance of fuel diversity.
- Ms. Hatfield stated opposition to the bill and urged the committee to either ITL it or significantly amend it.
- Ms. Hatfield provided copies of the current state energy policy in RSA 378:37, as well as the proposed versions in the next bill to be heard and in HB 1623, highlighting the perceived radical changes in the latter.

Nick Krakoff  
Conservation Law Foundation

- Mr. Krakoff highlighted the current balance in the energy policy, ensuring low costs, reliability, diverse resources, and environmental protection.
Mr. Krakoff criticized HB 1623 for prioritizing reliable and secure resources above all else, ignoring health, safety, and environmental concerns related to fossil fuels.

Mr. Krakoff pointed out the contradiction between claiming technological neutrality and emphasizing reliable, secure, and affordable resources.  

Mr. Krakoff noted the direct conflict between HB 1623 and HB 1431 regarding the state energy policy.

Mr. Krakoff mentioned ISO New England's role in ensuring reliability and secure energy resources regionally, making HB 1623 redundant.

Mr. Krakoff expressed concern that investigations by the Department of Energy and potential remedies could be preempted by federal law.

Neutral Information Presented:

Molly Connors  
New England Power Generators Association

Ms. Connors introduced herself as representing the New England Power Generators Association and offered high-level feedback on HB 1623.

Ms. Connors provided context about the association's mission to support competitive wholesale electricity markets in the region.

Ms. Connors highlighted that the challenges driving power plant retirements in New England are primarily economic.

Ms. Connors emphasized that generators rely on revenue earned through the region's wholesale electricity markets, where the issue lies in the appropriate valuation of reliability services.

Ms. Connors stated that the association has been advocating for regional reforms to address economic challenges faced by its members.

Ms. Connors underscored that the challenges extend beyond fossil fuel-fired plants to existing renewable resources, pump storage, and nuclear plants.

Ms. Connors expressed appreciation for the concern but noted that the bill may not effectively address the underlying issues.

Ms. Connors highlighted the dynamics of the wholesale electricity markets, Ms. Connors explained how efficiency and innovation drive competition among power plants.

Ms. Connors emphasized that the resource capable of meeting the grid's needs at the lowest cost will operate, leading to challenges for older, less efficient plants.

Sen. Watters highlighted the regional focus and authority, suggesting that passing the bill at the state level might undermine efforts to achieve the desired outcomes with power generators.

Ms. Connors stated that one of the challenges her members and all generators face is that when states take action independently, it undermines the work that the region does together.
Mr. Ellms, Deputy Commissioner of the New Hampshire Department of Energy, expressed neutrality on HB 1623 but stated comfort with it.

Mr. Ellms highlighted the bill's focus on emphasizing affordability and reliability as policy goals in New Hampshire's energy policy.

Mr. Ellms noted that the bill provides a clear direction to policymakers, focusing on market-driven energy resource selection and limiting government intervention to what's necessary.

Mr. Ellms explained the department's role in investigating the affordability and reliability impacts of generator closures due to new federal requirements or regulations, mentioning the need for legislative funding for such investigations.

Mr. Ellms pointed out the department's existing responsibility under RSA 374-F:8 to advocate against proposed regional or federal rules inconsistent with New Hampshire's policies, rules, and laws.

Mr. Ellms stated that HB 1623 aligns with these responsibilities and provides additional tools for fulfilling them.

Mr. Ellms acknowledged the need to address any conflicts with the state energy policy outlined in HB 1431 if both bills move forward.

Mr. Ellms reiterated the department's neutrality on the bill and expressed readiness to answer questions.

Sen. Watters addressed concerns raised about the exclusion of energy diversity and the treatment of efficiency in the bill.

Mr. Ellms highlighted the clarity of existing statutes regarding the Renewable Portfolio Standard (RPS) and energy efficiency, providing clear direction from the legislature.

Mr. Ellms expressed disagreement with the notion that the bill subverts existing statutes.

Mr. Ellms emphasized the importance of promoting affordable, reliable, and secure energy resources, particularly focusing on fuel security, supply chain security, and cybersecurity.

Mr. Ellms emphasized that fuel diversity aligns well with the goal of having more potential fuel resources and technology types available.
HB 1628 - AS AMENDED BY THE HOUSE

21Mar2024... 0956h

2024 SESSION

24-3138

08/05

HOUSE BILL 1628

AN ACT relative to regulatory authority for apples, coal grading, potatoes, cider, milk, and lumber.


COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill repeals certain regulatory statutes that have been preempted by the federal government and moves regulatory authority for apples, cider, and lumber to the chapter relative to standards for farm products.

This bill is a request of the committee to study the New Hampshire law relative to standards for farm products and marketing and grading commodities established in 2023, 12:1.

------------------------------------------------------------------------------------------------------------------

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to regulatory authority for apples, coal grading, potatoes, cider, milk, and lumber.

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

1 New Subdivisions; Apples, Apple Cider, and Lumber. Amend RSA 426 by inserting after section 10 the following new subdivisions:

   Apples
   426:11 Requirements for Production, Sale and Marketing. Requirements for production, sale, and marketing of apples in New Hampshire shall be identical to the requirements promulgated by the secretary of the United States Department of Agriculture.

   426:12 Hearings. When the commissioner learns of any violation of any provision of this subdivision he or she shall cause notice of such violation, together with a copy of the findings, to be given to the person or persons concerned. Persons so notified shall be afforded a hearing under rules adopted by the commissioner, under RSA 541-A. Affidavits under oath may be received by the commissioner of agriculture, markets, and food.

   Cider
   426:13 Definitions. In this subdivision:
      I. "Cider" means the unfermented juice of apples.
      II. "Commissioner" means the commissioner of the department of agriculture, markets, and food.
      III. "Person" means any individual, firm, company, partnership, corporation, association, cooperative, business trust, or legal entity of any kind.
   426:14 Manufacture and Sale. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the manufacture, blending, labeling, and sale of cider in New Hampshire. Such rules shall be designed to ensure the following:
      I. That any cider which is claimed or implied to have been produced in New Hampshire is in fact produced in New Hampshire.
      II. That the term "cider" have a specific commercial definition in New Hampshire, and that the term's commercial use in New Hampshire be restricted to the sale of products which fall under that definition.
      III. That all other terms used in the labeling and sale of cider and cider blends in New Hampshire be consistent and clear.
      IV. That any container of cider sold in New Hampshire bears a label which clearly identifies its producer, and which conspicuously and accurately describes its contents.
HB 1628 - AS AMENDED BY THE HOUSE
- Page 2 -

V. That unpasteurized cider may be sold within the state if such cider is clearly labeled as unpasteurized.

426:14 Prohibitions. It shall be unlawful in New Hampshire to manufacture, sell, or distribute cider or any product called "cider" by any means that violate any of the provisions of this subdivision, or any of the rules adopted under this subdivision.

426:15 Administrative Authority; Inspectors; Rulemaking. The commissioner shall have general authority to administer and enforce the provisions of this subdivision and may adopt rules pursuant to RSA 541-A as are necessary to carry out the purposes of this subdivision. The commissioner or duly authorized agent shall have free access at all reasonable hours to any place, building or vehicle in which apple cider is manufactured, sold, offered, or exposed for sale or exchanged or distributed at retail or wholesale. The commissioner or duly authorized agent shall have authority to open any package or container, and may upon tendering the market price take such container and its contents or sample from the package or container.

426:16 Stop Sale, Use or Removal Orders. When the commissioner or duly authorized agent has reasonable cause to believe cider is being distributed in violation of any of the provisions of this subdivision, or any of the rules adopted under this subdivision, the commissioner or duly authorized agent may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any such cider. The cider shall not be sold, used or removed until the provisions of this subdivision have been complied with and the cider has been released by the commissioner or duly authorized agent or the violation has been otherwise disposed of as provided in this subdivision by a court of competent jurisdiction.

426:17 Hearings. When the commissioner learns of any violation of any provision of this subdivision, notice of such violation, together with a copy of the findings, shall be given to the person or persons concerned. Persons so notified shall be afforded a hearing under rules adopted by the commissioner. Affidavits under oath may be received by the commissioner.

Grading and Certification or Stamping of Native Lumber

426:18 Grading and Certification or Stamping of Native Lumber.

I. For the purposes of this subdivision, "native lumber" means wood processed in the state of New Hampshire by mills registered in accordance with the provisions of RSA 227-I. Such wood shall be considered certified or stamped in accordance with the requirements of this section.

II.(a) Notwithstanding any provision of law to the contrary, a mill registered in accordance with RSA 227-I selling native lumber shall, when required, certify in writing to the purchaser on a form approved by the commissioner of agriculture, markets, and food that the quality and safe working stresses of the lumber are equal to or better than No. 2 grade in accordance with the conditions set forth in the American Softwood Standard PS 20-70, or as amended, provided that lumber for use in load bearing wall members shall be of stud grade minimum. The certificate shall include wood species, quantity, location of use, green or dry, sawmill name, name of permitted
grader and date. The certification shall be filed with the local building official having jurisdiction as part of the building permit application.

(b) Notwithstanding subparagraph (a), a mill registered in accordance with RSA 227-I selling native timber may stamp such timber.

III. The commissioner of agriculture, markets, and food, in consultation with the division of forests and lands and the University of New Hampshire cooperative extension, shall establish standards for mill graders who will stamp or certify native lumber. The commissioner shall issue a written permit to each mill grader who has received training and who demonstrates by examination or other procedure prescribed by the commissioner in rulemaking, competence and ability to grade and certify or stamp native lumber in accordance with paragraph II of this section. No lumber shall be sold as certified or stamped native lumber unless it is accompanied by a certificate signed by a grader holding a valid permit.

IV. Any municipality which has adopted a building code which requires regular grade stamped lumber shall accept a stamp or a certificate prepared pursuant to this subdivision which certifies that the native lumber meets the appropriate structural standards in lieu of an accepted and recognized lumber grading stamp. Any structure which is built with such approved native lumber shall be considered equivalent to a structure built with regular grade stamped lumber.

426:19 Rulemaking. The commissioner of agriculture, markets, and food shall adopt rules, under RSA 541-A, necessary to administer this subdivision.

426:20 Prohibited Acts; Administrative Penalty. It shall be unlawful for any person to sell any lumber as stamped or certified native lumber unless such lumber has been graded and certified or stamped in accordance with RSA 426:34. Any person who violates any provision of this subdivision or any rule or order adopted or issued under this subdivision shall be liable for an administrative fine not to exceed $1,000 for each violation.

2 Cider; Definition; Cross Reference Changed. Amend RSA 175:1, XVI-a to read as follows:

XVI-a. "Cider" means either the naturally fermented expressed juice of apples or the fermented expressed juice of apples to which activated yeast is added, containing not less than 1/2 of one percent alcohol by volume at 60 degrees Fahrenheit, which may contain flavoring, coloring or related ingredients and may be carbonated or fermented in a sealed container to produce a sparkling beverage or liquor. Cider, as defined here, shall not include cider as defined in RSA 426:13.

3 Repeals. The following are repealed:

I. RSA 426:6 relative to the definition of “organic.”
II. RSA 426:6-a relative to the labeling and advertising of items as “organic.”
III. RSA 426:6-b, I relative to the certification of organic goods.
IV. RSA 426:6-b, VI relative to the certification of organic goods.
V. RSA 426:6-c, relative to the regulatory services promotional products fund.
VI. RSA 426:6-d, relative to the organic processors-handlers certification fund.

VII. RSA 426:8-a, relative to fees.

VIII. RSA 434:1-3, relative to standards for box sizing.

IX. RSA 434:7-8, relative to standards for ice dealers.

X. RSA 434:9-10 relative to coal grading standards.

XI. RSA 434:11-18, relative to standards for potatoes.

XII. RSA 434: 19-39, relative to apple grading standards and procedures.

XIII. RSA 434:40-a through 434:4-h, relative to cider standards.

XIV. RSA 434:41-58, relative to regulatory authority for milk standards, licensing, and pricing.

XV. RSA 434:59-61, relative to lumber standards.

XVI. RSA 6:12, I(b)(346), relative to the regulatory services promotional products fund.

XVII. RSA 6:12, I(b)(347), relative to the organic processors-handlers certification fund.

4 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Public Hearing: 03/06/2024 11:15 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/06/2024 11:15 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0956h</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>03/06/2024 (Vote 12-0; CC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Amendment # 2024-0956h: AA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0956h: MA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/30/2024</td>
<td>S</td>
<td>Hearing: 05/07/2024, Room 103, SH, 09:20 am; SC 18</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1628, relative to regulatory authority for apples, coal grading, potatoes, cider, milk, and lumber.

Hearing Date: May 7, 2024

Time Opened: 9:20 a.m.  Time Closed: 9:24 a.m.

Members of the Committee Present: Senators Avard, Pearl, Watters and Altschiller

Members of the Committee Absent: Senator Birdsell

Bill Analysis: This bill repeals certain regulatory statutes that have been preempted by the federal government and moves regulatory authority for apples, cider, and lumber to the chapter relative to standards for farm products.

This bill is a request of the committee to study the New Hampshire law relative to standards for farm products and marketing and grading commodities established in 2023, 12:1.

Sponsors:
Rep. Bixby


Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

- Rep. Bixby described HB 1628 as originating from a study committee.
- Rep. Bixby explained that the bill emerged from testimony indicating outdated sections in apple inspection standards.
- Rep. Bixby organized a study committee to evaluate Chapter 434 in detail.
- Rep. Bixby identified outdated regulations within Chapter 434, such as those concerning ice wagons, coal inspection, and agricultural boxes.
- Rep. Bixby proposed consolidating relevant elements from Chapter 434 into Chapter 426 and eliminating the former.
- Rep. Bixby noted that most of the bill involves transferring or deleting sections from Chapter 434.
- Rep. Bixby highlighted the exception of updating apple grading regulations to match federal standards, based on input from the state's apple industry.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

PT
Date Hearing Report completed: May 9, 2024
HOUSE BILL 1632-FN

AN ACT relative to out-of-state solid waste.


COMMITTEE: Environment and Agriculture

ANALYSIS

This bill prohibits newly permitted solid waste facilities from accepting more than 15 percent of solid waste transported from out-of-state.

Explanation: Matter added to current law appears in **bold italics**. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to out-of-state solid waste.

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

1. New Paragraph; Limit on Out-of-State Solid Waste. Amend RSA 149-M:9 by inserting after paragraph XV the following new paragraph:

XVI. Any solid waste facility that receives a permit on or after the effective date of this paragraph shall not accept any more than 15 percent of solid waste transported from out-of-state. This paragraph shall not apply to any solid waste facility fully permitted under this section prior to the effective date of this paragraph or any application for expansion of such permitted solid waste facility.

2. Effective Date. This act shall take effect upon its passage.
AN ACT relative to out-of-state solid waste.

**FISCAL IMPACT:**  
[X] State  [X] County  [X] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

**METHODOLOGY:**

This bill prohibits newly permitted solid waste facilities from accepting more than 15 percent of solid waste transported from out-of-state.

The Department of Environmental Services assumes existing staff would absorb any additional work to update and enforce regulations to reflect the revised statute. There would be no additional expenditures for administration of RSA 149-M and the NH Solid Waste Rules.

The Department is unsure what impact this bill would have on solid waste tipping fees at transfer stations, landfills, and waste-to-energy facilities. It is anticipated that the bill could result in an increase in such fees because it would limit new facilities’ ability to accept waste
from any source. Limiting the waste that a facility may accept could prevent a facility from operating at full permitted capacity, thereby increasing unit operational costs. In that case, the Department would expect an increase in expenditures for state, county and local governments that generate and pay for the management and disposal of solid waste. Because the Department cannot estimate the potential increases in tipping fees, it is unable to estimate the potential increase in state, county and local expenditures.

It is assumed that any fiscal impact would occur after FY 2024.

AGENCIES CONTACTED:
Department of Environmental Services
<table>
<thead>
<tr>
<th>Date</th>
<th>House</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Public Hearing: 02/14/2024 02:00 pm LOB 301-303</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/20/2024 11:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/06/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/19/2024 (Vote 20-0; CC) HC 12 P. 14</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 103, SH, 01:30 pm; SC 15</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 3-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1632-FN, relative to out-of-state solid waste.

Hearing Date: April 18, 2024

Time Opened: 3:27 p.m.  Time Closed: 4:00 p.m.

Members of the Committee Present: Senators Avard, Pearl, Watters and Altschiller

Members of the Committee Absent: Senator Birdsell

Bill Analysis: This bill prohibits newly permitted solid waste facilities from accepting more than 15 percent of solid waste transported from out-of-state.

Sponsors:
- Rep. Rochefort
- Rep. Germana
- Rep. Fedolfi
- Rep. Simpson
- Rep. Massimilla
- Sen. Avard

Who supports the bill: In total, 395 individuals signed in support of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who opposes the bill: In total, 8 individuals signed in opposition of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Who is neutral on the bill: In total, 1 individual signed in neutral of HB 1623-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

Summary of testimony presented in support:

Rep. David Rochefort
Grafton – District 1

- Rep. Rochefort introduced HB 1632, which limits the amount of out-of-state trash in newly permitted landfills to 15%.
- Rep. Rochefort explained that the bill stemmed from a study committee formed by Senate Bill 159, which aimed to address issues related to landfills and out-of-state waste.
• Rep. Rochefort highlighted concerns about New Hampshire becoming a dumping ground for neighboring states due to their restrictions on certain waste materials.
• Rep. Rochefort referenced an interagency memorandum from the attorney general's office, which outlined criteria for balancing the state's interests with restrictions on out-of-state trash.
• Rep. Rochefort mentioned that DES officials indicated the first two criteria in the memorandum could easily be met.
• Rep. Rochefort stated that the bill received unanimous support in the House and garnered significant public backing.
• Rep. Rochefort emphasized the importance of addressing the issue of out-of-state waste to prevent potential environmental problems and landfill capacity issues.

Rep. Nicholas Germana
Cheshire – District 1

Rep. Germana, who represents Keene from Cheshire District 1, addressed two key points regarding waste management. Rep. Germana highlighted that New Hampshire was falling behind its solid waste management goals, projecting to be more than 50% off target by the middle of the century. Rep. Germana emphasized the importance of reducing out-of-state waste, which at the time accounted for nearly 50% of the waste intake. Rep. Germana clarified that the proposed bill would not lead to an increase in landfill capacity or costs. It specifically pertained to future landfills and did not affect current ones or expansions. Rep. Germana asserted that the state's existing landfill capacity was known until at least 2034, with potential expansions accounted for, indicating no immediate need for increased capacity or associated costs.

Rep. Kelley Potenza
Strafford – District 19

• Rep. Potenza expressed strong support for the bill.
• Rep. Potenza mentioned previous initiatives and a study committee involving Sen. Avard regarding out-of-state waste.
• Rep. Potenza indicated that the bill emerged as one of the solutions from those discussions.
• Rep. Potenza noted that previous speakers had covered the necessary points, implying that she didn't have additional remarks to add.

Rep. Judy Aron
Sullivan – District 4

• Rep. Judy Aaron, representing Solon County District 4, expressed strong support for the bill.
• Rep. Aron endorsed the legislature's intention to set policy restricting out-of-state trash, seeing it as a practical approach within the confines of the commerce clause.
• Rep. Aron emphasized the importance of prioritizing the disposal of in-state trash over out-of-state waste, considering landfilling as the last resort in waste management.
• Rep. Aron highlighted the need to take care of New Hampshire residents' trash first and advocated for putting restrictions on the amount of out-of-state trash accepted in landfills.

Rep. Linda Haskins
Rockingham 11

• Rep. Linda Haskins, representing Rockingham 11 Exeter, expressed support for HB 1632, highlighting the urgent need to address the state's environmental challenges.
• Rep. Haskins referred to the dangers of PFAS contamination, emphasizing that landfills are a primary source of PFAS in leachate.
• Rep. Haskins stated that despite the Department of Environmental Services' goal to reduce solid waste by 25%, Haskins noted that only 3% of that goal has been achieved.
• Rep. Haskins advocated for reducing out-of-state waste as a priority to meet waste reduction targets.
• Rep. Haskins questioned why New Hampshire should bear the burden of Massachusetts meeting its environmental goals and criticized industries benefiting from tipping fees for out-of-state waste without contributing to New Hampshire taxpayers.
• Rep. Haskins reflected on past mistakes in ensuring safety standards, particularly in Merrimack and Hampton, she urged against jeopardizing citizen safety for industry profit.
• Rep. Haskins concluded by emphasizing the importance of prioritizing the safety of citizens over the financial interests of the landfill industry.

Rep. Linda Massimilla
Grafton – District 1

• Rep. Linda Massimiliano, representing Grafton one, described the measure as preventive management rather than crisis management.
• Rep. Massimiliano emphasized the importance of addressing the issue before it becomes a crisis, noting that New Hampshire could become a target state for out-of-state waste.
• Rep. Massimiliano highlighted that neighboring states like Connecticut, New York, and Massachusetts have closed or are in the process of closing landfills, potentially leading to increased waste disposal in New Hampshire.
• Rep. Massimiliano urged careful consideration and passage of the bill to address the issue proactively.
• Rep. Massimiliano concluded her remarks by affirming the importance of taking action now to avoid potential crises in the future.

Nancy Morrison

• Ms. Morrison expressed hope that House Bill 1632 will never be needed as it applies only to new landfills but urged the committee to vote it ought to pass.
• Ms. Morrison highlighted bipartisan support from gubernatorial candidates opposing a new landfill in New Hampshire.
• Ms. Morrison emphasized that if a new landfill were ever needed in the future, House Bill 1632 would help address the imbalance of out-of-state trash flowing into the state.
• Ms. Morrison stated that New Hampshire currently exports about 5 percent of its trash for recycling and disposal but imported 47 percent of its landfill trash from out of state between 2015 and 2019, primarily from Massachusetts.
• Ms. Morrison pointed out the environmental burden placed on New Hampshire's land, air, and water by the disproportionate amount of out-of-state trash.
• Ms. Morrison discussed the updated EPA standards for drinking water containing PFAS, highlighting the substantial cost of removing PFAS from wastewater treatment facilities.
• Ms. Morrison raised concerns about the potential financial burden on businesses and taxpayers if New Hampshire continues to import significant amounts of out-of-state trash into new landfills.
• Ms. Morrison questioned the disposal method for PFAS once it has been treated or removed from leachate, urging the committee to pass House Bill 1632 to mitigate the environmental and health impacts on New Hampshire's citizens and businesses.

Andrew Provencher
North Country Alliance for Balanced Change

• Mr. Provencher expressed support for House Bill 1632 on behalf of the North Country Alliance for Balanced Change.
• Mr. Provencher suggested considering adjustments to the 15 percent limit on out-of-state waste, proposing the possibility of lowering it based on New Hampshire's current waste export rates.
• Mr. Provencher highlighted a potential loophole in the legislation where waste could be processed in-state before being sent to landfills, suggesting a revision to prevent this loophole.
• Mr. Provencher recommended amending the bill to specify that no more than 15 percent of solid waste originating or collected outside of New Hampshire should be accepted, aiming to address the intention of the bill to prevent out-of-state waste from entering landfills.
• Mr. Provencher emphasized the importance of understanding that the waste being imported is toxic and requires legislative action to align with the state's values in curbing such trash.
Muriel Robinette

- Ms. Robinette emphasized the importance of limiting solid waste in landfills due to the presence of forever chemicals like PFAS.
- Ms. Robinette questioned why New Hampshire should accept out-of-state solid waste, which poses contamination risks for the state for up to a century.
- Ms. Robinette raised a concern about the movement of leachate from landfills, which often ends up in municipal treatment plants that currently lack the capability to treat for PFAS.
- Ms. Robinette highlighted the absence of EPA standards for surface water quality despite the use of rivers receiving untreated leachate as drinking water sources.
- Ms. Robinette expressed concern about increased truck traffic and emissions associated with transporting out-of-state waste, impacting New Hampshire's air quality.
- Ms. Robinette stressed the need for leadership to reduce landfill waste in alignment with the state's solid waste plan, suggesting bills like House Bill 1632 as steps toward that goal.

Summary of testimony presented in opposition:

Kirsten Koch
Business Industry Association

- Ms. Koch echoed concerns about the bill potentially conflicting with the constitutional commerce clause.
- Ms. Koch emphasized the belief that the bill may violate the constitution, citing questions raised by the sponsor regarding the balancing act and compliance requirements.
- Ms. Koch pointed out that the bill was recommended by a study committee despite its potential unconstitutionality, which she deemed concerning and indicative of poor public policy.
- Ms. Koch highlighted that her written testimony covered much of what she intended to say, so she would keep her remarks concise.
- Ms. Koch urged the committee to consider the potential financial burden on taxpayers if the bill leads to litigation and the state is required to pay attorney's fees.
- Ms. Koch reiterated BIA's strong opposition to the bill and requested that the committee refrain from passing it.
Neutral Information Presented:

Sarah Yuhas Kirn  
New Hampshire Department of Environmental Services

- Ms. Yuhas Kirn stated that the department does not take a position on House Bill 1632 but expressed a concern regarding its potential implications.
- Ms. Yuhas Kirn highlighted the interpretation of the Commerce Clause of the U.S. Constitution, which typically prevents states from restricting commercial solid waste facilities from accepting out-of-state waste.
- Ms. Yuhas Kirn mentioned that if enacted, the provisions of the bill could lead to legal challenges against DES solid waste permit decisions based on the Commerce Clause.
- Ms. Yuhas Kirn offered a quick summary of the department's concern and expressed readiness to answer any questions from the committee.
  - Sen. Watters inquired about the fiscal note for the bill and the implications of the Interstate Commerce Clause.
- Ms. Yuhas Kirn stated that they are uncertain about the potential economic impact of the bill if it were to pass.
- Ms. Yuhas Kirn mentioned the possibility that the bill may not have any impact or could potentially reduce the cost of solid waste disposal in the state.
- Ms. Yuhas Kirn also noted the possibility that limiting facilities from accepting more than 15 percent out-of-state waste could alter operational costs and potentially drive up the cost of solid waste disposal in the state.
- Ms. Yuhas Kirn emphasized that the economic impact of the bill remains a question mark for the department.
- Ms. Yuhas Kirn indicated that any restriction placed on commercial solid waste facilities would pose a problem.
- Ms. Yuhas Kirn clarified that if a facility were publicly owned, it could decide whether to accept out-of-state waste and determine the quantity it would accept.
HOUSE BILL    1649-FN

AN ACT relative to prohibiting certain products with intentionally added PFAS.


COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill restricts the use of per and polyfluoroalkyl substances in certain consumer products sold in New Hampshire. The bill also makes appropriations to the department of environmental services to fund an additional position and to fund the PFAS products control program.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to prohibiting certain products with intentionally added PFAS.

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

1 New Section; Consumer Protection; Per and Polyfluoroalkyl Substance Use Restricted. Amend RSA 149-M by inserting after section 63 the following new section:

149-M:64 Consumer Products; Per and Polyfluoroalkyl Substance Use Restricted.

I. In this section:
(a) “Adult mattress” means a mattress other than a crib mattress or toddler mattress.
(b) “Alternative” means a substitute process, product, material, chemical, strategy, or combination of these that has been evaluated and serves a functionally equivalent purpose to a PFAS in a product that has less risk to human health or the environment than the use of PFAS in the product.
(c) “Carpet or rug” means a fabric product marketed or intended for use as a floor covering in households or businesses.
(d) “Chemical” means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation, or metabolism.
(e) “Consumer product” means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes. “Consumer products” includes product categories that are normally used by households, but designed for or sold to businesses, such as commercial carpets or commercial floor waxes.
(f) “Cosmetic” means an article for retail sale or professional use intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance.
(g) “Department” means the department of environmental services.
(h) "Distributor" has the same meaning as RSA 149-M:33, II.
(i) “Feminine hygiene product” means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or reusable.
(j) “Food packaging and containers” means a container applied to or providing a means to market, protect, handle, deliver, serve, contain, or store a food or beverage. Food packaging includes: (1) a unit package, an intermediate package, and a shipping container; (2) unsealed receptacles, such as carrying cases, crates, cups, plates, bowls, pails, rigid foil and other trays,
wrappers and wrapping films, bags, and tubs; and (3) an individual assembled part of a food package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

(k) “Intentionally added PFAS” means:

(1) PFAS that a manufacturer has intentionally added to a product or product component and that have a functional or technical effect in the product or product component, including PFAs components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or

(2) The presence of PFAS in a product or product component above thresholds established by the department in rule.

(l) “Juvenile product” means any product designed or marketed for use by infants and children under 12 years of age:

(1) Including, but not limited to a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and aircraft, co-sleeper, crib mattress, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, playmat, playpen, play-yard, polyurethane foam mat, pad or pillow, portable form nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller, and toddler mattress, and

(2) Not including children’s electronic products, such as a personal computer, audio and video equipment, calculator, wireless phone, game console, hand held device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit or power cord, a medical device, or an adult mattress.

(m) “Known or reasonably ascertainable” means all information in a person’s possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.

(n) "Manufacturer" means any person, firm, association, partnership, corporation, organization, combination, or joint venture, which produces a PFAS-added product, or an importer or domestic distributor of a PFAS-added product, which is produced in a foreign country. In the case of a multi-component PFAS-added product, the manufacturer is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the manufacturer is the importer or domestic distributor.

(o) “Medical device” has the meaning given “device” under 21 U.S.C. section 321(h).

(p) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon.

(q) “Personal protective equipment” means equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with
chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

(r) “PFAS-added consumer product” means:
   (1) A product, commodity, chemical, or product component that was manufactured after the effective date of this section;
   (2) That contains PFAS intentionally added to the product, commodity, chemical, or product component; and
   (3) Is a consumer product. These products include formulated PFAS-added products, and fabricated PFAS-added products.

(s) “PFAS-added product” means:
   (1) A product, including a PFAS-added consumer product, commodity, chemical, or product component that was manufactured after the effective date of this section; and
   (2) That contains PFAS intentionally added to the product, commodity, chemical, or product component.

(t) “Product” means an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including its product components, sold, or distributed for personal, residential, commercial, or industrial use, including for use in making other products.

(u) “Product component” means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

(v) “Retailer” means a person who sells a PFAS-added product in the state through any means, including a sales outlet, a catalog, the telephone, the Internet, or any electronic means.

(w) "Supplier" has the same meaning as in RSA 149-M:33, X.

(x) “Upholstered furniture” means an article of furniture that is designed for sitting, resting, or reclining and is wholly or partly stuffed or filled with filling material.

(y) “Textile” means an item made in whole or part from a natural or synthetic fiber, yarn, or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, viscose, nylon, and polyester.

(z) “Textile furnishings” means textile goods of a type customarily used in households and businesses, including but not limited to, draperies, floor coverings, furnishings, bedding, towels, and tablecloths. “Textile furnishings” does not include textiles used in medical or industrial settings.

(aa) “Textile treatment” means a product intended to be applied to a textile to give or enhance one or more characteristics, including, but not limited to, stain resistance or water resistance. “Textile treatment” does not include textile dye.

II.(a) The following are exempt from the requirements of this section:
   (1) The resale of products manufactured prior to the ban imposed by this section.
   (2) A product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority.
(3) Products regulated as drugs or medical devices by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq.

(4) Public water systems as defined by RSA 485:1-a, XV, wastewater treatment plants as defined by RSA 485-A:2, XVI-a, or a government-owned facility as the term facility is defined in RSA 149-M:4, IX.

(5) Products or substances approved as substitutes under the Significant New Alternatives Policy program of the United States Environmental Protection Agency, pursuant to section 612 of the amended Clean Air Act of 1990, 42 U.S.C. section 7671k, or substitutes needed to execute the American Innovation and Manufacturing Act, 42 U.S.C. section 7675 et seq. This exemption does not apply to PFAS-added products banned by this section.

(b) The following are exempt from the PFAS ban imposed by this section:

(1) Products made with at least 85 percent recycled content.

(2) Products manufactured prior to the ban imposed by this section.

(3) Replacement parts for products manufactured prior to the ban imposed by this section.

III.(a) The department is authorized to participate in the establishment and implementation of a multi-jurisdictional clearinghouse to assist in carrying out the requirements of this section and to help coordinate applications and reviews of the manufacturer obligations under the section. The clearinghouse may also maintain a database of all products containing PFAS, including PFAS-added products; a file on all exemptions granted by the participating jurisdictions; a file on alternative labeling plans; and a file of all the manufacturers' reports on the effectiveness of any PFAS-added product collection systems they may institute.

(b) Public disclosure of confidential business information submitted to the department pursuant to this section shall be governed by the requirements of the state's freedom of information act. Notwithstanding the requirements of the state's freedom of information act, the department may provide the interjurisdictional clearinghouse with copies of such information and the interjurisdictional clearinghouse may compile or publish analyses or summaries of such information provided that the analyses or summaries do not identify any manufacturer or reveal any confidential information. Clearinghouse members and employees shall be viewed as operating under a common interest and conversations among and between members or employees shall not violate any exception to any member jurisdiction's freedom of information act.

IV. Prohibitions.

(a) Product Ban. On January 1, 2027, the following PFAS-added consumer products shall be prohibited from being offered for final sale or use or distributed for promotional purposes in the state:

(1) Carpets or rugs.

(2) Cosmetics.
(3) Textile treatments.
(4) Feminine hygiene products.
(5) Food packaging and containers.
(6) Juvenile products.
(7) Personal protective equipment.
(8) Upholstered furniture.
(9) Textile furnishings.

V.(a) Upon request by the department, a certificate of compliance, or copies thereof, stating that a product is in compliance with the requirements of this section shall be furnished by its manufacturer or supplier to the department.

(b) Where compliance is achieved under any jurisdiction exemptions provided in paragraph II, the certificate of compliance shall state the specific basis upon with the exemption is claimed.

(c) The certificate of compliance shall be signed by an authorized official of the manufacturer or supplier. The purchaser shall retain the certificate of compliance for as long as the produce is in use. A certificate of compliance shall be kept on file by the manufacturer or supplier. A manufacturer or supplier may make the certificate of compliance available on their company website or through an authorized representative of the company such as an interjurisdictional clearinghouse.

(d) If the manufacturer or supplier of a product reformulates or creates a new product, the manufacturer or supplier shall provide an amended or new certificate of compliance for such reformulated or new product to the department.

(e) Within 30 days of receipt of a request by the department under this section, the manufacturer or supplier shall:

(1) Provide the department with the certificate of compliance attesting that the product does not contain a chemical regulated under this act; or

(2) Notify persons who sell the product containing chemicals regulated under this section that the sale of the product is prohibited, and provide the department with a copy of the notice and a list of the names and addresses of those notified.

VI. The department may adopt, under RSA 541-A, any rules necessary for the implementation, administration, and enforcement of this section.

VII.(a) The department may enforce this section pursuant to its authority under RSA 149-M:38. The commissioner may coordinate with the commissioner of the department of health and human services in enforcing this section, if necessary.

(b) When requested by the department, a person shall furnish to the department any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.
Department of Environmental Services; Position Established; Appropriation. There is hereby established in the department of environmental services, one full-time classified environmentalist IV position for the purposes of establishing rules, coordinating with the clearinghouse and manufacturers on technical implementation details, recommendations as to any related manufacturer fees and performing ongoing duties such as compliance assurance and enforcement as outlined in this act. The sum necessary to pay the salary, benefits, and other costs related to the position established in this section is hereby appropriated to the department of environmental services for the biennium ending June 30, 2025. This appropriation shall be in addition to any other appropriations made to the department in the biennium. The governor is authorized to draw a warrant for said sum out of any money in treasury not otherwise appropriated. The funds appropriated for this position shall lapse on June 30, 2033.

Appropriation; Department of Environmental Services. The sum of $250,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of environmental services to fund administrative costs related to establishment and initial operation of the PFAS-added products control program established by this act, such as costs associated with data collection, lab testing and analysis, third party assistance, educational material development and distribution, and participation in the interjurisdictional clearinghouse authorized herein. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Effective Date. This act shall take effect upon its passage.
AN ACT relative to prohibiting certain products with intentionally added PFAS.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>General Fund</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>General Fund</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
- Does this bill authorize new positions to implement this bill? [X] Yes

METHODOLOGY:

This bill restricts the use of per and polyfluoroalkyl substances in certain consumer products sold in New Hampshire. The bill establishes a role for the Department of Environmental Services in the implementation, administration, and enforcement of restrictions on PFAS in consumer products specified in a proposed new section of RSA 149-M. The implementation may include participation in establishment of a multi-jurisdictional clearinghouse to assist in carrying out the requirements proposed in RSA 149-M:64. The cost of membership in a clearinghouse is estimated to be at least $7,000 per year based on current membership rates for the Interstate Chemicals Clearinghouse, which operates in a similar fashion. Actual membership costs may be higher due to the relatively broad scope and complexity of the requirements of the bill. The bill provides that the Department may establish rules to address these requirements. The bill makes an appropriation to the Department for the biennium ending June 30, 2025 to fund an Environmentalist IV position to establish rules, coordinate with manufacturers on technical implementation details, and to make recommendations regarding manufacturer fees and ongoing compliance and enforcement. It is assumed that any recommended fees would not be established within the biennium ending June 30, 2025, and may
require new legislation. The bill makes an appropriation of $250,000 for the biennium ending June 30, 2025 to fund administrative costs for establishment and initial operation of the program such as the costs associated with data collection, lab testing and analysis, third party assistance, educational material development and distribution, and participation in the multi-jurisdictional clearinghouse. The Department estimated the cost of the Environmentalist IV position would be as follows:

<table>
<thead>
<tr>
<th></th>
<th>FY 2025*</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmentalist IV Salary, LG 27, Step 1</td>
<td>$31,914</td>
<td>$66,478</td>
<td>$70,681</td>
</tr>
<tr>
<td>Benefits</td>
<td>$18,100</td>
<td>$36,770</td>
<td>$37,674</td>
</tr>
<tr>
<td>Total Salary &amp; Benefits</td>
<td>$50,014</td>
<td>$103,248</td>
<td>$108,355</td>
</tr>
<tr>
<td>Other Expenses (Equipment, Office space, DoIT support etc.)</td>
<td>$6,551</td>
<td>$19,447</td>
<td>$17,944</td>
</tr>
<tr>
<td>Total Cost</td>
<td>$56,565</td>
<td>$122,695</td>
<td>$126,299</td>
</tr>
<tr>
<td>Total Position Cost (Rounded)</td>
<td>$57,000</td>
<td>$123,000</td>
<td>$127,000</td>
</tr>
</tbody>
</table>

*The Department assumes a start date of January 1, 2025 for the Environmentalist IV Position.

The Department indicates the costs associated with data collection, lab testing and analysis, third party assistance, and development and distribution of educational materials are indeterminable, but are estimated to range up to $50,000 per year. The Department does not anticipate any impact on revenues or expenditures to county or local governments.

AGENCIES CONTACTED:

Department of Environmental Services
Amendment to HB 1649-FN

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

1 New Section; Consumer Protection; Perfluorooalkyl Substance Use Restricted. Amend RSA 149-M by inserting after section 63 the following new section:

149-M:64 Consumer Products; Perfluorooalkyl Substance Use Restricted.

I. In this section:

(a) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

(b) "Carpet or rug" means a fabric product marketed or intended for use as a floor covering in households or businesses.

(c) "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation, or metabolism.

(d) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes. "Consumer products" includes product categories that are normally used by households, but designed for or sold to businesses, such as commercial carpets or commercial floor waxes.

(e) "Cosmetic" means an article for retail sale or professional use intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance.

(f) "Department" means the department of environmental services.

(g) "Distributor" has the same meaning as RSA 149-M:33, II.

(h) "Feminine hygiene product" means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or reusable.

(i) "Food packaging and containers" means a container applied to or providing a means to market, protect, handle, deliver, serve, contain, or store a food or beverage. Food packaging includes: (1) a unit package, an intermediate package, and a shipping container; (2) unsealed receptacles, such as carrying cases, crates, cups, plates, bowls, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs; and (3) an individual assembled part of a food package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.
(j) “Intentionally added PFAS” means PFAS that a manufacturer has intentionally added to a product or product component and that have a functional or technical effect in the product or product component, including PFAs components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.

(k) “Juvenile product” means any product designed or marketed for use by infants and children under 12 years of age:

(1) Including, but not limited to a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and aircraft, co-sleeper, crib mattress, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, playmat, playpen, play-yard, polyurethane foam mat, pad or pillow, portable form nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller, and toddler mattress, and

(2) Not including children’s electronic products, such as a personal computer, audio and video equipment, calculator, wireless phone, game console, hand held device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit or power cord, a medical device, or an adult mattress.

(l) "Manufacturer" means any person, firm, association, partnership, corporation, organization, combination, or joint venture, which produces a PFAS-added product, or an importer or domestic distributor of a PFAS-added product, which is produced in a foreign country. In the case of a multi-component PFAS-added product, the manufacturer is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the manufacturer is the importer or domestic distributor.

(m) “Medical device” has the meaning given “device” under 21 U.S.C. section 321(h).

(n) “PFAS” means a group of synthetic perfluoroalkyl and polyfluoroalkyl substances, and their known degradation products, that contain 2 sequential fully fluorinated carbon atoms, excluding polymers, gases, and volatile liquids, but including side chain fluorinated polymers.

(o) “PFAS-added consumer product” means:

(1) A product, commodity, chemical, or product component that was manufactured after the effective date of this section;

(2) That contains PFAS intentionally added to the product, commodity, chemical, or product component; and

(3) Is a consumer product. These products include formulated PFAS-added products, and fabricated PFAS-added products.

(p) “PFAS-added product” means:

(1) A product, including a PFAS-added consumer product, commodity, chemical, or product component that was manufactured after the effective date of this section; and
(2) That contains PFAS intentionally added to the product, commodity, chemical, or product component.

(q) “Product” means an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including its product components, sold, or distributed for personal, residential, commercial, or industrial use, including for use in making other products.

(r) “Product component” means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

(s) "Supplier" has the same meaning as in RSA 149-M:33, X.

(t) “Upholstered furniture” means an article of furniture that is designed for sitting, resting, or reclining and is wholly or partly stuffed or filled with filling material.

(u) “Textile” means an item made in whole or part from a natural or synthetic fiber, yarn, or fabric. Textile includes, but is not limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon, and polyester.

(v) “Textile furnishings” means textile goods of a type customarily used in households and businesses, including but not limited to, draperies, floor coverings, furnishings, bedding, towels, and tablecloths. “Textile furnishings” does not include textiles used in medical or industrial settings.

(w) “Textile treatment” means a product intended to be applied to a textile to give or enhance one or more characteristics, including, but not limited to, stain resistance or water resistance. “Textile treatment” does not include textile dye.

II.(a) The following are exempt from the requirements of this section:

(1) The resale of products manufactured prior to the ban imposed by this section.

(2) A product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority.

(3) Products regulated as drugs or medical devices by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq.

(4) Public water systems as defined by RSA 485:1-a, XV, wastewater treatment plants as defined by RSA 485-A:2, XVI-a, or a government-owned facility as the term facility is defined in RSA 149-M:4, IX.

(5) Products or substances approved as substitutes under the Significant New Alternatives Policy program of the United States Environmental Protection Agency, pursuant to section 612 of the amended Clean Air Act of 1990, 42 U.S.C. section 7671k, or substitutes needed to execute the American Innovation and Manufacturing Act, 42 U.S.C. section 7675 et seq. This exemption does not apply to PFAS-added products banned by this section.

(b) The following are exempt from the PFAS ban imposed by this section:

(1) Products made with at least 85 percent recycled content.

(2) Products manufactured prior to the ban imposed by this section.
(3) Replacement parts for products manufactured prior to the ban imposed by this section.

III.(a) The department is authorized to participate in the establishment and implementation of a multi-jurisdictional clearinghouse to assist in carrying out the requirements of this section and to help coordinate applications and reviews of the manufacturer obligations under the section. The clearinghouse may also maintain a database of all products containing PFAS, including PFAS-added products; a file on all exemptions granted by the participating jurisdictions; a file on alternative labeling plans; and a file of all the manufacturers' reports on the effectiveness of any PFAS-added product collection systems they may institute.

(b) Public disclosure of confidential business information submitted to the department pursuant to this section shall be governed by the requirements of the state's freedom of information act. Notwithstanding the requirements of the state's freedom of information act, the department may provide the interjurisdictional clearinghouse with copies of such information and the interjurisdictional clearinghouse may compile or publish analyses or summaries of such information provided that the analyses or summaries do not identify any manufacturer or reveal any confidential information. Clearinghouse members and employees shall be viewed as operating under a common interest and conversations among and between members or employees shall not violate any exception to any member jurisdiction's freedom of information act.

IV. Prohibitions.

(a) Product Ban. On January 1, 2027, the following PFAS-added consumer products shall be prohibited from being sold, offered for sale, or distributed for sale or for promotional purposes in the state:

(1) Carpets or rugs.
(2) Cosmetics.
(3) Textile treatments.
(4) Feminine hygiene products.
(5) Food packaging and containers.
(6) Juvenile products.
(7) Upholstered furniture.
(8) Textile furnishings.

V.(a) Upon request by the department, a certificate of compliance, or copies thereof, stating that a product is in compliance with the requirements of this section shall be furnished by its manufacturer or supplier to the department.

(b) Where compliance is achieved under any jurisdiction exemptions provided in paragraph II, the certificate of compliance shall state the specific basis upon with the exemption is claimed.
(c) The certificate of compliance shall be signed by an authorized official of the manufacturer or supplier. The purchaser shall retain the certificate of compliance for as long as the product is in use. A certificate of compliance shall be kept on file by the manufacturer or supplier. A manufacturer or supplier may make the certificate of compliance available on their company website or through an authorized representative of the company such as an interjurisdictional clearinghouse.

(d) If the manufacturer or supplier of a product reformulates or creates a new product, the manufacturer or supplier shall provide an amended or new certificate of compliance for such reformulated or new product to the department.

(e) Within 30 days of receipt of a request by the department under this section, the manufacturer or supplier shall:

1. Provide the department with the certificate of compliance attesting that the product does not contain a chemical regulated under this act; or
2. Notify persons who sell the product containing chemicals regulated under this section that the sale of the product is prohibited, and provide the department with a copy of the notice and a list of the names and addresses of those notified.

VI. The department may adopt, under RSA 541-A, any rules necessary for the implementation, administration, and enforcement of this section.

VII.(a) The department may enforce this section pursuant to its authority under RSA 149-M:38. The commissioner may coordinate with the commissioner of the department of health and human services in enforcing this section, if necessary.

(b) When requested by the department, a person shall furnish to the department any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

VIII. On or before September 1, 2025, and biennially thereafter, the department shall submit to the general court and the governor a report regarding the implementation of this section, including the status of development, establishment, and participation in a multi-jurisdictional clearinghouse, a summary of relevant information from data available through the United States Environmental Protection Agency’s reporting requirements on PFAS uses, production volumes, disposal, exposures, and hazards, other federal and state developments, the actual and estimated future costs of administration, compliance, and enforcement, and any recommendations for necessary legislative changes.

2 Department of Environmental Services; Position Established; Appropriation. There is hereby established in the department of environmental services, one full-time classified environmentalist IV position for the purposes of establishing rules, coordinating with the clearinghouse and manufacturers on technical implementation details, recommendations as to any related manufacturer fees and performing ongoing duties such as compliance assurance and enforcement as
Amendment to HB 1649-FN
- Page 6 -

outlined in this act. The sum necessary to pay the salary, benefits, and other costs related to the
position established in this section is hereby appropriated to the department of environmental
services for the biennium ending June 30, 2025. This appropriation shall be in addition to any other
appropriations made to the department in the biennium. The governor is authorized to draw a
warrant for said sum out of any money in treasury not otherwise appropriated. The funds
appropriated for this position shall lapse on June 30, 2033.

3 Appropriation; Department of Environmental Services. The sum of $250,000 for the biennium
ending June 30, 2025, is hereby appropriated to the department of environmental services to be
deposited into the PFAS remediation fund established in RSA 485-H:10. Such funds shall be used
exclusively for the use of the department to address expenses associated with the PFAS restrictions
on consumer products under RSA 149-M:64. The governor is authorized to draw a warrant for said
sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs HJ 1</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 02:15 pm LOB 306-308</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 01/24/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 01/31/2024 01:15 pm LOB 302-304</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Executive Session: 02/07/2024 01:15 pm LOB 302-304</td>
</tr>
<tr>
<td>02/12/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment #2024-0352h 02/07/2024 (Vote 16-3; RC)</td>
</tr>
<tr>
<td>02/12/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment #2024-0352h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0352h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/13/2024 01:30 pm LOB 212</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Division Work Session: 03/20/2024 11:05 am LOB 212</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Executive Session: 03/26/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment #2024-1086h 03/28/2024 (Vote 15-9; RC) HC 14 P. 15</td>
</tr>
<tr>
<td>03/29/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment #2024-1086h: AA DV 233-147 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1086h: MA RC 233-140 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Energy and Natural Resources; SJ 10</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 103, SH, 09:50 am; SC 17</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1834s, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
Senate Energy and Natural Resources Committee  
*Philip Tatro  271-1403*

**HB 1649-FN**, relative to prohibiting certain products with intentionally added PFAS.

**Hearing Date:** April 23, 2024

**Time Opened:** 10:05 a.m.  
**Time Closed:** 11:41 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent:** None

**Bill Analysis:** This bill restricts the use of per and polyfluoroalkyl substances in certain consumer products sold in New Hampshire. The bill also makes appropriations to the department of environmental services to fund an additional position and to fund the PFAS products control program.

**Sponsors:**
- Rep. Ebel
- Rep. Rung
- Rep. Dunn
- Rep. W. Thomas
- Sen. Watters
- Rep. Simpson
- Rep. B. Boyd
- Rep. J. Sullivan
- Sen. Ricciardi
- Sen. Prentiss
- Rep. Spier
- Rep. Mooney
- Rep. N. Murphy
- Sen. Chandley
- Sen. Avard

**Who supports the bill:** In total, 113 individuals signed in support of HB 1649-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Who opposes the bill:** In total, 7 individuals signed in opposition of HB 1649-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Who is neutral on the bill:** In total, 1 individual signed in neutral of HB 1649-FN. The full sign in sheets are available upon request to the Legislative Aide, Philip Tatro (philip.tatro@leg.state.nh.us).

**Summary of testimony presented in support:**
• Karen Ebel, representing District 5 encompassing New London and Newbury, introduced HB 1649, which proposes banning the sale of certain consumer products containing intentionally added PFAS.

• Rep. Ebel highlighted that the bill garnered strong bipartisan support in the House, passing with a vote of 233 to 140, and received backing from the House Commerce and Finance Committees.

• Rep. Ebel highlighted recent decisions to require testing of PFAS at unprecedented levels and to designate certain PFAS chemicals as hazardous materials under CERCLA, emphasizing the need to address PFAS contamination at its source.

• Rep. Ebel underscored the urgency of preventing PFAS from entering ecosystems, citing the wide-ranging coalition supporting the bill, including landfill operators, utilities, municipalities, public health officials, firefighters, and environmental advocates.

• Rep. Ebel provided insights into the pathways through which PFAS enter landfills, wastewater treatment plants, and ultimately surface and groundwater, stressing the need for proactive measures to mitigate PFAS contamination.

• Rep. Ebel outlined the bill’s provisions, including its broad definition of PFAS to account for potential variations in chemical compositions, based on definitions adopted by 23 other states and the federal government.

• Rep. Ebel addressed concerns regarding compliance and effective dates, clarifying that the bill only applies to products intentionally containing PFAS and allowing retailers to sell existing inventory beyond the ban's implementation date.
  - Sen. Avard inquired about firefighters’ protective equipment and ensuring they are excluded from the potential ban.

• Rep. Ebel discussed negotiations with industry groups to accommodate concerns while ensuring the bill's effectiveness in reducing PFAS exposure, particularly in sensitive populations such as firefighters.
  - Sen. Watters revisited the list of exclusions outlined in the bill, emphasizing federal preemption, resale of products before the ban's implementation, the role of wastewater treatment plants in managing PFAS-containing waste, and the exemption for medical devices, addressing concerns raised previously.
  - Sen. Watters highlighted the significance of the language on line 6 of page 4, indicating its importance in addressing specific concerns and ensuring the bill's effectiveness.

• Rep. Ebel acknowledged the origin of the language from industry representatives, expressing satisfaction with its inclusion in the bill.

• Rep. Ebel clarified that the exemption does not extend to PFAS-added products prohibited by the bill, emphasizing its alignment with the bill's objectives.
Sen. Watters raised a question regarding the clearinghouse outlined on page 4 of the bill.

Sen. Watters inquired about the debate surrounding different definitions of PFAS and their implications on the number of products affected.

Sen. Watters sought clarification on if Rep. Ebel had confidence in the clearinghouse's ability to manage products falling under a tighter definition of PFAS, regardless of their size.

- Rep. Ebel highlighted several aspects related to compliance and the ban on products.
- Rep. Ebel noted that many other larger states have already implemented bans on similar products.
- Rep. Ebel emphasized the efficiency for manufacturers in complying with multiple state laws through a single certificate of compliance filed with the clearinghouse.
- Rep. Ebel mentioned the potential cost implications of state-specific tweaks or variations in laws, which could increase the expenses associated with developing compliance modules.

  - Sen. Watters expressed his satisfaction with the letter from Representative Bill Boyd regarding the groundwater trust fund.
  - Sen. Watters highlighted the importance of making the fund solvent through 2043 due to the substantial annual expenditure, emphasizing the significance of preventing pollutants from entering the groundwater.
  - Sen. Watters raised a question regarding the definition of PFAS, referring to discussions with officials from Massachusetts who are considering a similar bill with a stricter definition.
  - Sen. Watters suggested that aligning New Hampshire's definition with neighboring states like Vermont, Maine, and Massachusetts would be advantageous to prevent the state from becoming a dumping ground for products restricted elsewhere, thereby protecting public health.

- Rep. Ebel concurred with Sen. Watters' assessment and acknowledged the possibility of New Hampshire aligning its definition with neighboring states like Massachusetts.
- Rep. Ebel expanded the geographical scope to include other New England states such as New York, Connecticut, and Rhode Island, emphasizing the broader regional context.
- Rep. Ebel noted that numerous other states beyond New England also have similar legislation, highlighting the widespread adoption of stricter definitions for PFAS.

  - Sen. Birdsell inquired about the availability of alternatives for the products slated for elimination by 2028.

- Rep. Ebel addressed the concern about the availability of alternatives by noting that the list of banned products mirrors actions taken by other states, including larger ones like Vermont and Maine.
- Rep. Ebel mentioned her negotiations with industry groups, indicating their cooperation and lack of significant resistance, suggesting they are already adapting to such regulations.
• Rep. Ebel highlighted the support for the bill from various organizations, including the National Waste and Recycling Association, indicating a broad recognition of the issue.

• Rep. Ebel emphasized the practicality of the ban, noting that retailers can continue selling existing inventory and are not required to remove products from shelves, easing the transition for businesses.

Rep. Rosemarie Rung
Hillsborough – District 12

• Rep. Rung emphasized the unique properties of PFAS, noting its oil and water resistance, which contribute to its persistence in the environment.

• Rep. Rung highlighted the bioaccumulative nature of PFAS, explaining that it does not break down over time, leading to its accumulation in the environment.

• Rep. Rung discussed the challenges associated with removing PFAS from water using activated carbon filters, noting the ongoing costs incurred by municipalities for filtration.

• Rep. Rung shared insights from her experience in Merrimack, where PFAS contamination prompted the installation of filtration plants, resulting in significant financial burdens for the town.

• Rep. Rung expressed support for the bill, advocating for addressing PFAS contamination at its source to prevent further environmental and financial impacts.

• Rep. Rung referenced her involvement in the HB 737 PFAS commission, which supports the legislation and urged the committee to consider its passage to mitigate the ongoing effects of PFAS contamination.

Rep. Maureen Mooney
Hillsborough – District 12

• Rep. Mooney, representing Merrimack, expressed strong support for HB 1649 aimed at prohibiting PFAS substances.

• Rep. Mooney highlighted the severe environmental disaster caused by PFAS emissions from St. Gobain Performance Plastics in Merrimack, leading to ongoing suffering in the community.

• Rep. Mooney emphasized the extensive efforts and resources invested in addressing PFAS contamination, she underscored the consensus that prohibiting PFAS is the only effective measure to limit further harm.

• Rep. Mooney noted the overwhelming support for the bill in the New Hampshire House, with a decisive vote of 233 to 140.

• Rep. Mooney urged the committee to recommend the bill favorably, emphasizing that it represents a crucial step towards mitigating the harmful effects of PFAS contamination.

• Rep. Mooney called for the passage of the bill to address the urgent need to combat PFAS pollution and protect public health and the environment.
Rep. Wendy Thomas
Hillsborough – District 12

- Rep. Thomas shared her personal experience living near a PFAS-contaminated site, emphasizing the significant financial and health toll it has taken on her family.
- Rep. Thomas described the costly measures her family has taken to mitigate PFAS exposure, including installing filtration systems and relying on bottled water for years.
- Rep. Thomas highlighted the health impacts on her family, including cancer diagnoses and autoimmune issues, attributing them to PFAS exposure.
- Rep. Thomas recounted the devastating effects of PFAS contamination on her neighbors, with instances of cancer and other serious illnesses.
- Rep. Thomas addressed the financial burden on the town of Merrimack, she mentioned the high costs of water filtration and legal battles with responsible parties.
- Rep. Thomas stressed the importance of preventing further PFAS contamination to avoid additional health and financial costs.
- Rep. Thomas urged the committee to support the bill, emphasizing that it promotes public health and could save municipalities significant cleanup expenses in the future.

Rep. Nancy Murphy
Hillsborough – District 12

- Rep. Murphy from Merrimack, Hillsboro District 12, expressed support for HB 1649, highlighting the historical lack of action on PFAS regulation in New Hampshire.
- Rep. Murphy emphasized the need for regulatory measures to protect citizens from PFAS contamination, noting the adverse health effects experienced by residents.
- Rep. Murphy underscored the bipartisan support for addressing PFAS contamination in New Hampshire and the importance of taking action based on available knowledge.
- Rep. Murphy advocated for regulating PFAS as a class rather than adopting a piecemeal approach, citing the counter productivity of current strategies.
- Rep. Murphy mentioned ongoing studies in Merrimack regarding PFAS-related health issues, including a kidney cancer feasibility study and investigations into contamination impacts on residents.
- Rep. Murphy relayed support from the Merrimack Village District for banning PFAS in consumer products, emphasizing the need to prevent exposure to these harmful substances.
- Rep. Murphy concluded by urging the committee to support HB 1649 as a crucial step in safeguarding public health and reducing PFAS exposure in New Hampshire.
Matt Leahy  
Forest Society  

- Mr. Leahy, Public Policy Director for the Society for the Protection of New Hampshire Forest, presented a joint letter from multiple organizations, including Appalachian Mountain Club, New Hampshire Lakes, and others, all expressing support for the bill.

Heidi Trimarco  
Conservation Law Foundation  

- Ms. Trimarco, representing the Conservation Law Foundation (CLF), expressed strong support for the bill.  
- Ms. Trimarco highlighted the widespread and hazardous nature of PFAS chemicals.  
- Ms. Trimarco stated that the bill is viewed as a preventative measure with bipartisan backing.  
- Ms. Trimarco stated that the bill is expected to prevent health issues, save lives, and reduce financial burdens for the state and its residents.

Garrett Trierweiler  
Waste Management  

- Mr. Trierweiler stated that Waste Management does not use PFAS in its operations and acts as a passive receptor similar to wastewater treatment plants.  
- Mr. Trierweiler emphasized the significant cost involved in managing PFAS-contaminated waste materials.  
- Mr. Trierweiler highlighted that Waste Management recently invested over $3.5 million in a Leachate treatment system in Rochester, with operating costs of around $50,000 per month.  
- Mr. Trierweiler stated that removing PFAS-containing products from the waste stream is crucial, and Waste Management continues to invest in technologies for PFAS destruction.  
- Mr. Trierweiler mentioned the absence of the National Waste and Recycling Association’s director but noted that electronic testimony had been submitted.

Summary of testimony presented in opposition:

Rep. Carroll Brown  
Grafton – District 10  

- Rep. Brown expressed opposition to the bill, citing specific instances of groundwater contamination in Merrimack and at the Pease Air Force Base, noting that they were not primarily caused by the products under discussion.
- Rep. Brown emphasized the need to understand varying levels of contamination and the complexity of assessing risk, particularly regarding dosage and duration of exposure.
- Rep. Brown highlighted the controlled management of landfill leachate, explaining that it does not directly leach into groundwater but is instead collected and treated before disposal.
- Rep. Brown suggested that the bill’s broad scope might be too encompassing and advocated for a more targeted approach, potentially focusing only on PFAS compounds with established health risks.
- Rep. Brown mentioned FDA regulations already in place regarding PFAS in food contact items and proposed exemptions for renewable energy products, raising concerns about the bill's consistency in exempting certain items deemed essential.
- Rep. Brown concluded by urging further consideration of the bill's scope and exemptions, emphasizing the importance of continued research and federal guidance on PFAS regulation.

Rep. Dan McGuire  
Merrimack – District 12

- Rep. McGuire, representing the town of Epsom, expressed opposition to the bill and outlined three main concerns.
- Rep. McGuire highlighted that while the situation in Merrimack is serious, the bill’s scope is too broad, encompassing over 10,000 items under the definition of PFAS, including prescription drugs like Lipitor.
- Rep. McGuire argued that the bill goes beyond California law in regulating food packaging, potentially impacting everyday items such as canned goods, and noted that Governor Newsom had vetoed a similar menstrual products ban due to enforcement difficulties.
- Rep. McGuire also pointed out that many PFAS-related items do not carry warning labels in California, suggesting that the bill may not be ready for passage in its current form.

Kirsten Koch  
Business and Industry Association

- Ms. Koch, Vice President of Public Policy for the Business and Industry Association (BIA), representing the majority of manufacturers in New Hampshire, expressed opposition to HB 1649.
- Ms. Koch stated that BIA has consistently opposed every version of the bill, citing concerns about its impact on manufacturers and product design.
- Ms. Koch highlighted the inadequacy of individual product exemptions in addressing the concerns of the numerous businesses represented by BIA, as they manufacture thousands of products.
Ms. Koch emphasized the importance of maintaining effective product design for public safety and health, noting that PFAS components provide necessary characteristics such as resilience and durability.

Ms. Koch referenced a report from the US Department of Defense warning against overly broad PFAS regulations, citing potential economic and industrial impacts.

Ms. Koch advocated for the use of the "2 atom definition" to exclude fluoropolymers from the ban, citing its adoption in other states and bipartisan support.

Ms. Koch clarified the difference between the US EPA definition and the "2 atom definition," stating that the latter is more suitable for a product ban context.

Ms. Koch urged the committee to consider the detrimental impact of the current bill on industry viability and product availability for New Hampshire consumers.

Neutral Information Presented:

Michael Wimsatt
NH Department of Environmental Services

- Mike Wimsatt, Director of the Waste Management Division for New Hampshire DES, expressed neutrality on the bill and provided insights into the agency's experiences over the past decade regarding PFAS.
- Director Wimsatt highlighted efforts since 2014 to investigate, remediate, and reduce human exposure to PFAS, emphasizing the widespread use of these compounds in various sectors of the economy.
- Director Wimsatt acknowledged the need to remove PFAS from many everyday products to make significant strides in reducing human exposure, while recognizing that some products may still require PFAS.
- Director Wimsatt noted concerns about the bill's scope encompassing thousands of products but stated that primary concerns regarding labeling and notification requirements have been addressed through revisions.
- Director Wimsatt emphasized the importance of uniformity with other states' approaches and highlighted the potential benefits of participating in multi-state clearinghouses for PFAS-related data and compliance.
- Director Wimsatt expressed belief that participation in such clearinghouses could significantly reduce administrative burdens on DES.
  - Sen. Pearl thanked the Director and inquired about the potential concerns regarding adopting a different definition from neighboring states for participating in the clearinghouse.
- Director Wimsatt expressed concern about potential complications if the state adopts a different PFAS definition from neighboring states.
- Director Wimsatt stated that consistency with other states' definitions would likely facilitate New Hampshire's participation in the Clearinghouse, making it simpler and more cost-effective.
• Director Wimsatt stated that deviating significantly from the common definition might necessitate additional expenses and administrative efforts for developing a state-specific module within the Clearinghouse.

• Director Wimsatt highlighted potential upfront costs and increased labor for DES employees associated with administering a unique New Hampshire module.
  o Sen. Pearl raised concerns about the potential impact on consumer products availability if numerous chemicals are banned.

• Director Wimsatt mentioned not having had many discussions with states that have implemented similar measures.
  o Sen. Watters suggested that New Hampshire has historically been proactive in setting standards for drinking water, exemplified by the 12 parts per trillion standard.
  o Sen. Watters pointed out that neighboring states like Massachusetts, Vermont, and Maine, along with the broader Northeast region, are likely to adopt similar standards, indicating the necessity for New Hampshire to follow suit.

• Director Wimsatt acknowledged the importance of New Hampshire taking proactive steps, especially regarding the drinking water standard.

• Director Wimsatt highlighted the urgency of the situation, noting that federal assistance was not forthcoming during the state's crisis.

• Director Wimsatt stated that without the state's prompt action, individuals would have continued to consume contaminated water for an extended period.
  o Sen. Watters expressed concern about the widespread presence of harmful chemicals in various environments, including breast milk, in utero, and recently in fisheries.
  o Sen. Watters referenced a report on fisheries, highlighting the concerns raised by the Atlantic States Fisheries Commission regarding contamination from runoff water, leachate, and plastic products in the ocean.
  o Sen. Watters suggested that it would be prudent to take proactive measures to address these issues, especially considering the potential impact on fish consumption and the lobster industry.

• Director Wimsatt acknowledged the extensive efforts made to study the presence of harmful compounds in fish and other food sources.

• Director Wimsatt expressed concern over the widespread presence of these compounds, noting that they are found in various environments.

• Director Wimsatt stated that the Department of Environmental Services recognizes the significance of the issue, and has been advocating for the removal of these compounds from commerce since around 2017, shortly after the discovery of the Southern New Hampshire contamination problem.
HOUSE BILL 1687-FN

AN ACT relative to disposal of construction and demolition debris from state construction projects.


COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill provides that state construction contracts include a requirement that hazardous material and hazardous waste be separated from construction and demolition debris at the construction site, prior to transport to a recycling facility.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to disposal of construction and demolition debris from state construction projects.

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

1 Public Works Design and Construction; Disposal of Construction and Demolition Debris. The section heading of RSA 21-I:81-a is repealed and reenacted to read as follows:

21-I:81-a Requirements for State Construction Contracts; Listing of Subcontractor Bids; Disposal of Construction and Demolition Debris.

2 New Paragraph; Requirements for State Construction Contracts. Amend RSA 21-I:81-a by inserting after paragraph II the following new paragraph:

III.(a) The contract shall include a requirement that all hazardous material, as defined in RSA 147-B:2, VIII, and hazardous waste, as defined in RSA 147-B:2, VII, be separated from construction and demolition debris at the construction site, prior to transport to the approved facility. For purposes of this paragraph, "construction and demolition debris" shall have the same meaning as in RSA 149-M:4, IV-a.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to disposal of construction and demolition debris from state construction projects.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:
The Office of Legislative Budget Assistant states this bill, as amended by the House, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:
Department of Administrative Services
<table>
<thead>
<tr>
<th>Date</th>
<th>House</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Environment and Agriculture  HJ 1</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Public Hearing: 02/13/2024 10:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>Full Committee Work Session: 02/14/2024 03:30 pm LOB 301-303</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 02/20/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0759h 02/20/2024 (Vote 18-0; CC) HC 9 P. 8</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Amendment # 2024-0759h: AA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0759h: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 103, SH, 09:30 am; SC 13</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 4-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1687-FN, relative to disposal of construction and demolition debris from state construction projects.

Hearing Date:    April 2, 2024

Time Opened: 9:58 a.m.    Time Closed: 10:19 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill provides that state construction contracts include a requirement that hazardous material and hazardous waste be separated from construction and demolition debris at the construction site, prior to transport to a recycling facility.

Sponsors:


Who opposes the bill: None.

Who is neutral on the bill: Gary Abbott (Associated General Contractors of NH).

Summary of testimony presented in support:

Rep. John Cloutier
Sullivan – District 6

- Rep. Cloutier emphasized the bill's aim to define the disposal of hazardous waste more clearly.
- Rep. Cloutier noted the unanimous majority recommendation from the House Environment and Agriculture Committee.
- Rep. Cloutier highlighted the bill's focus on state construction and New Hampshire University system projects.
- Rep. Cloutier stressed the importance of setting a good example for political subdivisions and private businesses regarding waste handling.
• Rep. Cloutier mentioned inspiration for introducing the bill due to a potential environmental threat in Claremont.
• Rep. Cloutier referenced a lawsuit against the city of Claremont regarding waste handling by a private company.
• Rep. Cloutier expressed concerns about the possible dangers of unseparated hazardous waste mixed with construction debris.
• Rep. Cloutier advocated for positive recommendations and collaboration to improve the bill’s language if necessary.
  o Sen. Watters sought clarification on if the bill requires the state to share contracting language.
• Rep Cloutier stated that no requirement is imposed and that the intent of the bill is to encourage sharing of information.
  o Sen. Birdsell inquired about what would be classified as hazardous material.
• Rep. Cloutier stated that he believes any material that has potential to harm human health could be considered a hazardous material.
  o Sen. Pearl inquired about the projected costs increases on state construction projects due to the requirements of this bill.
• Rep. Cloutier stated he did not have an answer on the projected financial impacts of the bill on state construction projects.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Gary Abbott
Associated General Contractors of NH

• Mr. Abbott highlighted that contractors already complied with existing hazardous waste regulations.
• Mr. Abbott emphasized the importance of following hazardous waste regulations in contracts.
• Mr. Abbott stated that no substantial changes to contractor practices were anticipated.
• Mr. Abbott highlighted that contractors were already cautious about handling hazardous materials.
• Mr. Abbott stated that no clear impact on private contractors' practices was identified.
• Mr. Abbott clarified that the bill mainly served as a reminder to adhere to existing regulations.
  o Sen. Pearl again inquired about the projected costs increases on state construction projects due to the requirements of this bill.
• Mr. Abbott stated that he would not expect this bill to have any financial impacts on contractors.
Sen. Altschiller sought clarification on the statute related to the transportation and disposal of hazardous waste materials.

- Mr. Abbott clarified the handling of hazardous materials by specialized companies.
- Mr. Abbott highlighted the complexities of separating and disposing hazardous materials.
- Mr. Abbott raised concerns about potential confusion regarding existing procedures.
- Mr. Abbott emphasized the unique nature of different hazardous materials and their disposal requirements.
- Mr. Abbott acknowledged the need for adherence to regulations but cautioned against potential future issues.
- Mr. Abbott indicated openness to including statutes in contracts but expressed reservations about possible complications.
- Mr. Abbott underlined the importance of being informed about the diverse nature of hazardous materials handling.
- Mr. Abbott stressed the potential challenges posed by changes in statutes affecting contractual obligations.
  - Sen. Watters inquired about the feasibility of separating materials on-site versus sending them to specialized facilities and the range of materials that can be feasibly separated at the construction site.
- Mr. Abbott highlighted the broader issue of separating construction debris, distinguishing between hazardous and non-hazardous materials.
- Mr. Abbott emphasized that non-hazardous materials, like bricks, can be commingled and sorted by specialized facilities rather than on-site by contractors.
- Mr. Abbott noted the potential confusion surrounding the definition of construction debris sorted in advance and clarified that the focus should solely be on separating hazardous materials as required.
HOUSE BILL 1309

AN ACT relative to the secretary of state's procedures for enrolled bills.


COMMITTEE: Legislative Administration

ANALYSIS

This bill requires the secretary of state to publish the location of enrolled bills and resolutions on its public website.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struck through. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the secretary of state’s procedures for enrolled bills.

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

1 Presentation for Approval; Tracking. Amend RSA 14:8 to read as follows:

I. All bills and resolutions which have passed both branches of the legislature shall be forwarded to the office of legislative services to be there enrolled and prepared for submission to the governor. After such enrollment the bill or resolution shall be forwarded by the secretary of state to the committee on enrolled bills for final approval. The secretary of state shall keep such bills and resolutions as public records of the state.

II. The secretary of state shall publish the location of any bill or joint resolution that has been enrolled and approved as provided in this section on its public website, or on a public website linked to its public website, until such bill or joint resolution is signed or vetoed by the governor or becomes law without the governor’s signature.

2 Effective Date. This act shall take effect 60 days after its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Body</th>
<th>Action and Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Legislative Administration HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/10/2024 01:00 pm LOB 301-303</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Executive Session: 01/25/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>01/29/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 01/25/2024 (Vote 16-0; CC)</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/08/2024 HJ 4 P. 10</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Executive Departments and Administration; SJ 5</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>S</td>
<td>Hearing: 03/06/2024, Room 103, SH, 09:45 am; SC 9</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 4-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1309, relative to the secretary of state's procedures for enrolled bills.

Hearing Date: March 6, 2024

Time Opened: 9:59 a.m. Time Closed: 10:10 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This bill requires the secretary of state to publish the location of enrolled bills and resolutions on its public website.

Sponsors:


Who opposes the bill: None.

Who is neutral on the bill: Paul Smith (House Clerk).

Summary of testimony presented:

Representative Alexis Simpson, Rockingham 33

- Rep. Simpson introduced House Bill 1309 on behalf of the prime sponsor.
- Rep. Simpson said the bill changes nothing with the current procedure of how bills are handled. She explained the bill requires the Secretary of State to publish the location of bills on their website so members of the public can track them.
- Rep. Simpson said that although a bill can be followed through the House and Senate, people can only find an enrolled bill through contacting the Secretary of State’s office. She said members of the public need to know when the governor receives a bill. She said it is not appropriate for a bill to be on the General Court’s website when it is not in the legislature anymore.
- Rep. Simpson said the Secretary of State has received complaints regarding the accessibility of the office’s website. She said it would be helpful to allow that office to use any convenient hosting site and database for bill information.
- Rep. Simpson explained the bill was voted out of a House committee by a vote of 16-0, and that the bill passed the House floor on a voice vote.
- Rep. Simpson referred the committee to others for answers to any technical questions.

Paul Smith, Clerk of the New Hampshire House of Representatives

- Mr. Smith said the goal of this bill is increasing transparency in the legislative process. He said the dockets contain more information than they used to.
- Mr. Smith stated that after a bill is enrolled it enters a black hole. He said there are times when people are looking for the status of bills and are unable to find information.
- Mr. Smith provided the example of HB 67, which was enrolled and vetoed for two months. He said that was a two-month lag time where people were calling to find out the status of the bill. He explained the Secretary of State keeps a handwritten log of enrolled bill. He noted there are times when bills are being held for a specific reason, but it is hard to find that information.
- Mr. Smith said the Senate usually has a quicker connection to get bills to the governor. He said that a two-month gap is a long period to receive phone calls from members of the public who are trying to figure out the process.
- He stated the Legislative Administration Committee unanimously supported the bill. The bill passed the House on the consent calendar.
- Mr. Smith said the bill information is collected electronically, and that the Secretary of State’s office generates an excel document with all relevant information. He said that document can be easily uploaded to the website. He noted they already have a running document for House resignees and deaths.
- Mr. Smith stated he is happy to receive phone calls from the public, but it would be easier to direct them to a website with the information.
- Sen. Pearl asked if a conversation has been had with the Secretary of State’s office to find a simpler solution.
  o Mr. Smith said that question would be better asked to Rep. Weber. He said he has had many conversations with the Secretary of State, which was not always met on the easiest terms. He said it is best to handle to problem without legislation but sometimes legislation is necessary.
- Sen. Carson stated that she liked the bill, as she has recently gone through the process of trying to find information on an enrolled bill.
CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION 13

RELATING TO: slavery and involuntary servitude.

PROVIDING THAT: slavery and involuntary servitude shall be prohibited in the state of New Hampshire.


COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This constitutional amendment concurrent resolution adds an article that prohibits slavery and involuntary servitude.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: slavery and involuntary servitude.

PROVIDING THAT: slavery and involuntary servitude shall be prohibited in the state of New Hampshire.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

I. That the first part of the constitution be amended by inserting after article 2-b the following new article:

[Art.] 2-c [Slavery and Involuntary Servitude Prohibited.] All persons have the right to be free from slavery and involuntary servitude.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2024.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2024 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2024 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 2-b a new article to read as follows:

[Art.] 2-c [Slavery and Involuntary Servitude Prohibited.] All persons have the right to be free from slavery and involuntary servitude."

V. That the secretary of state shall print the question to be submitted on a separate ballot with other constitutional questions or on the official ballot. The ballot containing the question shall include 2 ovals next to the question allowing the voter to vote “Yes” or “No.” If no oval is marked, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2024 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

VII. Voters’ Guide.

AT THE PRESENT TIME, the New Hampshire constitution does not explicitly prohibit slavery or involuntary servitude.

IF THE AMENDMENT IS ADOPTED, the New Hampshire constitution will prohibit
slavery and involuntary servitude.
Amendment to CACR 13

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

I. That the first part of the constitution be amended by inserting after article 2-b the following new article:

[Art.] 2-c  [Slavery and Involuntary Servitude Prohibited.] Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within New Hampshire, or any place subject to its jurisdiction.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2024.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2024 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2024 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the second part of the constitution by inserting after article 2-b a new article to read as follows:

[Art.] 2-c  [Slavery and Involuntary Servitude Prohibited.] Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within New Hampshire, or any place subject to its jurisdiction.”

V. That the secretary of state shall print the question to be submitted on a separate ballot with other constitutional questions or on the official ballot. The ballot containing the question shall include 2 ovals next to the question allowing the voter to vote “Yes” or “No.” If no oval is marked, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2024 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

VII. Voters’ Guide.

AT THE PRESENT TIME, the New Hampshire constitution does not explicitly prohibit slavery or involuntary servitude.

IF THE AMENDMENT IS ADOPTED, the New Hampshire constitution will prohibit slavery and involuntary servitude, except as punishment for a crime.
AMENDMENT TO CACR 13
- Page 2 -

2024-1721s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution adds an article that prohibits slavery and involuntary servitude, except as punishment for a crime.
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td></td>
<td>H  Introduced 01/03/2024 and referred to State-Federal Relations and Veterans Affairs</td>
</tr>
<tr>
<td>01/05/2024</td>
<td></td>
<td>H  Public Hearing: 01/12/2024 03:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/09/2024</td>
<td></td>
<td>H  Executive Session: 01/19/2024 02:00 pm LOB 206-208</td>
</tr>
<tr>
<td>01/24/2024</td>
<td></td>
<td>H  Committee Report: Ought to Pass  01/19/2024 (Vote 20-0; RC) HC 4 P. 16</td>
</tr>
<tr>
<td>02/01/2024</td>
<td></td>
<td>H  FLAM # 2024-0385h (Rep. Bernardy): AF RC 168-201 02/01/2024 HJ 3 P. 30</td>
</tr>
<tr>
<td>02/01/2024</td>
<td></td>
<td>H  Ought to Pass: MA RC 366-5 02/01/2024  HJ 3  P. 30</td>
</tr>
<tr>
<td>02/22/2024</td>
<td></td>
<td>S  Introduced 02/21/2024 and Referred to Executive Departments and Administration; SJ 6</td>
</tr>
<tr>
<td>03/25/2024</td>
<td></td>
<td>S  Hearing: 03/27/2024, Room 103, SH, 09:45 am; SC 12</td>
</tr>
<tr>
<td>05/07/2024</td>
<td></td>
<td>S  Committee Report: Ought to Pass with Amendment # 2024-1721s, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
CACR 13, relating to slavery and involuntary servitude. Providing that slavery and involuntary servitude shall be prohibited in the state of New Hampshire.

Hearing Date: March 27, 2024

Time Opened: 9:56 a.m.  
Time Closed: 11:34 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent: None

Bill Analysis: This constitutional amendment concurrent resolution adds an article that prohibits slavery and involuntary servitude.

Sponsors:
Sen. Watters  Sen. Fenton

Who supports the bill: In total, 84 individuals signed in in support of CACR 13. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@leg.state.nh.us).

Who opposes the bill: Daniel Richardson.

Who is neutral on the bill: Jason Henry, Tim Lethbridge, and Doug Iosue.

Summary of testimony presented:

Representative Amanda Bouldin, Hillsborough 25

- Rep. Bouldin explained her ancestors argued against the abolition of slavery and the inclusion of women in politics. She said she is everything her ancestors opposed.
- Rep. Bouldin said New Hampshire has always been on the right side history, so it is important for the state to ban slavery in the state constitution.
- Rep. Bouldin explained the 13th Amendment allowed for a prison labor exception. She said former plantations that held slaves are now prisons, and the prisoners work slave labor.
- Sen. Carson argued the United States does not have slave labor, as it is outlawed.
  - Rep. Bouldin said the scholarly definition of slave labor is work without pay and punishment is enforced if someone does not work. She said some prisons, specifically in the South, use this type of labor.
- Rep. Bouldin said it is her understanding the Department of Corrections (DOC) supports this CACR, because they are not using slave labor in New Hampshire.
- Rep. Bouldin noted there could be many reasons why someone refuses to work, such as a death in the family or illness.
- Rep. Bouldin explained that in the decade following the passage of the 13th Amendment, petty crime laws were passed in southern states that carried heavy punishment for minor crimes. She said this was done to target former slaves who, upon being set free, had no jobs or homes.
- Rep. Bouldin said passing a constitutional amendment without the incarcerated labor exception will show that New Hampshire is on the right side of history.
- Sen. Carson said she is trying to understand what the bill does exactly. She noted the bill does not address race-based slavery but is instead about prison labor, and it is important for the public to understand that. She stated slavery was a stain on the history of the United States. Sen. Carson asked if the bill equates prison labor to slavery.
  - Rep. Bouldin said she does not believe Sen. Carson is correct. Rep. Bouldin explained there is a well-documented history of the intent and wording of the loophole in the 13th Amendment. She stated slavery is outlawed unless someone is incarcerated and, at the time of the amendment’s crafting, prison labor was considered slavery. She stated there are currently many people working as slaves in southern prisons.
- Sen. Carson noted the CACR amends the New Hampshire constitution, but the testimony keeps discussing the South. She said if this CACR is passed it will not make an impact on the South. She asked if this legislation is just to send a message to southern states.
  - Rep. Bouldin said it would send a message to the South, but it would help here as well if there was ever a move toward prison labor in the state. She noted one of the reasons the North took its stance in the Civil War was that slave labor was not a large part of the economy. She said it is important for New Hampshire to continue its history of not using slave labor in the state’s prisons.
- Sen. Carson said when someone goes to prison, they have done something a jury deemed worthy of stripping them of their freedom. She asked if the CACR makes it so the DOC cannot force prisoners to do anything, and people will just sit in jail.
Rep. Bouldin stated this is already the case. She said DOC Commissioner Helen Hanks issued a memo for the House committee that heard this CACR which said the NHDOC does not employ slave labor, nor force people to work, and, if this legislation passed, it would not affect their operations.

Rep. Bouldin said it is important to take the definition of slavery seriously. The definition of slavery is punishing someone for refusing to work, especially if that work does not enrich them personally. She said it is important to remember that incarcerated people have financial obligations; people need to be compensated for their work.

Rep. Bouldin noted a large percentage, if not a majority, of individuals in county jails are there pre-conviction and are innocent from a legal perspective. She said it is wholly inappropriate to punish those people.

- Rep. Bouldin stated the purpose of incarceration is to deprive an individual of their freedom, but that is all. She said that is why inmates are provided with healthcare as well as programs to reform them. The New Hampshire Constitution clearly states the purpose of incarceration is to reform, rather than to punish. She said she that forced labor is not reformatory.

- Rep. Bouldin said New Hampshire should not stand idly by and allow forced labor to encroach its way into the state; New Hampshire should join the nationwide effort to amend state constitutions to prohibit forced slave labor in prisons.

- Rep. Bouldin noted there have been bills proposed in the House for New Hampshire to secede from the United States. If New Hampshire were to secede, slavery would automatically become legal as there would not longer be a 13th Amendment in the state.

Representative Christine Seibert, Hillsborough 21

- Rep. Seibert said it does not matter if it is race-based or not, all slavery is wrong. She said the prison labor exception is not acceptable.

- Rep. Seibert heard the CACR as part of the House committee.

- Rep. Seibert referenced the Innocence Files documentary on Netflix. She said the documentary crew visited a prisoner who was wrongly convicted in an Alabama prison, and there were prisoners picking cotton. She said she was shocked to hear and see that this form of punishment occurs.

- Rep. Seibert stated that voters like to be involved in the legislative process, and this CACR would bring the issue directly to the voters. She said it is an opportunity to see where the voters stand and ensure the state is on the right side of history.

- Rep. Seibert noted that more than two-thirds of the House voted for this CACR.

Representative Linda Gathright, New Hampshire National Association for the Advancement of Colored People (NAACP)
- Rep. Gathright explained there are three chapters of the NAACP in New Hampshire.
- Rep. Gathright noted New Hampshire has recently seen bills to secede from the United States, and it was frightening to listen to that rhetoric.
- Rep. Gathright said she does not understand the people, today, who do not believe in equality. She noted there are many families of color who have been in the state for generations.
- Rep. Gathright stated the passage of this CACR reflects a commitment to ban such practices from New Hampshire. She said it is a significant step toward justice and equality, and it is important to make a strong statement that slavery and involuntary servitude are banned here.
- Sen. Altschiller said she appreciates Rep. Gathright’s dual roles in providing her testimony as a representative in the House and as a representative of the NAACP. She said that constitutional amendments are statements of values. She said New Hampshire has an opportunity to plant its flag and move from the aspirational ether into the solid ground of a value statement.
  o Rep. Gathright said that is correct.
- Sen. Carson asked if Rep. Gathright would object to the term involuntary servitude be defined on the voter instructions to clarify to people what they are voting on.
  o Rep. Gathright said she has no problem with that.

Dennis Febo, Abolish Slavery National Network

- Mr. Febo stated he works for the Abolish Slavery National Network (ASNN). They are a nationwide effort to abolish constitutional slavery at the state level in all forms. He said they have successfully passed legislation in seven states similar to this CACR.
- Mr. Febo said the conversation is clear cut. He said to not get stuck in the weeds of trying to define everything.
- Mr. Febo said anyone arguing for the permanence of slavery or involuntary servitude is technically violating international law. He said the exception clause in the 13th Amendment allows for a certain type of slavery. He stated there is no distinction between slavery and involuntary servitude.
- Mr. Febo said the state of Alabama would not exist without slavery, including post-abolition involuntary servitude. He said the state of Alabama was built on those constructs.
- Mr. Febo stated that if something has an exception then it is not abolished.
- Mr. Febo said New Hampshire has twice the number of inmates as England, and that 67 percent of those incarcerated are black or brown. He questioned why 5.7 percent times more black people are imprisoned in the state when the population percentage of people of color is low.
- Mr. Febo said the 13th Amendment’s incarceration loophole is used in many ways to exploit people.
- Mr. Febo asked if New Hampshire upholds international law.
- Mr. Febo noted that United States signed the Convention of 1926, which was designed to suppress slavery and the slave trade worldwide. He said despite this, New Hampshire does not hold the standard of the rest of the world because the state constitution allows for slavery’s legality.
- Mr. Febo said the CACR is not about the South, but it is a national problem.
- Mr. Febo noted that 366 House representatives voted in support of this constitutional amendment.
- Mr. Febo expressed his belief that the issue is clear cut: does New Hampshire stand with human rights?

**Jason Henry, Superintendent of Rockingham County Department of Corrections**

- Mr. Henry said he is one hundred percent against this CACR.
- Mr. Henry questioned how this would work. He noted New Hampshire has the lowest incarceration level in the country.
- Mr. Henry explained that when someone is convicted, their sentence includes “hard labor.”
- He explained the prison system has work positions. Individuals are put on detail and if they choose not to work, they are disciplined. He specified there is due process to find out what is going on to cause that individual to refuse work.
- Mr. Henry said New Hampshire is a two-thirds state. Inmates earn time based on good behavior. He said if working goes away, so does that earned time.
- Mr. Henry stated that individuals are paid for their work, and it is not considered slavery. He said sometimes people are put into rehabilitative programs and services, but not everyone wants to go through those to help with their rehabilitation.
- Mr. Henry explained the most an individual is sentenced to at the county level is one year. He said it is mostly a quickly revolving door back into the community and work is used to teach valuable skills.
- Mr. Henry stated that without any consequences or work the job of the prisons would be warehousing people.
- Sen. Altschiller asked if the work component is included in the sentence. She asked if that is a policy of the DOC. She said there are structures in place with time served and educational pursuits. She asked if work is built into the sentence or if that is the DOC’s prerogative.
  - Mr. Henry said they do not enforce hard labor. He explained the hardest labor is doing dishes in the kitchen. He said inmates are sentenced to work and work release programs can be sentenced. He said most people want to work; the population of inmates who refuse to work is low.
- Sen. Altschiller asked if, in the event an inmate refuses work, is the first order of business is a referral of extrajudicial review.
Mr. Henry said the DOC makes sure an individual can work in a facility. He noted most inmates want to work. He said if someone no longer wants to work for some reason, they receive a write up and are sent to the disciplinary board to explain why they do not want to work. He noted inmates have the right to witnesses, representation, and time to discuss the issue. He said the punishments from the disciplinary board are along the lines of no gym time for the day. He said after someone sits inside their cell for a few days, the DOC attempts to reintroduce them to work. If an individual stops working again, the process repeats. He said these instances are not prevalent.

- Mr. Henry said the DOC does not see the work as slavery, because inmates are paid, always have due process, and they have an opportunity to work with the DOC.

**Representative Jonah Wheeler, Hillsborough 33**

- Rep. Wheeler expressed his support for the CACR, which he said is about reaffirming what New Hampshire already does in practice.
- Rep. Wheeler said the NHDOC commissioner does a great job at bringing humanity to incarceration.
- Rep. Wheeler said the bill makes a statement. He said that although the current government is good, everyone is mortal. He said statute is immortal, which makes passage of this CACR worthwhile.
- Rep. Wheeler noted that he would not have been able to take part in serving as a representative when initial abolition debates were ongoing, and it was an honor to speak on the New Hampshire House floor on this issue.
- Rep. Wheeler noted that nothing would fundamentally change if the CACR were to pass.
- Rep. Wheeler stated Alabama passed this same amendment through their legislature in 2022.
- Rep. Wheeler said this CACR would be an affirmation of the national movement to kick start the federal government in the right direction.
- Sen. Carson noted that the CACR would not change anything in New Hampshire. She asked if it would be better to work at the federal level to get this passed rather than at the state level.
  - Rep. Wheeler stated he is hoping for a federal delegation that does not take corporate money. He said this CACR is the easiest way for New Hampshire to do this because the state legislature is more accessible and open. He said it is hard to meet with the federal delegation.
  - Rep. Wheeler said this CACR is about affirming that New Hampshire stands on its own and that the state constitution stands on its own. He said it is important that New Hampshire’s constitution says slavery is wrong. He stated passage of this legislation would do more to sway the federal government than any meeting could.
Ophelia Burnett

- Ms. Burnett said it is going to take thirty-eight states to pass this type of legislation to take the issue to the federal government. She noted fourteen other states are considering similar proposals.
- Ms. Burnett said she does not understand why this conversation is still being had. She said if there is something people want to change in New Hampshire, the state constitution must be amended.
- Ms. Burnett explained the New Hampshire Constitution defaults on this issue to the exact language of the 13th Amendment. She said the effort is to change this language here so that it can be changed federally.
- Ms. Burnett expressed her support for the CACR.
- Ms. Burnett stated the debate over slavery was supposed to have ended at the conclusion of the Civil War, but the promise of freedom came with an exception. She noted this exception still exists in New Hampshire, despite many being unaware. She said the fight against slavery is an ongoing battle.
- Ms. Burnett said this CACR tries to help restore human rights to all.
- Ms. Burnett said incarceration is marketed as rehabilitation, but prison exacerbates many of the reasons someone is in there. When someone is released from prison it can be hard to reacclimate. She said many are frightened upon release and end up back in incarceration. She called this post-incarceration syndrome.
- Ms. Burnett said the goal is to hold incarcerated people accountable without exploiting them. She called for erasing the economic incentives of involuntary prison labor.
- Ms. Burnett said New Hampshire is either pro-slavery or anti-slavery; if it is the latter, then this CACR should be passed to formally abolish the practice in all forms.
- Sen. Carson asked if any of the other states that have adopted this policy are in New England.
  o Ms. Burnett said Vermont is one of those states.

Tim Lethbridge, Superintendent of Grafton County Department of Corrections

- Mr. Lethbridge stated he is not in support of slavery and recommended amending the CACR to match the exact language of the 13th Amendment.
- Mr. Lethbridge said the language of the CACR is broad and vague so the courts will decide how it is ruled on. He said it would open what the prisons are doing to being considered involuntary servitude. He asked the committee to address the language issues and make decisions for exactly how New Hampshire prisons should operate.
- Mr. Lethbridge explained that inmates in Grafton County work on the county farm. He said numerous agricultural jobs are going unfilled in the area, and inmates supplement the workforce.
- Mr. Lethbridge said the CACR, without the incarceration exemption of the 13th Amendment, would make him hesitant to put any inmate to work. Instead, he would recommend paid staff for all positions currently worked by inmates.

Griseliz Glenn

- Ms. Glenn provided the definition of involuntary servitude.
- Ms. Glenn said the bottom line is that if someone is incarcerated and refuses to work, they have no choice in the matter and are disciplined.
- Ms. Glenn noted that according to Belknap County rule #14, refusal to complete detail results in loss of time accrued and other penalties. She said this does not refer to cleaning cells or making beds.
- Ms. Glenn stated that involuntary labor happens in New Hampshire, and people are defending it. She said that when someone is sentenced, nowhere does it say they are sentenced to hard labor.
- Ms. Glenn said involuntary labor exacerbates the effect of prisons. She said that New Hampshire is profiting off the license places made by involuntary labor. She said the reality is that inmates are going to work with or without punishment. She said inmates want to get out of their cell at any cost, but involuntary labor is not rehabilitative.
- Ms. Glenn read the testimony of University of New Hampshire Professor Albert “Buzz” Scherr.
- Ms. Glenn explained that states in both North and South turned to involuntary incarcerated labor programs after the Civil War.
- Ms. Glenn stated Article 10 of the New Hampshire Constitution is supposed to protect people from this. She said slavery was supposed to be abolished in 1865, but its practices have been embedded in society.
- Sen. Carson asked if Ms. Glenn could share the ACLU report mentioned in her testimony.
  - Ms. Glenn said she could.

Anthony Payton

- Mr. Payton said this issue should be simple. He said that, as a formerly incarcerated individual, language matters.
- Mr. Payton noted the high cost of incarceration.
- Mr. Payton said that women who are arrested can be forced upon by corrections officers.
- Mr. Payton asked why the issue of slavery is currently being discussed in a country that considers itself the greatest in the world. He said there needs to be more respect for all citizens.
- Mr. Payton said the words slavery and servitude should be removed from all laws, and that it is time to find other words to use.

Doug Iosue, Superintendent of Cheshire County Department of Corrections

- Mr. Iosue stated that slavery and involuntary servitude have no place in New Hampshire.
- Mr. Iosue voiced concerns over the language of the CACR, specifically that there is no exception for punishment.
- Mr. Iosue asserted the NHDOC’s policies and practices are distinct from slavery. He said enslaved individuals were innocent and forced into labor while incarcerated persons are not victims. He said many inmates are happy and excited to work, and that the work has rehabilitative benefits.
- Mr. Iosue explained that in county corrections, work is assigned to sentenced people. Inmates who cannot work due to mental or physical disabilities do not work. He said the work provides opportunities for growth and the chance to learn good traits.
- Mr. Iosue said the alternative to work in jail is other options which do not rehabilitate.
- Mr. Iosue said that extra work is used as a consequence of poor behavior at times, but that punishment is a commonly accepted function of the corrections system. He noted that the corrections system has changed since the War on Drugs ended; the focus has shifted.
- Mr. Iosue explained his professional background as a clinical social worker. He said he has used his position to advocate for progressive changes to rehabilitate inmates.
- He stated the goal is to balance punishment with opportunities for rehabilitation and treatment. He recognized that some individuals are less ready to change at the outset of their incarceration. He said punishment, structure, and external motivation create the impetus for internalized change. He added that those things are fundamental to corrections and significant human behavioral change; inmates gradually learn to make healthy choices and internalize those choices.
- Mr. Iosue assured the committee that the work convicted people perform in jail is done humanely and has rehabilitative benefits.
- Sen. Altschiller agreed that access to work is a necessary component of rehabilitation. She asked if there is a disconnect between sentencing and practice. She asked if the policy at the county level is to include the possibility of work while incarcerated.
  - Mr. Iosue said work is part of the sentencing guidelines in New Hampshire.
- Sen. Altschiller noted that work is not mentioned in the sentence itself, which leaves the DOC in an odd predicament. She asked if work being included in sentencing would support the DOC’s efforts.
Mr. Iosue said that he can see her point, and that including it might be helpful.

**Senator Rebecca Perkins Kwoka, Senate District 21**

- Sen. Perkins Kwoka read testimony from Rep. Charlotte DiLorenzo in support of the CACR.

**Senator Debra Altschiller, Senate District 24**

- Sen. Altschiller read testimony from Emma Galinas, a social worker in Dover, in support of the CACR.

**Gilles Bissonette, New Hampshire ACLU**

- Mr. Bissonette said he has respect for the feedback from superintendents, but they acknowledged they can force people to work. He asked if that is permissible.
- Mr. Bissonette said involuntary servitude is problematic for all the reasons outline in previous testimony. He said it dismisses the dignity of those incarcerated.
- Mr. Bissonette stated that if definitional and language work is needed, he would be happy to be a part of that discussion. He noted the language of the CACR is very similar to what other states have adopted.
- Mr. Bissonette said he is unsure concrete evidence has been provided that the DOC’s operations would be substantially impacted.
- Mr. Bissonette stated the constitution is a floor on rights; states have the ability to grant rights that go beyond those federally guaranteed.
- Sen. Carson asked that Mr. Bissonnette provide the committee with a copy of the ACLU’s report.

KC
Date Hearing Report completed: April 2, 2024
HOUSE BILL 322

AN ACT relative to establishing a committee to study the New Hampshire board of medicine and making an appropriation to the department of health and human services.


COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill establishes a committee to study the New Hampshire board of medicine. This bill further makes an appropriation to the department of health and human services relative to certain licensed nursing facilities.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to establishing a committee to study the New Hampshire board of medicine and making an appropriation to the department of health and human services.

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

1 Committee Established. There is established a committee to study the New Hampshire board of medicine.

2 Membership and Compensation.
   I. The members of the committee shall be as follows:
      (a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the health, human services, and elderly affairs committee and 2 from the executive departments and administration committee. Each set of 2 from each committee shall have one member from the majority party and one from the minority party.
      (b) Two members of the senate, appointed by the president of the senate, one from the majority party and one from the minority party.

   II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties.
   I. The committee shall:
      (a) Provide a forum within which stakeholders in the proceedings of the board of medicine have an opportunity to hear and review public comments on the operations of the board.
      (b) To permit and facilitate organizations which are linked to the board of medicine such as hospitals, the medical association, the association of nurses, the association of nurse practitioners and others to hold regular meetings to share their views on the operation of the board of medicine.
      (c) Offer reports to the oversight committee established in RSA 126-A:13 regarding suggested needs for legislation to guide the operations of the board of medicine.
      (d) The committee's scope of inquiry as to the board of medicine and its operations shall include:
         (1) Adequacy of staffing and funding to maintain the highest possible transparency for the public
         (2) Appropriateness of procedures to ensure timely consideration of complaints and reporting to complainants of the disposition of those complaints.
         (3) Construction and maintenance of means to make the decisions of the board of medicine accessible to public view in a timely manner.
(4) The maintenance of robust systems to investigate reports of lapses in physician
practice as well as complaints of such lodged by professionals, organizations, or public citizens.
(e) To ensure a breadth of expertise the following shall be requested to be in regular
attendance but shall not be voting members of the committee:
(1) The commissioner of the department of health and human services or a designee.
(2) A physician appointed by the New Hampshire Medical Society.
(3) The president of the board of medicine or a designee.
(4) A member of the New Hampshire Nurses' Association
(5) A member of the New Hampshire Nurse Practitioner Association.
(6) The president of the New Hampshire Hospital Association or designee.
(7) A lawyer experienced with malpractice rules and procedures appointed by the
attorney general.
(8) The executive director of the office of professional licensure and certification or a
designee.
(9) The president of the New Hampshire Osteopathic Association, or a designee.
(10) A medical ethicist to be named by the elected chair of the committee.
(11) A trial lawyer for the plaintiffs in malpractice cases to be named by the elected
chair of the committee.
(12) A trial lawyer for the defense in malpractice cases to be named by the elected
chair of the committee.
II. Legislative members of the committee shall receive mileage at the legislative rate when
attending to the duties of the committee.
4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
among the members. The first meeting of the committee shall be called by the first-named house
member. The first meeting of the committee shall be held within 45 days of the effective date of this
section. Four members of the committee shall constitute a quorum.
5 Report. The committee shall report its findings and any recommendations for proposed
legislation to the speaker of the house of representatives, the president of the senate, the house
clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.
6 Department of Health and Human Services; Certain Licensed Nursing Facilities;
Appropriation. Any licensed nursing facilities serving individuals covered by Medicaid with a
change in ownership effective in state fiscal year 2023, whose daily Medicaid rate has remained
below the state average nursing facility daily rate as calculated by the department of health and
human services for the period from July 1, 2022, through the January 1, 2024, rate change shall be
eligible for a one-time general fund payment from a pro rata share of a funding pool. Therefore, for
the biennium ending June 30, 2025, the sum of $750,000 is hereby appropriated to the department of
health and human services for the purposes of this section. The governor is authorized to draw a
warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2024.

II. The remainder of this act shall take effect upon its passage.
AN ACT relative to establishing a committee to study the New Hampshire board of medicine and making an appropriation to the department of health and human services.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill establishes a committee to study the New Hampshire Board of Medicine. In addition, the bill appropriates $750,000 to the Department of Health and Human Services for the purpose of making a one-time payment to any licensed nursing facility serving individuals covered by Medicaid with a change in ownership during FY23, whose daily Medicaid rate has remained below the state average for the period from July 1, 2022 through January 1, 2024. The appropriation is for the FY24/25 biennium.

AGENCIES CONTACTED:
Department of Health and Human Services
Amendment to HB 322

Amend subparagraph I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the health, human services, and elderly affairs committee and 2 from the executive departments and administration committee. Each set of 2 from each committee shall have one member from the majority party and one from the minority party.

Amend the bill by replacing all after section 6 with the following:

7 Department of Health and Human Services; Certain Licensed Nursing Facilities; Conditions for Appropriation.

I. Nursing facilities eligible for any amount of the appropriation in section 6 of this act shall ensure that:

(a) At least one individual who possessed an operating and ownership interest in the nursing facility upon acquisition in state fiscal year 2023 maintains an operating and ownership interest at a level no less than the operating and ownership level such individual had in the nursing facility upon the acquisition for a period of at least 5 years from the effective date of this section;

(b) The facility complies with applicable state and federal licensing rules and regulations; and

(c) The facility continues to accept Medicaid as a payment source.

II. In the event a nursing facility eligible for any amount of the appropriation in section 6 of this act violates the conditions of this section, the department of health and human services shall have a right to recover 1/5 of the payment made to the facility for each year any of the conditions of this section were not satisfied.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 2024.

II. The remainder of this act shall take effect upon its passage.
AMENDED ANALYSIS

This bill establishes a committee to study the New Hampshire board of medicine. This bill further makes an appropriation to the department of health and human services relative to certain licensed nursing facilities, and creates certain conditions on facilities receiving the appropriated money.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/09/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Health, Human Services and Elderly Affairs HJ 3 P. 11</td>
</tr>
<tr>
<td>02/03/2023</td>
<td>H</td>
<td>Public Hearing: 02/08/2023 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>02/01/2023</td>
<td>H</td>
<td>Executive Session: 02/09/2023 02:30 pm LOB 201-203</td>
</tr>
<tr>
<td>03/01/2023</td>
<td>H</td>
<td>Executive Session: 03/08/2023 11:00 am LOB 201-203</td>
</tr>
<tr>
<td>03/13/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>05/18/2023</td>
<td>H</td>
<td>Full Committee Work Session: 05/24/2023 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>10/02/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 10/06/2023 09:00 am LOB 205-207 HC 40</td>
</tr>
<tr>
<td>10/30/2023</td>
<td>H</td>
<td>Executive Session: 11/06/2023 11:00 am LOB 205-207 HC 44</td>
</tr>
<tr>
<td>11/16/2023</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2365h 11/06/2023 (Vote 20-0; CC) HC 49 P. 15</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2365h: AA VV 01/03/2024 HJ 1 P. 56</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2365h: MA VV 01/03/2024 HJ 1 P. 56</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Health and Human Services; SJ 6</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>S</td>
<td>Hearing: 03/06/2024, Room 101, LOB, 09:00 am; SC 9</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>S</td>
<td>Hearing: 04/03/2024, Room 100, SH, 09:00 am, on proposed amendment # 2024-1371s; SC 13A</td>
</tr>
<tr>
<td>04/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1428s, 04/11/2024; Vote 5-0; CC; SC 14</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Committee Amendment # 2024-1428s, AA, VV; 04/11/2024; SJ 9</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Ought to Pass with Amendment 2024-1428s, MA, VV; Refer to Finance Rule 4-5; 04/11/2024; SJ 9</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1716s, 05/16/2024, Vote 6-0; SC 19</td>
</tr>
</tbody>
</table>
AMENDMENT # 2024-1371s, Relative to establishing a committee to study the New Hampshire board of medicine and making an appropriation to the department of health and human services. to HB 322, relative to establishing a committee to study the New Hampshire board of medicine.

Hearing Date: April 3, 2024

Time Opened: 9:00 a.m. Time Closed: 9:14 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Whitley and Prentiss

Members of the Committee Absent: Senator Bradley

Bill Analysis: This bill establishes a committee to study the New Hampshire board of medicine.

Sponsors:

Who supports the amendment: Henry Lipman (DHHS), Sean Stevenson, and Brendan Williams (NHHCA).

Who opposes the amendment: Julie Smith and Janet Lucas.

Who is neutral on the amendment: None.

Summary of testimony presented in support:

Senator Regina Birdsell

Senate District 18

- Senator Birdsell introduced Amendment 1371s. She said that it would help a nursing facility in New Hampshire that has been struggling since it was purchased by new ownership in 2022.
Henry Lipman
State Medicaid Director, Department of Health and Human Services

- Mr. Lipman said New Hampshire has experienced a record level of sale and turnover of nursing facilities. Some of the new ownership situations do not have the benefit of the extra funding that was available during the public health emergency for COVID-19.
- Mr. Lipman said flipping nursing homes is not in the best interests of the residents or the state.
- Mr. Lipman said that when a facility is acquired and it has a low reimbursement rate, it creates pressures and leads to a structure that isn’t in the best interest of care.
- Mr. Lipman said that costs get passed back on to payers.
- Mr. Lipman said Amendment 1371s is important to New Hampshire.

Sean Stevenson
Owner/Operator, Pleasant Valley Nursing and Rehab Center

- Mr. Stevenson said that the Medicaid rate increases, effective January 1, 2024, are recognized and noticeable, impacting their ability to hire and retain staff and provide a better quality of care.
- Pleasant Valley is a 112-bed facility. It had previously been operated by a company out of Atlanta that had 90 facilities across the country but had no other facilities in New England. Mr. Stevenson said Pleasant Valley was not receiving the attention it needed.
- Mr. Stevenson became the operator of Pleasant Valley on July 1, 2022. He said he is on site regularly.
- Mr. Stevenson said that when he took over Pleasant Valley, there were 40 empty beds, a 20-bed unit entirely closed and used for storage, 25 full-time nursing assistant vacancies, and 15 full-time licensed nurse vacancies.
- Mr. Stevenson said local hospitals asked Pleasant Valley to open up more beds in order to take more admissions. There are currently only eight to ten empty beds at Pleasant Valley.
- Mr. Stevenson said Pleasant Valley is bound by cost reports from the previous operator, despite finding mistakes in those reports. Prior to the January 1, 2024 rate increase, Pleasant Valley had the second lowest Medicaid rate in the state; the state was paying $195 per day per resident, compared to a cost of $322. Given Derry’s location and competition with Massachusetts, this was not sustainable.
- Mr. Stevenson said that Pleasant Valley has had to operate with negative cashflow and he has taken out total loans over $1,200,000 since taking ownership.
• Mr. Stevenson said that while 2024 looks more promising, they still have to make up for 2022 and 2023.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.
HB 322, relative to establishing a committee to study the New Hampshire board of medicine.

Hearing Date: March 6, 2024

Time Opened: 9:02 a.m.  
Time Closed: 9:38 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Whitley and Prentiss

Members of the Committee Absent: Senator Bradley

Bill Analysis: This bill establishes a committee to study the New Hampshire board of medicine.

Sponsors:


Who opposes the bill: Janet Lucas.

Who is neutral on the bill: Nina Gardner (Public Member) and Lindsay Courtney.

Summary of testimony presented in support:

Representative Mark Pearson

Rockingham District 34

- Representative Pearson said there was a surgeon at Catholic Medical Center (CMC) who had 20 malpractice claims against him. He said this case had two issues: internal matters at CMC and why 20 malpractice claims were made known on the Massachusetts Board of Medicine website but not in New Hampshire.
- Rep. Pearson said it was not due to laziness or bad actions from the New Hampshire Board of Medicine, but that they were following protocols. He said the question is what the protocols should be. He asked why people learned about a New Hampshire issue from a Massachusetts newspaper and the Massachusetts Board of Medicine.
- Rep. Pearson said that information needs to be made known but not overdone. He said it is common to see a newspaper headline when accused, but when an individual is found innocent, it is under the fold. He suggested a sweet spot in the middle.
• Rep. Pearson said that the bill convenes stakeholders to look at the issue and find a sweet spot. He asked how much information should be known to the public and when to stay quiet.
• Rep. Pearson presented Amendment 0938h, to add a fifth member of the House to the study committee. The bill currently has four House appointments; two from the Executive Departments and Administration committee and two from the Health and Human Services and Elderly Affairs committee. Rep. Pearson would like a fifth member because he does not serve on either of those committees but would like to serve on the study committee.
• Sen. Whitley asked if three senators on the study committee was too many.
  o Rep. Pearson said the amendment reduced the membership to two.
• Sen. Birdsell asked if Rep. Pearson would be open to reducing the membership further to one senator.
  o Rep. Pearson said he would be open to it and said there is one senator specifically interested. He said he thought there would only be one or two meetings of the study committee.

Dr. David Conway

• Dr. Conway is a retired OB-GYN. He served on Medical Review Subcommittee (MRSC) for six years and was president for two of those years. He was on the Board of Medicine for seven years and president for two years. He said he has a good understanding of a highly functioning process. He said decisions and responses to complaints were made in a timely fashion when he was on the Board.
• Dr. Conway said the number of licensees and complaints have increased. He said in 2015 the Office of Professional Licensure and Certification (OPLC) was established, which decreased the administrative support available significantly. He said this hindered the Board’s ability to protect patients. MRSC was eliminated in July of 2023, which lead to a backlog of cases.
• Dr. Conway said he became the MSRC medical investigator in 2022, and he found cases dating back to 2018 that had not been seen by investigators.
• Dr. Conway said the Board of Medicine is functioning more like the Board of OPLC. He said efficiency and cost savings are the goals now, not helping the investigative process.
• Dr. Conway said he was appalled at the lawsuit at CMC. He said Dr. Nick Perencevich investigated the cases. The cases were found not to be subject to discipline. He said the only decisions that becomes are decisions of the board that lead to discipline. Dr. Conway said that letters of concern are not open to the public by statute. He said there was no problem with the process at the time.
• Senator Prentiss asked if, in current case investigations, there is a medical presence involved in the investigation.
  o Dr. Conway said he did not know as he has not been an investigator since June of 2023. He said his personal perspective was that lawsuits and complaints must meet criteria for discipline according to statute. He said cases of gross or repeated negligence and nuance require a physician’s experience. He said that he had a patient in Pennsylvania who was pregnant after getting her tubes tied. He looked and found only one side had been tied and a different organ had been
tied instead. He said a physician would need insight into the process to investigate such a case.

- Sen. Prentiss asked if, in nuanced cases, a physician or specialty provider would be consulted to look at the case.
  - Dr. Conway said that any physician, specialty or not, needs to have the first evaluation.

**Rep. Pearson, Speaking for a Second Time**

- Sen. Prentiss said she was looking at the current compensation of the Board of Medicine. She asked if there was thought given to the different specialties on the Board of Medicine.
  - Rep. Pearson said they need to get the job done. He said if it means additional people to the board, he would be alright with it. He said he would invite people to the study committee. He said the bill started out a long time ago and things have changed.
- Sen. Prentiss said that state boards are very specific on membership. She said there is a higher level of detail and is interested in the background of the construction of the Board. She asked if there could be an amendment to the bill or people brought in as regular witnesses. She wanted to hear from all different people.
  - Sen. Birdsell asked if the format was becoming more of a commission than a study committee.
  - Sen. Prentiss said Rep. Pearson was talking about the study committee. She was talking about the current Board of Medicine and its disciplines.
  - Sen. Birdsell said it was a different discussion. Sen. Prentiss said she would look into the composition of the Board.

**Dr. Jonathan Eddinger**

**Chair, Board of Medicine**

- Dr. Eddinger said most of the volunteers on the Board are from people not in clinical practice. He said there has been a tendency for Board members to be retired physicians. He said it is difficult to get breadth specifically. The Board currently has two cardiologists and Dr. Eddinger said the board is being filled by people who want to be on it. He said that needs to be the first determination for filling seats on the Board of Medicine.
- Dr. Eddinger said the Board of Medicine works.
- Dr. Eddinger said if the Board was reorganized to reduce the membership, it would not be helpful.
- Sen. Prentiss asked who was on the Board of Medicine.
  - Dr. Eddinger suggested not reducing the number of members as it is already hard to fill seats due to clinical obligations.
Dr. Conway, Speaking for a Second Time

- Dr. Conway said one of the functions of the investigator is to determine who should evaluate a case. He said they would decide if they needed to bring in an outside specialist to do a review as a volunteer.
- Dr. Conway said that not many physicians were interested in donating their time. He had talked to OPLC about it.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Nina Gardner
Public Member, Board of Medicine

- Ms. Gardner served on MRSC for five years. She moved up to the Board of Medicine. She said it is important work to protect the public.
- Ms. Gardner said a lot of what is being looked at in HB 322 has been shifted to OPLC. She suggested that changes made to the Board of Medicine will have to fit in the OPLC scheme.
- Ms. Gardner said the Board needed more resources. She said they are working hard to get through it with some slow spots in the process. The Governor & Council process takes time to get independent contractors approved. She said she relies on medical professionals for background on some cases. She said quality of care is not a legal standard that can be objectively judged by an outsider.
- Ms. Gardner said the CMC cases were privately settled outside of the legal process. She said those cases did not go to the Board of Medicine through any process that currently exists. She said if they want to change that, they need to put it in place in the broader context of OPLC.
- Ms. Gardner said Board of Medicine is willing to cooperate in any review.
- Senator Birdsell asked when the board started limiting themselves to one case per meeting.
  - Ms. Gardner said she did not know. She said the Board of Medicine managed easily for over a year on Zoom and never missed a meeting. She said MRSC did not do that, by their choice, and there was discussion of forcing them to meet. She said MRSC was a lot of work when she was on it and she took on 35 to 45 cases per month
  - Ms. Gardner said not meeting during the COVID-19 Pandemic was problematic. She said the Board of Medicine was meeting and kept up with work. She said the Board can only act on what gets to them.
- Sen. Birdsell asked how many cases are taken up now at each meeting.
  - Ms. Gardner said it varies but they have been seeing over 25 cases per month for the last few months. She said there is a process that takes time. She said that if they are concerned there may be a medical aspect missing, they will send it back for further medical investigation. She said they are balancing the need to move with the need to get it right for the public. She said work can only be done if OPLC has resources.
Lindsey Courtney
Executive Director, OPLC

- Ms. Courtney said that OPLC is not taking a position on HB 322.
- Ms. Courtney said there are a lot of questions that could be resolved by a study committee. She said she disagreed with some comments made by Dr. Conway.
- Ms. Courtney said the question is what the procedures should be.
- Ms. Courtney said there is a physician involved in cases. She said OPLC released an RFP to hire additional physicians to help with investigations. She said not all complaints require a review by a physician, as some are clear enough to be dismissed on their face.
- Ms. Courtney said she was not opposed to examining issues with the Board.
- Ms. Courtney said operations governed by OPLC apply across the various boards. She said a study committee could look at the Board of Medicine specifically, but recommendations would need to be extrapolated across the OPLC boards. She said recommendations would have to apply agency wide.
- Sen. Prentiss asked if there is a backlog.
  - Ms. Courtney said there is a backlog. She said she disagrees on the genesis of the backlog. OPLC has consolidated procedures on investigations for years but they had not been followed for the Board of Medicine until 2023. She said the Board of Medicine had a MRSC in statute which was obligated to review all cases. During the COVID-19 Pandemic, MRSC committed to reviewing one case per meeting, and met for half a year. She said there are typically 400 cases per year, creating a backlog. Ms. Courtney said this was a huge part of the issue so statutes were modified in 2023. She said OPLC is working to create a panel of clinicians to move cases along. She agrees there needs to be a solution of working to get more resources.
HB 637-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2301h
2023 SESSION

HOUSE BILL 637-FN

AN ACT relative to the calculation of average daily membership in attendance and average daily membership in residence for certain home educated pupils.

SPONSORS: Rep. Hobson, Rock. 14

COMMITTEE: Education

ANALYSIS

This bill revises the definitions of average daily membership in attendance (ADMA) and average daily membership in residence (ADMR) for school funding from the education trust fund for the purpose of home educated pupils.

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

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the calculation of average daily membership in attendance and average daily membership in residence for certain home educated pupils.

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

1 School Funding; ADMA and ADMR; Home Educated Pupils. Amend RSA 198:38, I and I-a to read as follows:

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year. ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMA, each pupil who is home educated in compliance with RSA 193-A and who is enrolled in a school board approved public [high] school academic course in grades 7 through 12 shall count as an additional 0.15 pupil for each such academic course taken in a public [high] school. [The department of education shall only make grant payments for such pupils to the extent of available appropriations.] In this subparagraph, "public [high] school" shall have the same meaning as "[high] standard school" as defined in RSA 194:22.

I-a.(a) "Average daily membership in residence" or "ADMR" means the average daily membership in residence, as defined in RSA 189:1-d, IV, of pupils in kindergarten through grade 12, in the determination year. ADMR shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMR shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMR, each pupil who is home educated in compliance with RSA 193-A and who is enrolled in a school board approved public [high] school academic course in grades 7 through 12 shall count as an additional 0.15 pupil for each such academic course taken in a public [high] school. [The department of education shall only make grant payments for such pupils to the extent of available appropriations.] In this subparagraph, "public
[high] school" shall have the same meaning as "[high] standard school" as defined in RSA [194:23] 189:24.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to the calculation of average daily membership in attendance and average daily membership in residence for certain home educated pupils.

FISCAL IMPACT: [X] State  [ ] County  [X] Local  [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Revenue Fund(s)</strong></td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td>$0</td>
<td>Approximate $150,000 - $250,000 Increase Per Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
<td>Education Trust Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
<td>$0</td>
<td>Statutory Open Warrant Exists for Adequacy Payments</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
<td>Education Trust Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Local Revenue</strong></td>
<td>$0</td>
<td>Approximate $150,000 - $250,000 Increase Per Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Local Expenditures</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

### METHODOLOGY:

This bill expands the home educated pupil adequacy from only pupils attending a public high school to pupils attending all public schools defined in RSA 189:24 within grades 7-12 and removes the excess appropriation requirement to make grant payments for such pupils.

As school year 2024 data isn't available to determine the impact on FY 2025, for illustrative purposes, school year 2023 data is presented below to show this bill’s potential fiscal impact.

| Total Average Daily Membership (ADM)   | 37.02 |
| Per Pupil Aid                          | $4,182 |
| Total Increase to Adequacy Payments    | $154,818 |
The Department states that as home education adequacy is guaranteed pursuant to this bill, local school districts may increase home education reporting consistency, which could result in an additional indeterminable fiscal impact increase. Based on the FY 2024 data reported above, this bill will likely increase state adequacy grants to local school districts by between $150,000 and $250,000 per year, in each FY 2025, FY 2026, and FY 2027.

AGENCIES CONTACTED:
Department of Education
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/12/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Education</td>
</tr>
<tr>
<td>01/18/2023</td>
<td>H</td>
<td>Public Hearing: 01/27/2023 10:45 am LOB 205-207</td>
</tr>
<tr>
<td>03/01/2023</td>
<td>H</td>
<td>Executive Session: 03/15/2023 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>03/15/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>05/10/2023</td>
<td>H</td>
<td>Full Committee Work Session: 05/30/2023 01:00 pm LOB 205-207</td>
</tr>
<tr>
<td>08/16/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 09/07/2023 01:00 pm LOB 205-207</td>
</tr>
<tr>
<td>10/10/2023</td>
<td>H</td>
<td>Executive Session: 11/13/2023 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>11/17/2023</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2301 (NT) 11/13/2023 (Vote 20-0; CC) HC 49 P. 9</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2301h: AA VV 01/03/2024 HJ 1 P. 47</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2301h: MA VV 01/03/2024 HJ 1 P. 47</td>
</tr>
<tr>
<td>02/16/2024</td>
<td>S</td>
<td>Introduced 02/15/2024 and Referred to Education; SJ 5</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>S</td>
<td>Hearing: 03/05/2024, Room 101, LOB, 09:30 am; SC 9</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/02/2024, Vote 4-1; SC 17</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
HB 637-FN, relative to the calculation of average daily membership in attendance and average daily membership in residence for certain home educated pupils.

**Hearing Date:** March 5, 2024

**Time Opened:** 9:30 a.m. **Time Closed:** 9:35 a.m.

**Members of the Committee Present:** Senators Ward, Gendreau, Lang and Fenton, and Whitley

**Members of the Committee Absent:** Senator Prentiss

**Bill Analysis:** This bill revises the definitions of average daily membership in attendance (ADMA) and average daily membership in residence (ADMR) for school funding from the education trust fund for the purpose of home educated pupils.

**Sponsors:**
Rep. Hobson

---

**Who supports the bill:** N/A.

**Who opposes the bill:** Janet Lucas and Claudia Istel.

**Who is neutral on the bill:** Caitlin Davis (N.H Department of Education).

**Summary of testimony presented:**

Senator Tim Lang

Senate District 2

- HB 637-FN adjusted the definitions of average daily membership in attendance and residence.

Caitlin Davis

Department of Education

- Ms. Davis elaborated upon average daily membership figures including homeschooled children enrolled in courses at their residential school.
- Currently, each student enrolled in a course as a home educated student shall be considered 1.15 pupils.
- The existing law only applied to High School students, and an appropriation must be available to accommodate grants for student placements.
• HB 637-FN provided eligibility for those between the 7th and 12th grades and removed the requirement for an appropriation.
• Ms. Davis clarified that HB 637-FN did not cover charter school or EFA students.

PM
Date Hearing Report completed: March 6, 2024
HOUSE BILL 1186-FN
AN ACT relative to firearm purchaser's privacy.


COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill prohibits the assigning of a specific merchant code to the sale of firearms, ammunition, or firearm accessories. This bill further provides a mechanism for enforcement of this prohibition.

Explanation: Matter added to current law appears in *bold italics.* Matter removed from current law appears [*in brackets and struckthrough.*] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1186-FN - AS AMENDED BY THE SENATE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to firearm purchaser's privacy.

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

1 Short Title. This act may be known and cited to as the Firearm Purchaser's Privacy Act.

2 New Chapter; Firearm Purchaser's Privacy. Amend RSA by inserting after chapter 159-E the following new chapter:

CHAPTER 159-F

FIREARM PURCHASER'S PRIVACY

159-F:1 Definitions.

In this chapter:

I. "Electronic payment transaction" means a transaction in which a person uses a payment card or other payment code, or device issued or approved through a payment card network to debit a deposit account or use a line of credit, whether authorization is based on a signature, personal identification number, or other means.

II. "Firearms code" means the merchant category code established by the International Organization for Standardization for firearms retailers.

III. "Firearms retailer" means any person or entity physically located in this state engaged in the lawful sale of firearms, ammunition for use in firearms, or firearms accessories.

IV. "Payment card" means a credit card, debit card, check card, or other card that is issued to an authorized user to purchase or obtain goods, services, money, or any other thing of value.

V. "Payment card acquirer" means a financial institution that establishes a relationship with a merchant for the purpose of accepting payment card transactions.

VI. "Payment card issuer" means a lender, including a financial institution, or a merchant that receives applications and issues payment cards to individuals.

VII. "Payment card network" means an entity that directly or through a licensed member, processor, or agent provides the proprietary services, infrastructure, and software that route information and data to conduct debit card or credit card transaction authorization, clearance, and settlement, and that an entity uses in order to accept as a form of payment a brand of debit card, credit card, or other device that may be used to carry out debit or credit transactions.

159-F:2 Firearm Code Usage Prohibited.

I. A payment card acquirer may not assign to a merchant and a payment card network may not require or permit a merchant to use a firearms code.
II. For the purposes of the sale of firearms, ammunition for use in firearms, and firearms accessories, a firearms retailer may not provide a firearms code to a payment card acquirer, payment card issuer, or payment card network and may only use or be assigned a merchant category code for general merchandise retailers or sporting goods retailers.

159-F:3 Authority of Attorney General to Investigate Violations.

I. If the attorney general has reasonable cause to believe that a person or entity has intentionally engaged in, is engaging in, or is about to engage in a violation of this chapter, the attorney general shall have the power to examine witnesses and documents for the purpose of enforcing the provisions of this chapter.

II. If the attorney general believes a person under investigation for violation of the provisions of this chapter may have information or be in possession, custody or control of any document or other tangible object relevant to the investigation, before the institution of any court proceedings, the attorney general may serve upon the person a written demand in the form of a subpoena or subpoena duces tecum to appear and be examined under oath and to produce the documents or objects for inspection and copying.

159-F:4 Notice and Opportunity to Cure.

I. Upon a finding by the attorney general that there has been a violation of this chapter, the attorney general shall give written notice to the person or entity, identifying the specific provisions of this chapter that are or were being violated.

II. The attorney general may not bring an action against the person or entity if the person or entity:

(a) Cures the identified violation within 30 days; and

(b) Provides the attorney general a written statement affirming that the person or entity has:

(1) Cured the alleged violation;

(2) Provided supporting documentation to show how the violation was cured; and

(3) Made changes to internal policies to prevent the recurrence of any similar violation in the future.

159-F:5 Enforcement; Civil Penalty; Injunction.

I. The attorney general has exclusive authority to enforce this chapter.

II. If a person or entity is found to be intentionally in violation of this chapter and fails to cure the violation in accordance with RSA 159-F:4, or is found to have intentionally breached a written statement provided to the attorney general under that section, the attorney general may seek an injunction against any such person or entity alleged to be in violation of this chapter in a court of competent jurisdiction. The court has authority to issue such an injunction, in addition to any other relief as the court may consider appropriate.

III. The attorney general may bring an action to:
(a) Recover a civil penalty under this section; and
(b) Restrain or enjoin a person or entity from violating this chapter.

IV. The attorney general may recover reasonable attorney's fees and other reasonable expenses incurred in investigating and bringing an action under this section.

3 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to firearm purchaser's privacy.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2025</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2026</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2027</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2025</td>
</tr>
<tr>
<td>Approximately $90,000 Per Year</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>General Fund</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2025</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2026</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>FY 2027</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:
This bill would require the Attorney General to conduct investigations into certain prohibited conduct with respect to firearms sales, and authorizes it to issue subpoenas and seek injunctions. The Department of Justice states although it is difficult to estimate the number of anticipated investigations generated by the bill, its Public Safety and Infrastructure Bureau would require, at a minimum, one additional part-time investigator and one part-time attorney to implement the provisions of this bill at a cost of approximately $90,000 per year.

The Judicial Branch is unable to determine how this change in law would impact the number of filings in the courts. However, because the bill creates a new enforcement action, it is expected that litigation costs could increase.

AGENCIES CONTACTED:
Department of Justice and Judicial Branch
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Criminal Justice and Public Safety</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>==CANCELLED== Public Hearing: 01/31/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 02/02/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/12/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-0604h 02/12/2024 (Vote 12-7; RC)</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0604h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0604h: MA RC 203-174 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referral Waived by Committee Chair per House Rule 47(f) 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Judiciary; SJ 6</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Hearing: 03/19/2024, Room 100, SH, 01:30 pm; SC 11</td>
</tr>
<tr>
<td>04/22/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1560s, 05/02/2024, Vote 3-2; SC 17</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Amendment # 2024-1560s, AA, VV; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Ought to Pass with Amendment 2024-1560s, RC 14Y-10N, MA; Refer to Finance Rule 4-5; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1186-FN, relative to firearm purchaser's privacy.

Hearing Date: March 19, 2024

Time Opened: 2:25 p.m.                                Time Closed: 2:52 p.m.

Members of the Committee Present: Senators Carson, Gannon, Whitley and Chandley

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill prohibits the assigning of a specific merchant code to the sale of firearms, ammunition, or firearm accessories. This bill further provides a mechanism for enforcement of this prohibition.

Sponsors:
Rep. T. Mannion


Who is neutral on the bill: Ryan Hale.

Summary of testimony presented:

Representative Jason Janvrin said this bill was in response to the International Standardization Organizations decision to add a specific code to firearm purchases. In 2023, seven states filed legislation to ban this code. He said that more states are looking to ban it as well. This bill would prohibit the use of the merchant code in the state of New Hampshire to protect the privacy of the person making the purchase. He said this bill would prohibit the purchase from being flagged as a firearm purchase.
and it would allow the Attorney General’s Office to file an injunction on behalf of the consumer to stop the use of that code. It allows the AG’s Office to let the person, who is using the code, remedy themselves within 30 days without any further penalty. It allows the AG’s Office to seek a penalizing fine to those merchants who don’t correct the issue. He said in section 4 of the amended version it states that the AG’s Office may recover reasonable attorney’s fees and other reasonable expenses incurred due to the investigation and because of that House Finance waived the hearing. He noted that he had handed out an amendment that he would like to see a Senator introduce that would clarify the language of the bill for the Bankers Association.

Representative Timothy Horrigan was opposed to HB 1186-FN. He said anyone who holds an EBT card is forbidden to buy guns. He noted if this bill passes an EBT card holder would be able to buy guns in New Hampshire. He said these codes exist for a reason. He believed that this bill is not enforceable. He said banks and other financial institutions in New Hampshire may stop issuing debit and credit cards. He asked the Committee to ITL HB 1186-FN.

Ryan Hale, New Hampshire Bankers Association, was neutral on HB 1186-FN. He said the amendment is clarifying language that would add payment card acquirer to the bill. He said as the bill was introduced it swept banks into issuing the codes, but this amendment would clarify that banks do not issue these codes and that payment card acquirers do.

Senator Gannon said the point of this merchant code is that they are trying to keep track electronically of those who buy firearms.

Mr. Hale said that is his understanding.

Justin Davis, NRA, supported HB 1186-FN. He said this is a priority piece of legislation for the NRA as it protects gun owners’ privacy. In 2018, the New York Times wrote an article as to how banks could help restrict the Second Amendment by creating an MCC code that could restrict or prohibit these firearm purchases from happening. He said this code was supposed to be just for firearms, but it can loop in any place that is an outdoor retailer. He said a $5,000 purchase of numerous items plus a gun would go to the Treasury Department and flag it as a massive gun purchase, which can make the Department follow up on that purchase or block it entirely. He said these codes present major privacy concerns. He said these codes create a quasi-registry of every person who has made firearms purchases, which is a concern as it would be an illegal gun registry.

Sonia Prince, Mom’s Demand Action Volunteer, noted that we need data, as it helps in numerous industries. She said with this data people may decide not to travel to certain states. She said these codes do not prohibit anyone from buying a gun and asked that the Committee oppose the bill.

Penny Dean said during the Obama Administration it was proven that the IRS was holding up the approval of non-profit tax IDs that were conservative or firearm related. She said this is not only a form of gun registration, but it is an invasive way to keep people in line from those who are anti-gun. She noted not everyone can buy a gun with cash and they must buy with credit cards. She said given the actions of the
Treasury Department, the IRS, and the ATF this bill is very much needed. She noted we have a constitutional right to possess firearms, and this bill would allow the Attorney General to stand up for the citizens of New Hampshire. Ms. Dean asked the Committee to pass HB 1186-FN.

Representative Rhodes said she is speaking on behalf of the Criminal Justice and Public Safety Committee. She didn’t believe EBT cards had anything to do with this bill and urged the Committee to pass the bill.

Jay Simkin said that data is lethal. He said this bill isn’t about privacy, but life and death. He said anything to protect individual data should be done, and he urged the Committee to pass HB 1186-FN.

Raymond Boulanger said this bill would stop police departments or government agencies from getting data that they would have to get through a subpoena. He noted there are companies that sell data, so this bill would sidestep the court system. This MCC number could help agencies skirt the law.
HB 1191-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1191-FN

AN ACT relative to the establishment of an exemption to the meals and rooms tax for participants in the restaurant voucher program.


COMMITTEE: Ways and Means

ANALYSIS

This bill exempts taxation on meals consumed at or provided by a restaurant, café, or other food service establishment that are redeemed through the bureau of elderly and adult services restaurant voucher program.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in bracketed and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the establishment of an exemption to the meals and rooms tax for participants in the restaurant voucher program.

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

1 New Paragraph; Exemption to Meals and Rooms Tax; Restaurant Voucher Program. Amend RSA 78-A:6-c by inserting after paragraph X the following new paragraph:

   XI. Meals consumed at or provided by a restaurant, café or other food service establishment that are redeemed through the bureau of elderly and adult services restaurant voucher program.

2 Effective Date. This act shall take effect July 1, 2024.
AN ACT relative to the establishment of an exemption to the meals and rooms tax for participants in the restaurant voucher program.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:
This bill exempts meals consumed at or provided by a restaurant, café, or other food service establishments that are part of the restaurant voucher program from the Meals and Rooms Tax. The Department of Health and Human Services, Bureau of Elderly and Adult Services (Department) contracts with agencies to provide congregate and home delivered meals to individuals eligible for Older AMericans Act services. These contract agencies worked with the Department to implement the Restaurant Voucher Program. The contract agencies subcontract with food service establishments to provide meals that comply with the Older Americans Act requirements. The Restaurant Voucher Program guidance does not dictate how the Meals and Rooms tax is paid for meals provided. Contract agencies that enroll in the Restaurant Voucher Program could cover the costs of the tax from funding received from the Department or pass the cost of the tax on to individuals when the meal is provided.
The Department contacted two contract agencies currently enrolled in the Restaurant Voucher Program for more information. Both contract agencies cover the cost of the Meals and Rooms Tax. The table below provides information on the tax impact:
<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Meals Per Year</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
</tr>
<tr>
<td>Contract Agency 1</td>
<td>9,000</td>
<td>$12.00</td>
<td>8.5%</td>
<td>$9,180</td>
</tr>
<tr>
<td>Contract Agency 2</td>
<td>69,000</td>
<td>$13.00</td>
<td>8.5%</td>
<td>$76,245</td>
</tr>
<tr>
<td>Total Fiscal Impact</td>
<td></td>
<td></td>
<td></td>
<td>$85,425</td>
</tr>
</tbody>
</table>

The Department assumes the M&R Tax revenue to the General Fund may decrease by approximately $86,000 a year based on the current contracts. The Department indicates the fiscal impact could be as high as $172,000 a year if the Restaurant Voucher Program doubles in size with more meals being provided through the existing contract agencies or new contract agencies participate in the program.

The Department of Revenue Administration does not have any data to estimate the impact of this bill as the program data resides with the Department of Health and Human Services. The Department does state any M&R tax not collected on a meal will decrease State General Fund revenue and any transfer to the Meals and Rooms Municipal Revenue Fund by an indeterminable amount. The Department would need to update all necessary tax return forms and electronic management systems to reflect the changes contained in this bill; however, it is not anticipated this will result in any additional administrative costs that could not be absorbed in the Department's operating budget.

**AGENCIES CONTACTED:**
Department of Health and Human Services and Department of Revenue Administration
<table>
<thead>
<tr>
<th>Date</th>
<th>Lower Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/03/2024</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Ways and Means</td>
</tr>
<tr>
<td>1/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/09/2024 11:00 am LOB 202-204</td>
</tr>
<tr>
<td>1/31/2024</td>
<td>H</td>
<td>Full committee Work Session: 02/05/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>1/31/2024</td>
<td>H</td>
<td>Executive Session: 02/06/2024 01:00 pm LOB 202-204</td>
</tr>
<tr>
<td>2/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/06/2024 (Vote 20-0; CC)</td>
</tr>
<tr>
<td>2/22/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>3/06/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Ways and Means; SJ 6</td>
</tr>
<tr>
<td>3/27/2024</td>
<td>S</td>
<td>Hearing: 04/10/2024, Room 100, SH, 09:30 am; SC 13</td>
</tr>
<tr>
<td>4/10/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 04/18/2024, Vote 3-0; SC 15</td>
</tr>
<tr>
<td>4/18/2024</td>
<td>S</td>
<td>Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 04/18/2024; SJ 10</td>
</tr>
<tr>
<td>5/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 5-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1191-FN, relative to the establishment of an exemption to the meals and rooms tax for participants in the restaurant voucher program.

Hearing Date: April 10, 2024

Members of the Committee Present: Senators Lang and Rosenwald and Soucy

Members of the Committee Absent: Senators D'Allesandro, Murphy and Innis

Bill Analysis: This bill exempts taxation on meals consumed at or provided by a restaurant, café, or other food service establishment that are redeemed through the bureau of elderly and adult services restaurant voucher program.

Sponsors:
Sen. Lang


Who opposes the bill: No one

Who is neutral on the bill: Keen Meng Wong and Lauren O'Sullivan (DRA)

Summary of testimony presented:
Rep. Healey stated that the bill is about the Meals on Wheels program, which allows seniors the opportunity to get out, rather than just have meals delivered to them. He said it makes no sense to grant state funds and then tax them.

Jon Enriquezzo - President and CEO of Meals on Wheels of Hillsborough County
- This bill is important to older citizens in that it allows them to continue and perhaps expand the dine out club program by making it more cost efficient.
- Right now, the program is paying restaurants to serve meals to seniors. They pay the restaurant through federal and state dollars and the restaurant serves the meal for free.
- This program has helped reduce social isolation.
- In order to be efficient, they want to do away with the sales tax on this program for these items. He said it does not make sense to use state dollars and then tax those state dollars.
• The restaurants have agreed to reduce what they charge the program by the amount they will save on the tax.

Sen Rosenwald asked if someone from the program transports the recipients to the restaurant or if they are responsible for getting themselves there.
Mr. Erriquezzo said the individuals are responsible for getting themselves there, but Meals on Wheels does provide transportation. They have a bus. There are some assisted living programs that have buses that bring these people to the restaurants.

Dick Bouley – Senior Meals on Wheels
• Meals on Wheels started as a pilot program in Hillsborough County. Many other agencies throughout the state would like to take part in this program.
• He read a letter from Tri-County Community Action Program, Senior Meals of Coos County in support of HB1191. The letter described the benefits of the Restaurant Voucher Program (RVP) in Hillsborough County. It went on to say that Senior Meals of Coos County is currently working to develop restaurant partnerships in the North Country and waiving the meals and rooms tax would help support the financial viability of the RVP in serving northern senior residents.
• Mr. Bouley added that they will be opening restaurants in Pittsburg and Colebrook.
• The director from Rockingham County is looking at towns that could use this program.
• He said the Lodging and Restaurant Association is also willing to help identify restaurants that would be interested in participating in the program.
• Many counties could benefit from this program, and he believes it will become a statewide program.

Keen Meng Wong and Lauren O’Sullivan – Dept. of Revenue Administration
• The DRA takes no position on this legislation.
• The DRA cannot calculate the fiscal impact of the legislation because their forms don’t capture when an operator is participating in this restaurant voucher program.
• HHS administers the program with the CAPs and restaurants. They would have the information on what they pay out for meals.

Sen. Lang noted that the fiscal note says that based on current contracts, the impact is $86,000 per year.
Mr. Wong said those numbers are from HHS not the DRA.
Sen. Rosenwald said the committee heard testimony that this program would be helpful toward the sustainability of rural restaurants and asked if down the road, that could increase or offset this lost meals and rooms tax revenue if the restaurants thrive and do well.
Mr. Wong said yes that could happen, but they can’t predict that.
Ms. O’Sullivan said if the RVP participants brought guests who weren’t participating in the program, then you could get tax from those meals.
HB 1307-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0510h
2024 SESSION
24-2262
05/10

HOUSE BILL 1307-FN

AN ACT providing a supplemental appropriation for members of the retirement system receiving an accidental disability retirement allowance.

SPONSORS: Rep. Damon, Sull. 8

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes a one-time supplemental allowance to members of the retirement system who are receiving an accidental disability retirement allowance, and provides for future supplemental allowances and cost of living adjustments for accidental disability beneficiaries to be granted without regard to years of creditable service.

-----------------------------------------------------------------------------------------

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1307-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0510h 24-2262
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT providing a supplemental appropriation for members of the retirement system receiving an accidental disability retirement allowance.

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

1 Retirement System; Accidental Disability Retirement Allowance; Supplemental Appropriation.
   I. An additional one-time allowance of $500 shall be paid during state fiscal year 2024 to retired members of the retirement system receiving an allowance, or any beneficiary of such a member who is receiving a survivorship pension benefit, who are eligible as follows:
      (a) The member is receiving an accidental disability retirement allowance under RSA 100-A:6;
      (b) The member retired and has been receiving an allowance for at least 5 years prior to or on July 1, 2023; and
      (c) The annual retirement allowance of the member on June 30, 2023 was not greater than $50,000.
   II. The additional allowance shall not become a permanent addition to the member's base retirement allowance.
   III. The total cost of the additional allowances, as determined by the actuary and certified by the board of trustees of the retirement system, shall be funded from the state general fund in the fiscal year ending June 30, 2024. The sum necessary is hereby appropriated to the board of trustees. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 New Subparagraph; Accidental Disability Retirement Benefits; Cost of Living Adjustments.
Amend RSA 100-A:6, II(d) by inserting after subparagraph (3) the following new subparagraph:
   (4) Any member who is receiving an accidental disability retirement allowance under subparagraph (d) shall be granted any supplemental allowance or COLA authorized by the legislature without regard to a minimum number of years of creditable service for eligibility to receive the supplemental allowance or COLA. This subparagraph shall apply to any one-time supplemental allowance or COLA authorized by the legislature on or after the effective date of this subparagraph unless the terms of such authorizing legislation specifically provide otherwise.

3 Effective Date. This act shall take effect June 30, 2024.
AN ACT providing a supplemental appropriation for members of the retirement system receiving a disability retirement allowance.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures?  [X] Yes
• Does this bill authorize new positions to implement this bill?  [X] N/A

METHODOLOGY:

The bill gives a $500 one-time payment to retirement system members meeting the following specific criteria: they must be receiving an accidental disability retirement allowance under RSA 100-A:6, have retired and been receiving the allowance for at least 5 years by July 1, 2023, and their annual retirement allowance as of June 30, 2023, should not exceed $40,000. The cost would be covered by a State General fund appropriation in fiscal year ending June 30, 2024.

The New Hampshire Retirement System (NHRS) states currently there are 802 members who would qualify for the $500 payment. The cost of the one-time allowance payment would be $401,000 (802 x $500). The NHRS also states the bill amendments to RSA 100-A:6, II(d) to ensure that members receiving accidental disability retirement allowances are entitled to future supplemental allowances or COLAs authorized by the legislature, regardless of minimum service requirements, unless specified otherwise in the authorizing legislation.

AGENCIES CONTACTED:

New Hampshire Retirement System
Amendment to HB 1307-FN

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

1 Retirement System; Accidental Disability Retirement Allowance; Supplemental Appropriation.

I. An additional one-time allowance of $500 shall be paid during state fiscal year 2025 to retired members of the retirement system receiving an allowance, or any beneficiary of such a member who is receiving a survivorship pension benefit, who are eligible as follows:

(a) The member is receiving an accidental disability retirement allowance under RSA 100-A:6;
(b) The member retired and has been receiving an allowance for at least 5 years prior to or on July 1, 2023; and
(c) The annual retirement allowance of the member on June 30, 2023 was not greater than $50,000.

II. The additional allowance shall not become a permanent addition to the member’s base retirement allowance.

III. The total cost of the additional allowances, as determined by the actuary and certified by the board of trustees of the retirement system, shall be funded from the state general fund in the fiscal year ending June 30, 2025. The sum necessary is hereby appropriated to the board of trustees. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 New Subparagraph; Accidental Disability Retirement Benefits; Cost of Living Adjustments.

Amend RSA 100-A:6, II(d) by inserting after subparagraph (3) the following new subparagraph:

(4) Any member who is receiving an accidental disability retirement allowance under subparagraph (d) shall be granted any supplemental allowance or COLA authorized by the legislature without regard to a minimum number of years of creditable service for eligibility to receive the supplemental allowance or COLA. This subparagraph shall apply to any one-time supplemental allowance or COLA authorized by the legislature on or after the effective date of this subparagraph unless the terms of such authorizing legislation specifically provide otherwise.

3 Effective Date. This act shall take effect July 1, 2024.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>Introduced</td>
<td>01/03/2024 and referred to Executive Departments and Administration HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>Public Hearing</td>
<td>01/11/2024 02:45 pm LOB 306-308</td>
</tr>
<tr>
<td>01/22/2024</td>
<td>Subcommittee Work Session</td>
<td>01/31/2024 09:00 am LOB 306-308</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>Executive Session</td>
<td>02/07/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>Committee Report</td>
<td>Ought to Pass with Amendment # 2024-0510h 02/07/2024 (Vote 20-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>Amendment # 2024-0510h</td>
<td>AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>Ought to Pass with Amendment</td>
<td>2024-0510h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>Referred to Finance</td>
<td>02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>Division Work Session</td>
<td>03/06/2024 03:05 pm LOB 212</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>Executive Session</td>
<td>03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>Committee Report</td>
<td>Ought to Pass 03/26/2024 (Vote 25-0; RC) HC 14 P. 10</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>Ought to Pass</td>
<td>MA DV 363-17 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>Introduced and Referred to</td>
<td>Finance; SJ 10</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>Hearing</td>
<td>04/23/2024, Room 103, SH, 01:45 pm; SC 16</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>Committee Report</td>
<td>Ought to Pass with Amendment #2024-1719s, 05/16/2024, Vote 6-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1307-FN, providing a supplemental appropriation for members of the retirement system receiving an accidental disability retirement allowance.

Hearing Date: April 23, 2024

Time Opened: 2:04 p.m. Time Closed: 2:16 p.m.

Members of the Committee Present: Senators Gray, Innis, Bradley, Birdsell, Pearl, D'Allesandro and Rosenwald

Bill Analysis: This bill makes a one-time supplemental allowance to members of the retirement system who are receiving an accidental disability retirement allowance, and provides for future supplemental allowances and cost of living adjustments for accidental disability beneficiaries to be granted without regard to years of creditable service.

Sponsors: Rep. Damon

Who supports the bill: Representatives C. McGuire and Howard; Arthur Beaudry; Janet Lucas; Brandon Montplaisir; Brian Ryll;

Who opposes the bill: Julie Smith

Who is neutral on the bill: Marty Karlon

Summary of testimony presented in support:

Representative Carol McGuire:

- This bill enables individuals who are retired on a disability retirement to receive the occasional cost of living increases that we grant.
- The last allowance was granted in 2022, and was limited to people who had served for 20 years. Unfortunately, if someone has been injured on the job they might not be able to continue to serve for 20 years. People who are otherwise qualified for that increase didn't get it due to that limitation.
- HB 1307-FN includes the one-time $500 benefit and changes the cost of living increase to add a disability retiree under RSA 100-A:6 to receive any supplemental granted by the Legislature regardless of how many years of service.
- Senator Birdsell asked about the new piece of legislation she's proposing for those individuals with a violent disability. Would they be included under this
Representative McGuire suggested amending RSA 100-A:6,II(d) to include the new legislation for those disabled by violence.

- Senator Rosenwald noted the $50,000 pension limit. Representative McGuire indicated it was set at $30,000. Most people out on accidental disability are in Group II and do not receive Social Security. An allowance of $50,000 without Social Security is more or less equivalent to $30,000 plus Social Security. She indicated she is open to amending that number. A Group II individual who doesn't get Social Security has a pension much less than someone who does receive Social Security.

Arthur Beaudry, President, New Hampshire State Permanent Firefighters' Retirement Association:

- HB 1307-FN would grant a stipend to retirees who have been injured in the line of duty. These individuals didn't want to retire; they were forced to retire due to injuries they sustained at work.
- Retirees have received one COLA since July 1, 2010. It was a 1.5 percent cost of living increase based on the member's retirement, capped at $50,000.
- Over the last decade the cost of living, based on the CPI-U has gone up approximately 20.33 percent, while COLAs granted to Group II police and firefighters over the same period were 1.5 percent. Over the last 20 years the cost of living has gone up approximately 64.53 percent. COLAs granted to Group II police and firefighters over that period were 12.25 percent and 15 percent respectively. That is over 52 percent of a pensioner's buying power that has been eliminated due to inflation and the lack of adequate COLAs.
- In 2022 the $500 stipend granted went to predominantly Group I individuals. Out of the $11.6 million cost, Group I individuals received $10.75 million, 92 percent of the total cost. Of the 23,267 eligible recipients, only 498 Group II fire individuals received the stipend.
- In 2023 the Senate amended a bill that allowed for a Group II COLA benefit to include Group I, and changed the eligibility of the stipend to members earning less than $30,000. Those changes eliminated a large number of Group II members.
- The average pension for a Group II firefighter is approximately $45,000; they do not receive Social Security.
- The Social Security Administration has given its members an 8.7 percent increase in 2023 and a 3.2 percent increase this year.
- Under the windfall elimination provision of 1984, if a Group II member were eligible for Social Security their benefit would be reduced by a minimum of 40 percent, and as much as 90 percent depending upon their pension.
- Predominantly, the New Hampshire Retirement System is what Group II members rely on for their retirement income.
- Without COLA adjustments, it will only be a matter of time before pensioners will be forced onto some kind of social service as their pensions will be devoured by inflation.
- Other states such as Maine, Massachusetts and Vermont provide their retirees with a cost of living adjustment.
• Granting a reasonable COLA for Group II retirees will greatly reduce the impact inflation has had on them over the last two decades.
• The stipend offered in this bill is nowhere near what retirees should receive, but it is a step in the right direction.

Neutral Information Presented:

Marty Karlon, New Hampshire Retirement System:
• They do not take a position on the bill as it is a policy decision.
• A temporary supplemental allowance (COLA), i.e., one-time payment, would affect approximately 800 accidental disability members or beneficiaries receiving a benefit. It's about a $400,000 appropriation.
• Senator Birdsell had inquired about SB 134. The $500 payment in HB 1307-FN actually is limited to anyone who is retired on or before July 1, 2018. The creation of the violent disability benefit in SB 134 has a retroactive look-back--anyone who retires on or after July 1, 2018. Because of their retirement date, folks who would be retroactively covered wouldn't be subject to the $500 payment. However, the second part of HB 1307-FN, receiving a COLA regardless of any service requirements, that portion of the bill would probably have to be amended next year with the new SB 134 benefit if it passes.
• Not all of these one-time payments or COLAs have been tied to a number of years of service. It has happened in the past when granted, but there is not always a service requirement included in the legislation.
HOUSE BILL 1466-FN

AN ACT relative to providing disaster relief funding to municipalities after a natural disaster.


COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill authorizes disaster relief aid for municipalities that suffer certain damage in natural disasters.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struck through.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1466-FN - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to providing disaster relief funding to municipalities after a natural disaster.

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

1  Purpose. The purpose of the emergency response and recovery fund is to provide immediate
2  liquidity for towns suffering a disaster to allow time for the town to go through the steps necessary
3  to petition for state or federal emergency funds. It is the intent that this grant would be
4  reimbursable from state or federal or disaster relief programs.
5  Emergency Management Powers; Governor; Disaster Declaration. Amend RSA 4:47, III to
6  read as follows:
7  III. The power to make, amend, suspend, and rescind necessary orders, rules, and
8  regulations to carry out the provisions of this subdivision in the event of a disaster beyond local
9  control; provided that civil liberties shall on no account be suspended, nor shall the United States
10  Constitution or the New Hampshire Constitution be suspended. The governor may declare a
11  disaster in the event of a natural disaster or severe weather event in one or more
12  municipalities.

21  New Section; Homeland Security and Emergency Management; Municipal Road and Bridge
22  Disaster Relief Funding. Amend RSA 21-P by inserting after section 37-d the following new section:
23  21-P:37-e Disaster Relief Procedures.
24  A municipality may request infrastructural disaster relief more than once in a calendar year,
25  but shall not receive more than $100,000 in grant money in a calendar year. Requests shall be filed
26  with the joint legislative fiscal committee within 45 days after the governor's declaration. Moneys
27  shall be distributed from the New Hampshire disaster relief fund established in RSA 21-P:46-a. The
28  joint legislative fiscal committee may decide to appropriate a lesser amount to the request based on
29  available funding.

4  Emergency Response and Recovery Fund; Disaster. Amend RSA 21-P:46 to read as follows:
21-P:46  New Hampshire Emergency Response and Recovery Fund. There is hereby established
24  a New Hampshire emergency response and recovery fund. The fund shall provide a source for the
25  matching funds required as a commitment to secure federal emergency management agency relief
26  assistance grants for costs incurred in disasters declared by the president of the United States. The
27  fund shall also provide a source for emergency funds to be dispersed to municipalities that
28  have incurred damage from natural disasters. The fund shall be nonlapsing and continually
29  appropriated to the department of safety.

5  Effective Date. This act shall take effect upon its passage.
AN ACT relative to providing disaster relief funding to municipalities after a natural disaster.

**FISCAL IMPACT:** [ X ] State [ ] County [ X ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Disaster Relief Aid - Indeterminable</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Department of Safety Position Cost - $91K in FY25, $90K in FY26, and $93K in FY27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund, NH Emergency Response and Recovery Fund, NH Disaster Relief Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>Indeterminable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**METHODOLOGY:**

This bill:
- Authorizes the Governor to declare a disaster in the event of a natural disaster or severe weather event in one or more municipalities.
- Within 45 days of a declaration, authorizes any municipality to request, directly to the Joint Legislative Fiscal Committee, infrastructural disaster relief aid of up to $100,000 in any calendar year.
- States that any aid approved would be disbursed from the NH Disaster Relief Fund in RSA 21-P:46-a, however, the bill amends RSA 21-P:46, relative to the New Hampshire Emergency Response and Recovery Fund to allow for such use.
  - RSA 21-P:46, NH Emergency Response and Recovery Fund – Current Balance = $0
To the extent this bill provides no new funding, the number of requests approved cannot be predicted, this bill’s fiscal impact relative to relief aid cannot be estimated. To administer the provisions of this bill, the Department of Safety states it would need one (1) supervisor III position for a total cost of $91,000 in FY 2025, $90,000 in FY 2026, and $93,000 in FY 2027 (assuming a start date of July 1, 2024). It should be noted this bill provides neither authorization nor funding for new personnel.

The Department has provided the following information from the most recent presidentially declared or sought after disasters.

<table>
<thead>
<tr>
<th>FEMA Declared</th>
<th>Date(s)</th>
<th>Type of Incident</th>
<th># Communities Involved</th>
<th>PDA Matrix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>07/09/23 - 07/17/23</td>
<td>Severe Storm/Flooding</td>
<td>41</td>
<td>$8,668,188</td>
</tr>
<tr>
<td>No</td>
<td>04/01/23 - 05/01/23</td>
<td>Severe Storm/Flooding</td>
<td>15</td>
<td>$2,115,071</td>
</tr>
<tr>
<td>No</td>
<td>03/13/23 - 03/15/23</td>
<td>Severe Storm/Winter</td>
<td>18</td>
<td>$1,871,295</td>
</tr>
<tr>
<td>Yes</td>
<td>12/22/22 - 12/25/22</td>
<td>Severe Storm/Flooding</td>
<td>30</td>
<td>$1,544,043</td>
</tr>
<tr>
<td>Yes</td>
<td>07/29/21 - 08/02/21</td>
<td>Severe Storm/Flooding</td>
<td>17</td>
<td>$3,260,518</td>
</tr>
<tr>
<td>Yes</td>
<td>07/17/21 - 07/19/21</td>
<td>Severe Storm/Flooding</td>
<td>11</td>
<td>$2,247,265</td>
</tr>
</tbody>
</table>

$19,706,380

Once an incident occurs, the State of New Hampshire completes the initial damage assessments (IDAs), and a determination is then made to request joint preliminary damage assessments (PDAs), which are cited in 44 CFR 206.33. Accurate and comprehensive PDAs are critical to enabling efficient response and recovery. The number of communities involved in each incident could each request up to $100,000 in funding under this bill. The Department states the goal of the PDA is to validate enough damages to document that the localized impacts are significant and financially exceeds the per capita indicators. It is important to note that not every local government or private nonprofit participates during the PDAs. Entities with the highest amount of known damages from the IDAs are prioritized. Documentation is received to support that work has either been completed or that work remains to be completed. Work to be completed is calculated utilizing cost estimates and typically is at a value less than market value and is not inclusive of all costs that a municipality has incurred due to the incident. In summary, the Department states financials gathered during the PDAs should be merely used as an assumption to the true scale and magnitude of damages.

AGENCIES CONTACTED:

Department of Safety
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1</td>
</tr>
<tr>
<td>01/11/2024</td>
<td>H</td>
<td>Public Hearing: 01/24/2024 11:15 am LOB 306-308 HC 2 P. 2</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/02/2024 10:00 am LOB 302-304</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Executive Session: 02/07/2024 10:30 am LOB 306-308</td>
</tr>
<tr>
<td>02/09/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0528h 02/07/2024 (Vote 20-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0528h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0528h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/05/2024 02:15 pm LOB 209</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; RC) HC 14 P. 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Finance; SJ 10</td>
</tr>
<tr>
<td>04/23/2024</td>
<td>S</td>
<td>Hearing: 04/30/2024, Room 103, SH, 01:30 pm; SC 17</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1466-FN, relative to providing disaster relief funding to municipalities after a natural disaster.

**Hearing Date:** April 30, 2024

**Time Opened:** 1:33 p.m.  
**Time Closed:** 1:58 p.m.

**Members of the Committee Present:** Senators Pearl, Gray, Innis, Birdsell and Rosenwald

**Members of the Committee Absent:** Senators Bradley and D’Allesandro

**Bill Analysis:** This bill authorizes disaster relief aid for municipalities that suffer certain damage in natural disasters.

**Sponsors:**
- Rep. Aron
- Rep. Buco
- Rep. Creighton
- Sen. Pearl
- Rep. Drye
- Rep. Cloutier
- Rep. Spillane
- Sen. Watters
- Rep. Weyler
- Rep. Heath
- Rep. Terry

**Who supports the bill:** Representatives Aron, Cloutier and Damon; Katherine Heck; Ryanne Schoonover; Donald Revane; Mark Florence; Gary Kendall; Wiltrud Mott-Smith; Chuck Rhoades; Stella Scott; Amy Antonucci; Janet Lucas; Gary McCool; Hannah Waris; Richard DeMark; Matthew Richards; Susan Moore; Ann Boulanger; Lois Cote; Kim Gillis; Claudia Istel;

**Summary of testimony presented in support:**

**Representative Judy Aron**, Prime Sponsor:
- In July 2021 and again in July 2023, many towns experienced flooding due to heavy rains. After the July 2021 floods, in 2022, the Legislature passed SB 409, which provided for state funded disaster relief loans to be accessible by municipalities from the State Treasury after a federal disaster declaration was made by the President of the United States. This was basically to help the municipalities pay for repair work, essentially tiding them over until reimbursement is received from FEMA. The problem with this method is that it is wholly unworkable and inexpedient for the municipality for a few reasons.
- Towns have to wait many weeks, often months for a federal disaster declaration to be made by the President of the United States. Towns don't have the luxury of waiting weeks and months to make their roads passable and safe. You cannot access state loan money until a federal disaster is declared.
• The timing to obtain a loan from the state is way too long considering a municipality cannot get a loan until they also get approval from the town voters. That involves setting up a special town meeting. It can take two months for a special town meeting to get arranged, especially if a bond attorney is needed by the town for obtaining a state loan, plus a special town meeting can be a huge expense for a small town. This is problematic for towns who wish to get the zero interest loans from the state per RSA 21-P:37-c.

• Further legislation would be needed to streamline the special town meeting process in the event of a disaster. It took the town of Acworth 66 days to get permission to hold and schedule a special town meeting in 2021.

• The loan process set up in SB 409 sought to fix such a situation, but it did not work. There still is no other emergency statutory vehicle to help municipalities get back on their feet quickly.

• In 2022 the residents of Acworth authorized a $2.1 million loan from Mascoma Bank. They have finally paid back that loan, along with $60,000 in interest, because FEMA reimbursement was so excruciatingly slow.

• Acworth still has enormous financial challenges facing them. Four roads are still closed, including 2 major commercial thoroughfares.

• Since SB 409 went into effect, Representative Aron is unaware of any town that has applied for or received a state zero interest loan after a flooding event. Acworth didn't even apply for the state loan after the 2023 flood as the process wasn't in place. The town had already exceeded the amount it could borrow, and it couldn't incur the expense of a special town meeting.

• Reimbursement from FEMA can take years. Acworth has been waiting 3 years for reimbursement on some of the projects from the work that had been done for the 2021 flood. The town still has 5 projects outstanding from FEMA from the 2021 flood. In the meantime, the 2023 flood washed away most of the work it did to repair roads from the 2021 flood. The town has just begun to formulate and submit project reimbursement for that damage. So far, only one of those projects has been obligated by FEMA. Had Acworth received all of the financial help it needed to get repairs done from the 2021 flood, it wouldn't have experienced so much more damage in July 2023.

• Small towns like Acworth, with its 850 residents, cannot absorb the kind of damage done overnight by these kinds of natural disasters. Small towns could save money for 20 years and not be able to make themselves whole because they don't have the tax base and resources to fully recover. Decades of investment in roads and bridges were demolished in one night causing issues concerning safety, commerce, the environment and quality of life.

• Acworth suffered tens of millions of dollars of road damage, bridge damage and crop damage. Road repair work has been slow and expensive, and not all of it is eligible for FEMA reimbursement. On top of that, FEMA only pays to put the road back to the condition it was before the disaster event, so they may not cover mitigation efforts of larger culverts or road or stream diversion to prevent similar destruction from reoccurring.

• Going with FEMA's hazard mitigation program is a much longer process. The New Hampshire Department of Environmental Services has been more
responsive regarding emergency permitting and engineering work, but the department is also fraught with much bureaucracy. The New Hampshire Department of Homeland Security Emergency Management has also been responsive and helpful. But, it's taking almost a year to address mitigation plans for the flooding of Bowers Brook in the town, situated by historic buildings and the village store.

- Towns need access to funding as quickly as possible, especially when the window of time to do construction work before winter may be short. The current processes are extremely time consuming. After the July 2021 flood in Acworth, both DES and Homeland Security Emergency Management did not arrive in town to assess damage until September 8, 2021—a full month and a half after the flooding. Yet in that time period, the town had to make roads passable, not only for emergency vehicles, but for the residents' safety. Literally, it had one road available to get in and out of town for a time.

- Currently, Acworth still has 4 roads closed, and a totally destroyed bridge that won't be repaired for another two years.

- Funds are available in the state, but there is no statutory vehicle to get any kind of emergency funding to a municipality. HB 1466-FN would create such a vehicle. A state fund has already been established. It needs to be funded to allow towns that need help after a disaster to access it.

- HB 1466-FN proposes the Governor of the state declare a natural disaster in the state, which would then allow municipalities to apply for grant funding from the existing Emergency Response and Recovery Fund in RSA 21-P:46. The bill amends the statute to include municipalities to access funding. Money from the Rainy Day Fund could be used for the recovery fund. A municipality, with the help of Homeland Security Emergency Management, could make a request for assistance to the Joint Legislative Fiscal Committee. This would go a long way to help a municipality get back on its feet more quickly than waiting months and years for money to come from the federal government.

- SB 402-FN was supposed to help our municipalities relieve their financial burden. It allowed for a 50 percent share between the state and the municipality of the nonfederal share of projects eligible for costs relating to FEMA public assistance grants. In January 2024, Acworth had sent the state a list of the projects, with cost and reimbursement data, and what the town is expecting back in reimbursement from the state, amounting to $102,798.79. Acworth is still waiting for that 50 percent match from the 2021 FEMA reimbursements. Other affected towns haven't even asked for the match as they don't think they'll ever see it. Many towns are unaware of such a match.

- FEMA is changing some of its rules as to what is reimbursable and what is not. You can never tell what FEMA will accept for reimbursement. It has always been an uncertainty for towns as to what expenses will be reimbursed by FEMA. Some towns are tired and disgusted by working with FEMA. It has been a bureaucratic nightmare and towns don't get back nearly as much money as they file claims for. These small towns do not have the staff or time to deal with FEMA. They would rather have a state program in place to help them. It would
be much more expedient and efficient. Other states such as Florida have such a program.

- A state program would go a long way in quickly helping a small town with little resources to begin to rebuild after a natural disaster, and make roads and other infrastructure safe for its residents and businesses. It can help a town pay for various expenses, especially if the town doesn't have ample funds or funds in capital reserves. Small towns do save capital reserve funds for emergencies, but often it is not nearly enough to cover extensive damage.

- From 2005-2019, the federal government as a whole spent at least $460 billion on disaster costs. It has been suggested FEMA is beginning to run out of reimbursement money, and that they are backing away from funding certain reimbursement requests. As a state we must be prepared to help ourselves.

- Senator Rosenwald inquired about the requirements of the two funds noted in the bill. Statutory language may be needed to allow municipalities to access either fund. Representative Aron agreed that might be needed to accommodate a municipality's request. She suggested if a request is made to the Fiscal Committee, the committee could decide which fund it would place the money into.  Senator Rosenwald asked about a source of funds or an appropriation. Representative Aron envisions the Fiscal Committee would make that decision. Available monies could come from the Rainy Day Fund, the General Fund or any other available funds.

**Representative John Cloutier:**

- Representative Cloutier echoed the testimony of the prime sponsor.
- When a natural disaster hits these small communities it is devastating to their budgets.
- HB 1466-FN is an improvement on what we've tried to do in the past. The previous legislation was well intentioned, but did not go far enough.
- Our small communities do not have large tax bases, or large populations.
- In view of our changing weather patterns, these types of events are likely to continue.

**Katherine Heck, New Hampshire Municipal Association:**

- When our smaller communities are faced with a natural disaster, they don't typically work with FEMA on a regular basis. Homeland Security and FEMA are excellent partners, but it is a time consuming process.
- At the right time of the year, $100,000 could make a huge difference in getting a road open for their community.
- Natural disasters are extremely difficult to recover from.

**Representative Hope Damon:**

- Representative Damon reviewed for committee members the scant town staff available to work on recovery efforts. When these types of events happen, it's an all-volunteer team trying to work its way through the myriad of things to be done. It is unfamiliar territory.
- For most of these rural towns, the number of miles of road is disproportionate to the number of its residents. A large part of the budget goes to maintaining these roads prior to the occurrence of any natural disaster. There is simply not the depth of resources needed.
HOUSE BILL 1579-FN

AN ACT relative to the merging of school administrative units.


COMMITTEE: Education

ANALYSIS

This bill allows for the merger of school administrative units.

Explanation: Matter added to current law appears in *bold italics.* Matter removed from current law appears in *brackets and struckthrough.* Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the merging of school administrative units.

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

1 School Administrative Units; Organization, Reorganization, Withdrawal, or Merger. Amend the heading of RSA 194-C:2 to read as follows:

194-C:2 Organization, Reorganization, Withdrawal, or Merger.

2 New Paragraph; School Administrative Units; Merger. Amend RSA 194-C:2 by inserting after paragraph IV the following new paragraph:

V.(a) Pre-existing school administrative units may merge their administrative office with another pre-existing school administrative unit to consolidate administrative costs. Such mergers shall meet the following condition: the proposed merged school administrative unit shall have only one superintendent, or personnel responsible for superintendent duties pursuant to RSA 194-C:5, II-a.

(b) The planning committee shall study and evaluate mergers in the same manner provided for reorganization under paragraph III.

(c) Any school administrative units who are approved for merger by the planning committee shall be awarded a merger grant of an additional $200 per pupil in the merged administrative unit annually for a period of 2 years. In order to qualify for a grant under this subparagraph, the merger must be completed by July 1, 2030. The source of funds for grants under this subparagraph shall be moneys from the education trust fund established in RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this subparagraph.

(d) The number of students, as defined for the purpose of the merger grant, shall be measured based on the school district in which the student resides and is educated at the school district's expense as of the October 1st count. The count shall not include charter school students.

(e) All school districts served by the newly merged school administrative unit shall be eligible for the merger grant.

3 Effective Date. This act shall take effect July 1, 2024.
AN ACT relative to the merging of school administrative units.

FISCAL IMPACT:  
[X] State  
[ ] County  
[X] Local  
[ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>DOE Admin - $35,000 (General Funds)</td>
<td>Grant Program - Indeterminable Increase (Education Trust Fund)</td>
<td></td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund, Education Trust Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>&quot;Open Warrant&quot; for Grants</td>
<td></td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>Education Trust Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] N/A

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td></td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**METHODOLOGY:**

This bill, effective in FY 2025, creates a $200 per pupil grant to be awarded for two years for any district that merge school administrative units (SAU) and in which the merger results in an SAU serving more than 1,500 students. This bill also establishes an open warrant (appropriation) to the Department of Education from the education trust fund for the grants. The Department states most districts will pass their school year 2025 budget in the spring of 2024, before this bill would be enacted. Therefore, the earliest a district might realistically pursue this grant would be FY 2026. However, it would take some planning and organizing to get the votes and redesign the new SAU, so the Department assumes districts would be slow to take advantage of this grant at first. Of the 104 SAUs that existed in school year 2023, 68 had fewer than 1,500 students residing in the district they served. The Department cannot forecast which SAUs would apply for this grant and how many students a merger would result in, therefore, this bill’s impact on
state education trust fund expenditures and local school district revenue in FY 2026, and beyond, is indeterminable.

The Department states it would incur approximately $35,000 in one-time administrative costs, to set up this grant program. Funding for administrative costs is not included in this bill.

AGENCIES CONTACTED:
Department of Education
<table>
<thead>
<tr>
<th>Date</th>
<th>Entity</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education HJ 1</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 01/22/2024 02:45 pm LOB 205-207</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/11/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-1128h 03/13/2024 (Vote 20-0; CC) HC 12 P. 12</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1128h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1128h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Education; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 101, LOB, 09:10 am; SC 15</td>
</tr>
<tr>
<td>04/24/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1624s, 05/02/2024, Vote 3-1; SC 17</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Amendment # 2024-1624s, AA, VV; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Ought to Pass with Amendment 2024-1624s, MA, VV; Refer to Finance Rule 4-5; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/07/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1579-FN, relative to the merging of school administrative units.

Hearing Date:        April 16, 2024

Time Opened:         9:42 a.m.        Time Closed: 9:57 a.m.

Members of the Committee Present: Senators Gendreau, Lang, Prentiss and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis:       This bill allows for the merger of school administrative units.

Sponsors:
Sen. Lang


Who is neutral on the bill: Mark Manganiello, Barrett M. Christina.

Summary of testimony:

Representative Jim Tierney

Coos – District 1

- There were 107 public school administrative units in the State, excluding 31 charter schools.
- Salaries for public school superintendents, their assistants, and business managers totaled $29m in 2023.
- The $29m figure does not include secretaries, accounts payable, accounts receivable, nor other SAU positions or expenses.
- Superintendent salaries ranged from $15,000 to $192,651.
- SAU populations ranged from 40 students to a high of 12,000.
- There were 11 SAUs with student populations higher than the entire student population of Coos county.
- Portsmouth had the same number of students as all of Coos county and had one SAU, meanwhile Coos county had five. HB 1579 would incentivize district mergers to lessen expenses, providing an extra $200 per student in the merged district for two years.
- Rep. Tierney found the prescriptive nature of other merger bills to be too strict.
• Sen. Lang asked for the planning committee referenced several times in HB 1579 to be explained.
  o Rep. Tierney said the planning committee was statutorily set, and was effectively the districts interested in merging. A committee would form to determine representation, board composition, grant disbursement, etc.
• Sen. Lang asked why there was a two-year sunset provision effective July of 2026.
  o Rep. Tierney said they wanted to set up the program in a way that would prevent double dipping: Rep. Tierney imagined a merger being reneged upon only to be reengaged to double up on the increased aid.
• Sen. Prentiss asked what the downsides to a merger would be.
  o Rep. Tierney said there may be a loss of local control, and that more people would have input in the SAU.
  o Some towns may end up with slightly disproportionate representation. Towns would save significant money, however.
• Sen. Prentiss asked how many people could potentially lose their jobs in Coos from a merger.
  o Coos county had 46 staff among five SAUs. A merger would reduce administration to one superintendent, one assistant, and a business manager who may have an assistant. Secretaries, accounts receivable, and accounts payable would diminish.
  o HB 1579’s language mandates that a merged district will have one superintendent, and one business manager.
  o 30 people may lose their job from a merger according to Rep. Tierney.

Barrett Christina

New Hampshire School Boards Association
• The NHSBA took no position on HB 1579.
• Mr. Christina asked that the Committee reconsider lines 15-16, which state that mergers must be completed by July 1st of 2026.
  o An SAU merger withdrawal reorganization usually took two years itself, districts would have to review SAU status currently, which would have required a warrant during the spring town meeting process.
• Mr. Christina suggested moving the effective date to 2027, or 2028 to align with the State Budget

Mark Manganiello,

Business Administrator, Bureau of School Finance

New Hampshire Department of Education
• Sen. Lang asked if the deadline should be pushed back given the requisites for a merger.
  o Mr. Manganiello said it was unlikely that anyone would be successful in the current window and affirmed that the deadline should be extended so more could act on a merger.

PM
Date Hearing Report completed: April 22, 2024
HB 1231 - AS AMENDED BY THE HOUSE

14Mar2024... 0887h

2024 SESSION

24-2170
05/08

HOUSE BILL 1231

AN ACT permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

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

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

IV. “Cultivation location” means a locked and enclosed site, under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with the provisions of this chapter, or under the control of a qualifying patient or designated caregiver where cannabis is cultivated and which meets the requirements of this chapter.

2 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, VI to read as follows:

VI. "Designated caregiver" means an individual who:

(a) Is at least 21 years of age;

(b)(1) Has agreed to assist with one or more (not to exceed 5) qualifying patients in the therapeutic use of cannabis, except if the qualifying patient and designated caregiver each live greater than 50 miles from the nearest alternative treatment center, in which case the designated caregiver may assist with the therapeutic use of cannabis for up to 9 qualifying patients; or

(2) Has agreed to cultivate cannabis for therapeutic use pursuant to this chapter for no more than one qualifying patient;

(c) Has never been convicted of a felony or any felony drug-related offense; and

(d) Possesses a valid registry identification card issued pursuant to RSA 126-X:4.

3 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1 by inserting after paragraph VI-a the following new paragraphs:

VI-b. “Immature cannabis plant” means a cannabis plant that has not flowered and which does not have buds that may be observed by visual examination and which is at least 12 inches tall.

VI-c. “Mature cannabis plant” means a cannabis plant that has flowered and that has buds that may be observed by visual examination.

4 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, XIII(c) to read as follows:

(c) Cultivation by a designated caregiver or qualifying patient, except as provided under RSA 126-X:2, II-a and II-b.

5 New Paragraphs; Use of Therapeutic Cannabis Purposes; Protections. Amend RSA 126-X:2 by inserting after paragraph II the following new paragraphs:
II-a. Except as provided in RSA 126-X:3, VII(b), a qualifying patient or designated caregiver who has reported to the department a cultivation location that meets the requirements of this chapter, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if, at the cultivation location, while transporting cannabis and cannabis plants and seedlings to a new cultivation location that has been reported to the department within the prior 21 days, or while transporting cannabis seedlings from an alternative treatment center to the cultivation location, the qualifying patient or designated caregiver possesses or cultivates an amount of cannabis that does not exceed the following:

(a) Eight ounces of usable cannabis;
(b) Any amount of unusable cannabis; and
(c) Three mature cannabis plants, 3 immature cannabis plants, and 12 seedlings.

II-b. A cultivation location under the control of a qualifying patient or designated caregiver shall meet the following requirements:

(a) It shall be at the qualifying patient’s or designated caregiver’s residence.
(b) It shall be reported to the department, except that either the qualifying patient or their designated caregiver, but not both, shall report a cultivation location to the department.
(c) It shall be locked and enclosed.
(d) The cannabis plants shall not be subject to public view, including from another private property, without the use of optical aids.
(e) It shall have a canopy of no more than 50 square feet, except that if more than one qualifying patient, designated caregiver, or both, share a cultivation location, the total canopy of all cannabis plants shall not exceed 100 square feet.

6 Use of Therapeutic Cannabis; Purposes; Protections. Amend RSA 126-X:2, III to read as follows:

III. A designated caregiver may receive compensation for costs, not to exceed $500 per calendar year, not including labor, associated with assisting a qualifying patient who has designated the [designated] caregiver to assist him or her with the therapeutic use of cannabis. Such compensation shall not constitute the sale of [controlled substances] a controlled drug pursuant to RSA 318-B.

7 Use of Therapeutic Cannabis; Protections. Amend RSA 126-X:2, XV to read as follows:

XV. A laboratory, and the employees thereof, which conducts testing of cannabis [required under rules for] delivered to it by alternative treatment centers, [adopted under this chapter, and the employees thereof qualifying patients, or designated caregivers, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the premises
of the laboratory for the purposes of testing, and, in the case of a laboratory employee, denied any
right or privilege for working for such a laboratory.

8 Use of Therapeutic Cannabis; Prohibitions and Limits. Amend RSA 126-X:3, I to read as
follows:

I. A qualifying patient may use and a qualifying patient or designated caregiver may
cultivate cannabis on privately-owned real property only with written permission of the property
owner or, in the case of leased property, with the permission of the tenant in possession of the
property, except that a tenant shall not allow a qualifying patient to smoke cannabis on rented
property if smoking on the property violates the lease or the lessor's rental policies that apply to all
tenants at the property. A tenant or guest of a tenant shall not cultivate cannabis on rented
property if the lessor has prohibited therapeutic cannabis cultivation. However, a tenant
may permit a qualifying patient to use cannabis on leased property by ingestion or inhalation
through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of
this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the
cannabis.

9 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA
126-X:4, I by inserting after subparagraph (h) the following new subparagraph:

(i) The qualifying patient's cultivation location, if any.

10 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend
RSA 126-X:4, II by inserting after subparagraph (h) the following new subparagraph:

(i) The designated caregiver's cultivation location, where he or she may cultivate
cannabis on behalf of a single qualifying patient who has not reported a cultivation location.

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

IX.(a) A qualifying patient shall notify the department before changing his or her designated
caregiver or cultivation location. A designated caregiver shall notify the department before
changing his or her cultivation location.

12 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, XI to read
as follows:

XI.(a) The department shall create and maintain a confidential registry of each individual
who has applied for and received a registry identification card as a qualifying patient or a designated
caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain
the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of
registry identification card issuance, effective date of the registry identification card, date of
registry identification card expiration, [and] random 10-digit identification number, and
cultivation location, if any. The confidential registry and the information contained in it shall be
exempt from disclosure under RSA 91-A.
(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers and alternative treatment centers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the therapeutic use of cannabis.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe cannabis is possessed or cultivated at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or cultivation location [of an alternative treatment center].

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe a specific individual possesses or cultivates cannabis, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

(4) Requests by law enforcement officials under this section to the department pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or not the name or address was found in the registry, shall be confidential under this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such requests may be made public if it does not contain any identifying information regarding the specific law enforcement request.

(5) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has reason to believe the information is false or falsified.

13 New Paragraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4 by inserting after paragraph XII the following new paragraph:

XIII.(a) No later than December 1, 2024, the department shall allow existing and new qualifying patients and designated caregivers to report a cultivation location provided that:

(1) A qualifying patient may report a cultivation location only if he or she does not have a designated caregiver who has reported a cultivation location.

(2) A designated caregiver may report a cultivation location only if he or she does not have a qualifying patient who has reported a cultivation location.

(b) No individual shall report a cultivation location if such individual's permission to cultivate has been revoked pursuant to RSA 126-X:3, VIII(b).

14 Use of Therapeutic Cannabis; Affirmative Defense. Amend RSA 126-X:5, I to read as follows:

I. It shall be an affirmative defense for any person charged with manufacturing, possessing, having under his or her control, selling, purchasing, prescribing, administering, transporting, or
possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation containing cannabis, if:

(a) The actor is a qualifying patient who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis;

(b) The actor is a designated caregiver who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient; or

(c) The actor is an employee of a laboratory conducting testing required for alternative treatment centers pursuant to rules adopted under this chapter or that tests cannabis provided to it by qualifying patients and designated caregivers.

15 New Subparagraph; Use of Therapeutic Cannabis; Alternative Treatment Centers. Amend RSA 126-X:8, XIII by inserting after subparagraph (c) the following new subparagraph:

(d) A qualifying patient or designated caregiver shall not obtain from an alternative treatment center more than 12 seedlings during a 3-month period.

16 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limits. Amend RSA 126-X:3, VII to read as follows:

VII.(a) 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.

(b) The department may revoke a qualifying patient’s or designated caregiver’s permission to cultivate cannabis for a violation of the rules adopted by the department or for a violation of any provision of this chapter.

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

XV.(a)(1) An alternative treatment center shall not possess or cultivate cannabis in excess of the following quantities:

[4] (A) Eighty mature cannabis plants, 160 [seedlings] immature cannabis plants, and 80 ounces of usable cannabis[, or 6 ounces of usable cannabis per qualifying patient]; and

[2] (B) Three mature cannabis plants, 12 [seedlings] immature cannabis plants, and 6 ounces of usable cannabis for each qualifying patient registered [as a qualifying patient] under this chapter.

(2) An alternative treatment center shall not be limited in the number of seedlings it can possess or cultivate.
Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6, III(a)(15) to read as follows:

(15) Procedures for determining and enforcing the daily maximum amount of therapeutic cannabis which an alternative treatment center may cultivate or possess pursuant to RSA 126-X:8, XV(a)(1).

Effective Date. This act shall take effect July 1, 2024.
<table>
<thead>
<tr>
<th>Date</th>
<th>Abbr</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/18/2024 02:00 pm LOB 210-211</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 11:00 am LOB 203</td>
</tr>
<tr>
<td>03/05/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-0887h 02/21/2024 (Vote 15-4; RC)</td>
</tr>
<tr>
<td>03/05/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Amendment # 2024-0887h: AA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0887h: MA RC 294-66 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 101, LOB, 01:30 pm; SC 15</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1231, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

Hearing Date: April 18, 2024

Members of the Committee Present: Senators Birdsell, Bradley and Prentiss

Members of the Committee Absent: Senators Avard and Whitley

Bill Analysis: This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

Sponsors:

Who supports the bill: Dr. Jerry Knirk (Therapeutic Cannabis Medical Oversight Board), Rep. Heath Howard, Rep. Erica Layon, Rep. Wendy Thomas, Ted Wright, Paul Twomey, Matt Simon (Granite Leaf Cannabis), Dr. Joe Hannon, Michael Bisson, Hayden Smith, Dan Watkins, Curtis Howland, Janet Lucas, Brian Homer, Martha Jaquith, Carl Manikian, Dorothy Brozek, Ryan Donnelly (Granite State Independent Living), Rachel Valladares, James Riddle, Karen O'Keefe, Timothy Egan (NHCANN)

Who opposes the bill: Elizabeth Sargent (NH Assoc. of Chiefs of Police), Laura Condon, Patricia Tsagaris, Daniel Richardson

Who is neutral on the bill: No one

Summary of testimony presented in support:
Rep. Thomas
- Rep. Thomas said this topic has come up before. This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.
- One reason we need this bill is cost. Cannabis is not covered by insurance. If you are a patient who uses a lot to control symptoms it can be expensive.
- Rep. Thomas said this is a vulnerable population as many might not be able to hold jobs.
- This bill helps low-income, immobile, or homebound patients who need medicinal cannabis to be able to grow their own medication or get help doing so.
- Dispensary locations can also be a barrier to access. There are only 7 dispensary locations in NH. Not all patients have cars.
Another reason this bill is needed is strains. Everyone reacts differently to different cannabis strains. The strain that works best for an individual might be discontinued, therefore growing is a good option.

Rep. Thomas said she has had Long Covid and has had 3 major cancer surgeries and has relied on cannabis to get through.

The NH therapeutic cannabis program began in 2013. Since it began, we’ve learned about the program and patients’ needs and have modified the program.

Since 2009, the NH House has supported allowing patients with qualifying conditions to cultivate a limited supply of cannabis. In 2012 and 2019 the Senate agreed but the governor vetoed the legislation.

This bill has guardrails. Patients are still bound by the guidelines of the program. If the plants are grown outside, they cannot be in view of another private property. There are certain limitations on how much one can grow. It would authorize 3 mature flowering plants, 3 immature non-flowering plants, and 12 seedlings. Additionally, the plants must be kept in a locked, secured location that is reported to the state. Patients would also have access to state labs for testing for contamination like mold.

This bill does not mean that every patient will start growing plants.

The bill does not create dealers or suppliers. To be in the program you must sign a contract that stipulates how much cannabis you can have, where you can keep it, and where you can use it.

This is a medical program for very sick patients.

Secure home cultivation is not causing problems in other states that have reasonable safeguards. No state has repealed home cultivation.

Allowing home cultivation provides financial relief. It also helps to displace the illicit market.

Rep. Thomas provided statistics regarding what surrounding states allow for home cultivation. Connecticut allows up to three mature plants and three immature plants. Maine allows up to six flowering plants, 12 immature plants, and unlimited seedlings. Massachusetts allows up to twelve plants. Rhode Island allows 12 mature plants and 12 immature plants. Vermont allows up to two mature plants and seven immature plants.

Dispensaries support this bill and are ready to offer educational classes.

Rep. Thomas said police have some concerns about how they would know whether or not someone is a patient if they see cannabis. The therapeutic cannabis program issues cards, similar to a drivers’ license, to patients registered with the program.

Dr. Jerry Knirk

Dr. Knirk stated that the Therapeutic Cannabis Medical Oversight Board supports the bill.

The bill will help with affordability, accessibility, and availability of certain strains.

The board held a listening session two years ago to obtain feedback from patients about the program. The most common concerns they heard were issues of affordability of products, accessibility of ATCs and availability of specific strains.

Different cannabis strains have different cannabinoid and terpene profiles. Several patients felt home cultivation would address these problems.

The bill allows a home cultivator to submit their cannabis to a lab for testing. This will allow them to know the profile and ensure safety.

The bill also allows ATCs to provide seedlings knowing the cannabinoid profile, which will help someone get the strain they need.
• Seeds for cannabis are federally legal and are available with specific cannabinoid content.
• The bill has robust protections in terms of limitations of number of plants that can be cultivated, the registration of cultivation sites, and they must be enclosed and locked.
• He explained that the house amended the bill to remove language from the original bill that provided for an affirmative defense for patients that had applied for a card but had not yet received it.

Michael Bisson
• Mr. Bisson is concerned with cost. He said that most people who have chronic pain take strong medications, but cannabis is only moderately effective. He said that switching to cannabis means transitioning from strong medication to only a moderate pain killer. Mr. Bisson said if you are in the therapeutic cannabis program, doctors will not also prescribe these strong pain killers; it is either or.
• Mr. Bisson said once the plant is cured it is dissected 7 times before the flower is purchased.
• Mr. Bisson said he cannot juice a raw plant because he doesn’t have access to it.
• Dispensaries makes concentrates from working the raw product.
• If he can grow plants at home, he would be able to have all parts of the plant and could make what he needs.
• People on SSI live on under $1,000 a month and they cannot afford the dispensary.
• Mr. Bisson said he lives on a disability check; however, he still can work, which allows him to continue to own his home and go to the dispensary a little bit. He said he can afford one gram of plant material a day. A joint at the dispensary is about half to ¾ of a gram and cost $10.
• Mr. Bisson said he came back to NH from California because of the therapeutic cannabis program but found it was unaffordable.
• Mr. Bisson said that one ounce of product is one gram a day. He said that federal patients receive 300 joints a month.
• Mr. Bisson said this bill will benefit folks who are homebound as they will be able to cultivate their own plants and have enough product that they can use.

Sen. Prentiss asked what he meant by “juice.”
Mr. Bisson said he was referring to getting the juice out of the plant with a juicer. Raw plant is different than a cured plant. There is a higher level of benefit from a live plant. It means being able to use every bit of the product including stems and roots. Instead of being stuck with a joint to smoke, he could make juice, butter to cook with, or his own gummies. Mr. Bisson said Granite Leaf used to the take the floor samples and repackage them to sell at a lower price to people of limited income, however they no longer do so.

Ted Wright
• Mr. Wright is a former state representative.
• Mr. Wright explained what he and his wife have been through to illustrate why this is an important bill.
• His wife is a cancer patient who received a terminal diagnosis in 1994.
• In 2010 she got into a clinical trial that changed everything. After six months in the clinical trial, cancer was no longer detectable on her scans. The problem was that the treatment gave her chemotherapy-induced anorexia.
• After she had lost 32 pounds, they had to stop giving her the drug. A nurse suggested she try cannabis to be able to eat. She tried cannabis and within an hour was able to eat, and in three months she put all of the weight back on and stayed in the clinical trial for five years until it was approved by the FDA.
• She was on the drug for 11 years and though she has been off for 3 years, she continues to have issues with eating.
• The cost is an issue for them. Mr. Wright said that $350-400 a month is the equivalent of a car payment.
• They were faced with moving. They realized it would save them a considerable amount of money if they moved to Maine.
• Mr. Wright said that in Maine he can grow 6 plants a year for each of them, which is enough for his wife for the whole year. They know which strain she needs and use the same strain every year.
• Mr. Wright said he knows what goes into the plant. They start them in the bathtub and then move them out back. They have to keep it out of sight, and it has to be locked.
• The cost of the therapeutic cannabis program in NH is what drove them out of the state. With the cost of her treatments at $32,000 every 3 weeks, he could not afford the therapeutic cannabis.

Dr. Joe Hannon
• Dr. Hannon said this bill will allow patients to grow their own medications to save money.
• People can spend hundreds or thousands of dollars a year on medical costs.
• Dr. Hannon said this also could save the state money. He said it has been shown that states with robust medical cannabis programs have saved money on Medicaid costs.
• Cannabis cannot replace every medicine but for some it can.
• Dr. Hannon said NH allows home brew of 200 gallons of beer or wine a year for two adults per household. He said there is no oversight. He is asking the committee to do the same for something that has medical benefit.
• Many studies show gardening has a therapeutic effect for those with depression or anxiety. He said there is more than one reason to do this; it is not just about the money.

Paul Twomey
• Mr. Twomey was House legal counsel in 2013 when the first medical marijuana bill passed, however, he said he wasn’t involved in that.
• He has seen lives ruined by the needless criminalization of cannabis.
• He was a member of the cannabis study commission in 2017 or 2018. It was his job to read all scientific and medical literature.
• Mr. Twomey said he is a medical cannabis patient. He has sleep apnea and cannabis lessens the number of incidents he has in a night. He also has arthritis. He said that when he started taking cannabis for his sleep apnea he couldn’t open or close the fingers on his hand. He didn’t use cannabis for arthritis but after a few months he realized he could use his hand.
• Mr. Twomey said he had no access to medical care growing up. He said there are a lot of people like that, and they cannot afford the prices that ATCs have to charge.
• He said he takes the lowest amount of cannabis possible as he has no interest in being high. He said there isn’t a big market for that, so the cost is expensive.
• Many people have no access to be able to afford it.
• When he buys a small bottle, he is surprised by how expensive it is. He only takes one drop a night.
• This bill would give people the ability to access medicine so they can live without pain or be able to eat.

Matt Simon – Granite Leaf Cannabis
• Mr. Simon said Granite Leaf Cannabis strongly supports this bill. They are a nonprofit dedicated to serving patients.
• Patients are not well served by felony penalties for home cultivation.
• Their cultivation staff would love to teach classes if this becomes legal. They would like to provide seedlings.
• Regarding costs, they have worked hard to become more efficient. They have lowered prices. They have automated processes.
• In the first year, they only served few thousand patients. They now serve about 15,000 patients, which made it possible for them to do a better job.
• They recently reduced flower prices for the second time. Their most premium ounce of flower is now under $300.
• They have reduced prices across every product category, but the prices are still cost prohibitive for some patients.
• Mr. Simon provided a handout with the history of home grow legislation in NH.

Sen. Bradley said Mr. Simon just made the point that as the number of patients expanded, Granite Leaf Cannabis had greater scales of economy. Sen. Bradley asked if the prior bill that would open up the prescribing passed and potentially doubled the 15,000 patients they currently serve, if prices would continue to come down.
Mr. Simon said yes, that would enable them to further reduce prices.
Sen. Bradley said if the price stays in this range he would consider legalizing home grow, but if the prices are going to come down, he would consider the problems home grow can cause like the black market.
Mr. Simon said there is still a robust illicit market for cannabis and allowing someone to grow few plants would not add to that.
Dr. Knirk said he did not think HB1278 would cause a big expansion of therapeutic cannabis patients as the majority of providers do not have a solid enough feel of the program to be able to start referring patients.
HOUSE BILL 1283-FN

AN ACT relative to end of life options.


COMMITTEE: Judiciary

ANALYSIS

This bill establishes a procedure for an individual with terminal illness to receive medical assistance in dying through the self administration of medication. The bill establishes criteria for the prescription of such medication and establishes reporting requirements and penalties for misuse or noncompliance.

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

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

1 New Chapter; End of Life Options. Amend RSA by inserting after chapter 137-L the following new chapter:

CHAPTER 137-M

END OF LIFE OPTIONS

137-M:1 Definitions. In this chapter, unless the context otherwise requires, the following definitions shall apply:

I. “Adult” means an individual 18 years of age or older.

II. “Consulting health care provider” means a health care provider who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the individual’s disease.

III. “Dispensing health care provider” means a health care provider who is authorized to dispense prescription medications.

IV. "Health care entity" means an entity or institution, other than an individual, that is licensed to provide any form of health care in the state, including a hospital, clinic, hospice agency, home health agency, long-term care facility, pharmacy, group medical practice, or any similar entity.

V. “Health care provider” means any of the following individuals authorized by law to prescribe or dispense medications to be used in medical assistance in dying:

(a) A physician licensed pursuant to RSA 329;

(b) An osteopathic physician licensed pursuant to RSA 329;

(c) An advanced practice registered nurse licensed pursuant to RSA 326-B; or

(d) A pharmacist licensed pursuant to RSA 318; provided, however, that a pharmacist shall not qualify as a prescribing health care provider under RSA 137-M:1, X or as a consulting health care provider under RSA 137-M:1, II.

VI. “Informed decision” means a decision by a mentally competent individual to request and obtain a prescription for medications pursuant to this chapter, and that the qualified individual may elect to self-administer the medications to bring about the individual’s peaceful death. The informed decision shall be based on the individual’s appreciation of the relevant facts, after being fully informed by the prescribing provider and consulting provider of:

(a) The individual’s diagnosis and prognosis;

(b) The potential risk associated with taking the medications to be prescribed;

(c) The probable result of taking the medications to be prescribed;
(d) The feasible end-of-life care and treatment options for the individual’s terminal condition, including, but not limited to comfort care, palliative care, hospice care, and pain control, and the risks and benefits of each; and

(e) The individual’s right to withdraw a request pursuant this chapter, or consent for any other treatment, at any time.

VII. "Medical assistance in dying” means the practice wherein a health care provider evaluates a request, determines qualification, performs the duties described in RSA 137-M:6 and 137-M:7 and prescribes medications to a qualified individual who may self-administer the medications to bring about a peaceful death.

VIII. "Mental capacity" means an individual's ability to understand and appreciate health care options available to that individual, including significant benefits and risks, and to make and communicate an informed health care decision. A determination of capacity shall be made only according to professional standards of care and the provisions of RSA 137-J.

IX. "Mental health professional" means a state-licensed psychiatrist, psychologist, master social worker, psychiatric nurse practitioner or professional clinical mental health counselor.

X. "Prescribing health care provider" means a health care provider who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the individual’s disease, and prescribes medical assistance-in-dying medication.

XI. “Prognosis of 6 months or less” means the terminal condition will, within reasonable medical judgment, result in death within 6 months.

XII. "Qualified individual" means an individual who has met the requirements to receive medical assistance in dying pursuant to the provisions of this chapter.

XIII. "Self-administer" means taking an affirmative, conscious, voluntary action to take the prescribed medications.

XIV. "Terminal" means a condition that is incurable and irreversible and will result in death.

137-M:2 Prescribing Health Care Provider Determination; Patient Form. A prescribing health care provider may provide a prescription for medical-assistance-in-dying medications to an individual only after the prescribing health care provider has:

I. Determined that the individual has:

   (a) Mental capacity;

   (b) A terminal condition;

   (c) Prognosis of 6 months or less, or is enrolled in Medicare-certified hospice;

   (d) Voluntarily made the request for medical assistance in dying; and

   (e) The ability to self-administer the medical assistance in dying medications.

II. Determined that the individual is making an informed decision after discussing with the individual:
(a) The individual's medical diagnosis and prognosis;
(b) The potential risks associated with self-administering the medical assistance in dying medications that the individual has requested the health care provider to prescribe;
(c) The probable result of self-administering the medical assistance in dying medications to be prescribed;
(d) The individual's option of choosing to obtain the medical-assistance-in-dying medications and then deciding not to use them; and
(e) The feasible alternatives, including condition-directed treatment options, as well as hospice care and palliative care focused on relieving symptoms and reducing suffering.

III. Determined in good faith that the individual's request does not arise from coercion or undue influence by another person, institution, or other party.

IV. Noted in the individual's health record the prescribing health care provider's determination that the individual qualifies to receive medical assistance in dying.

V. (a) Confirmed that the individual is either:
(1) Enrolled in a Medicare-certified hospice program; or
(2) Eligible to receive medical assistance in dying after the prescribing health care provider has referred the individual to a consulting health care provider; and
(b) That the consulting health care provider has:
(1) Examined the individual;
(2) Reviewed the individual's relevant medical records; and
(3) Confirmed that the consulting health care provider has independently determined and documented that the individual meets all of the requirements of RSA 137-M:2, I, II, and III.

VI. Provided substantially the following form to the individual and enters the form into the individual's health record after the form has been completed with all of the required signatures and initials:

REQUEST FOR MEDICATIONS TO END MY LIFE IN A PEACEFUL MANNER

I, (patient name), am an adult of sound mind. I am suffering from a terminal condition that is incurable and irreversible and that, according to reasonable medical judgment, will result in my death within 6 months. My health care provider has determined that the condition is in its terminal phase. (Patient Initials)

I have been fully informed of my diagnosis and prognosis, the nature of the medical-assistance-in-dying medications to be prescribed and the potential associated risks, the expected result, as well as feasible alternative, concurrent, or additional treatment opportunities, including hospice care and palliative care focused on relieving symptoms and reducing suffering. (Patient Initials)

I request that my health care provider prescribe medications and that a pharmacist dispense those medications that will end my life in a peaceful manner if I choose to self-administer the medications,
and I authorize my health care provider to contact a willing pharmacist to fulfill this request.

(Patient Initials)

I further understand that although most deaths occur within 3 hours, my death may take longer.
My health care provider has counseled me about this possibility.

I understand that I have the right to rescind this request at any time. (Patient Initials)

I understand the full import of this request, and I expect to die if I self-administer the medical assistance in dying medications prescribed. (Patient Initials)

I make this request voluntarily, on my own without coercion or undue influence from other individuals, institutions, or other parties and without reservation.

Signed:

Date: Time:

DECLARATION OF WITNESSES:

We declare that the person signing this request:

1. is personally known to us or has provided proof of identity;

2. signed this request in our presence;

3. appears to be of sound mind and not under duress, fraud, or undue influence; and

4. is not a patient for whom either of us is a health care provider.

Witness 1: Witness 2:

Signature:

Printed Name:

Relationship to Patient:

Date: .

NOTE: No more than one witness shall be a relative by blood, marriage or adoption of the person signing this request. No more than one witness shall own, operate, or be employed at a health care facility where the person signing this request is a patient or resident.

137-M:3 Standard of Care.

I. Care that complies with this chapter meets the medical standard of care.

II. Nothing in this chapter exempts a health care provider or other medical personnel from meeting medical standards of care for an individual’s treatment that the individual is willing to accept.

137-M:4 Determining Mental Capacity. If either the prescribing health care provider or the consulting health care provider has doubts as to whether the individual is mentally competent and is unable to confirm that the individual is competent of making an informed decision, the prescribing health care provider or consulting health care provider shall refer the individual to a mental health professional for a determination regarding mental capacity.
I. The mental health professional who evaluates the individual under this section shall submit to the requesting prescribing or consulting health care provider a written determination of whether the individual has the mental capacity to make informed health care decisions.

II. If the mental health professional determines that the individual does not have the mental capacity to make informed health care decisions, the individual shall not be deemed a qualified individual and the prescribing health care provider shall not prescribe medication to the individual under this chapter.

137-M:5 Waiting Period. A prescription for medical-assistance-in-dying medications shall:

I. Not be filled until 48 hours after the prescription for medical assistance in dying medications has been written, unless the qualified individual's prescribing health care provider has medically confirmed that the qualified individual may, within reasonable medical judgment, die before the expiration of the 48-hour waiting period identified herein, in which case, the prescription may be filled once the prescribing health care provider affirms that all requirements have been fulfilled pursuant to RSA 137-M:2; and

II. Indicate the date and time that the prescription for medical assistance in dying medications was written and indicate the first allowable date and time when it may be filled.

137-M:6 Eligibility and Due Diligence.

I. A mentally competent individual that meets the criteria in RSA 137-M:2 is eligible to request a prescription for medications under this chapter. The individual may make the requests in person or via telehealth pursuant to RSA 167:4-d.

II. The prescribing and consulting providers of an eligible individual shall have met all the requirements of RSA 137-M:2 and RSA 137-M:6.

III. At the time of the second consultation, the consulting health care provider shall offer the individual an opportunity to rescind the request.

IV. Requests for medical assistance in dying may be made only by the eligible individual and shall not be made by the individual’s surrogate decision-maker, guardian, health care proxy, attorney-in-fact for health care, nor via advance health care directive.

V. If a requesting individual decides to transfer care to an alternative provider, the records custodian of the transferor provider shall transfer to the transferee provider all relevant medical records within 2 business days, including written documentation of the dates of the individual’s request concerning medical assistance in dying.

137-M:7 Right to Know. A health care provider shall inform a terminally ill patient of all reasonable options related to the patient's care that are legally available to terminally ill patients that meet the medical standards of care for end-of-life care.

I. An individual, a health care provider, health care entity, or professional organization or association shall not be subject to criminal liability, civil liability, licensing sanctions, or other professional disciplinary action for:

(a) Participating in medical assistance in dying in good faith compliance with this chapter.

(b) Being present when a qualified patient self-administers the prescribed medical assistance in dying medications to end the qualified individual's life in accordance with the provisions of this chapter.

(c) Refusing, for reasons of conscience, to provide information on medical assistance in dying to a patient and refusing to refer a patient to any entity or individual who is able and willing to assist the patient in obtaining medical assistance in dying. A party who for reasons of conscience expects to refuse to participate in any part of the chapter shall so inform the qualified individual at or before the time of their request.

II. A health care entity, health insurer, managed care organization or health care provider shall not subject a person to censure, discipline, suspension, loss or denial of license, credential, privileges or membership or other penalty for participating, or refusing to participate, in the provision of medical assistance in dying in good faith compliance with the provisions of this chapter.

III. No health care provider who objects for reasons of conscience to participating in the provision of medical assistance in dying shall be required to participate in the provision of assistance in dying under any circumstance. If a health care provider is unable or unwilling to carry out an individual's request pursuant to the chapter, that health care provider shall so inform the individual at the time of the request and may refer the individual to a health care provider who is able and willing to carry out the individual's request or to another individual or entity to assist the requesting individual in seeking medical assistance in dying. The prior health care provider shall transfer, upon request, a copy of the individual's relevant medical records to the new health care provider.

IV. A health care entity that chooses not to participate in providing medical assistance in dying shall not forbid nor otherwise sanction a health care provider in its employ from providing medical assistance in dying in accordance with the this chapter unless the health care entity has given written notice to the health care provider of the prohibiting entity's written policy forbidding participation in medical assistance in dying and the health care provider participates in medical assistance in dying in violation of the policy after receiving such notice. If the health care entity's policy prohibits its health care provider employees from providing medical assistance in dying both on and off the premises of the health care entity, and whether or not the health care provider employee is acting within the course and scope of employment, the policy shall explicitly so state.

V. Nothing in this section shall be construed to prevent an individual who seeks medical assistance in dying from contracting with the individual's prescribing health care provider or
consulting health care provider to act outside the course and scope of the provider's affiliation with a health care entity.

VI. Participating, or not participating, in medical assistance in dying shall not be the basis for a report of unprofessional conduct.

VII. A health care entity that prohibits medical assistance in dying shall accurately and clearly articulate this in a readily accessible location on any website maintained by the entity and notify patients in writing of its policy with regard to medical assistance in dying.


I. Nothing in the chapter shall be construed to authorize a physician or any other person to end an individual's life by lethal injection, mercy killing, or euthanasia. Actions taken in accordance with this chapter shall not be construed, for any purpose, to constitute suicide, assisted suicide, euthanasia, mercy killing, homicide, or adult abuse under the law.

II. Notwithstanding any other law, a person shall not be subject to civil or criminal liability solely because the person was present when the qualified individual self-administers the prescribed assistance-in-dying medications. A person who is present may, without civil or criminal liability, or any discipline for professional licensees, assist the qualified individual by preparing the assistance-in-dying medications.

III. Any person who knowingly does any of the following with the intent to cause, interfere with, or prevent a qualified individual's death against the qualified individual's wishes shall be guilty of a class B felony:

(a) Altering, forging, concealing, or destroying a request for a terminal prescription without the qualified individual's authorization.

(b) Concealing or destroying a withdrawal or rescission of a request for a terminal prescription without the qualified individual's authorization.

(c) Concealing or destroying a qualified individual's terminal prescription without the qualified individual's authorization, or preventing a qualified individual from self-administering the terminal prescription.

(d) Coercing or exerting undue influence on a qualified individual to request or to self-administer a terminal prescription for the purpose of ending the qualified individual's life.

(e) Coercing or exerting undue influence on a qualified individual to prevent the qualified individual from requesting or self-administering a terminal prescription.

IV. Nothing in this section limits civil liability or damages arising from negligent conduct or intentional misconduct by a health care provider or health care entity.

V. The penalties specified in this chapter do not preclude criminal penalties applicable under other laws for conduct inconsistent with this chapter.

137-M:10 Reporting.
I. A health care provider who prescribes medical assistance in dying to a qualified individual in accordance with the provisions of this chapter shall provide a report of that provider's participation. The department of health and human services shall adopt rules pursuant to RSA 541-A that establish the time frames and forms for reporting pursuant to this section and shall limit the reporting of data relating to qualified individuals who received prescriptions for medical assistance in dying medications to the following:

(a) The qualified individual's age at death;
(b) The qualified individual's race and ethnicity;
(c) The qualified individual's gender;
(d) Whether the qualified individual was enrolled in hospice prior to or at the time of death;
(e) The qualified individual's underlying medical condition; and
(f) Whether the qualified individual self-administered the medical assistance in dying medications and, if so, the date that this occurred.

II. The department of health and human services shall promulgate an annual statistical report, containing aggregated data, on the information collected pursuant to paragraph I on the total number of medical assistance in dying medications prescriptions written statewide and on the number of health care providers who have issued prescriptions for medical assistance in dying medications during that year. Data reported pursuant to this section shall not contain individually identifiable health information and are exempt from disclosure pursuant to the right-to-know law, RSA 91-A.

137-M:11 Effect on Construction of Wills, Contracts, and Statutes.

I. No provision in a contract, will, or other agreement, whether written or oral, that would determine whether an individual may make or rescind a request pursuant to this chapter is valid.

II. No obligation owing under any currently existing contract shall be conditioned or affected by an individual’s act of making or rescinding a request pursuant to this chapter.

III. It is unlawful for an insurer to deny or alter health care benefits otherwise available to an individual with a terminal disease based on the availability of medical assistance in dying or otherwise attempt to coerce an individual with a terminal disease to make a request for medical assistance-in-dying medications.

137-M:12 Insurance and Annuity Policies.

I. The sale, procurement, or issuance of a life, health, or accident insurance or annuity policy, or the rate charged for such policy shall not be conditioned upon or affected by an individual’s act of making or rescinding a request for medications pursuant to this chapter.

II. A qualified individual’s act of self-administering medications pursuant to this chapter does not invalidate any part of a life, health, or accident insurance, or annuity policy.
III. No insurer shall deny or alter benefits to an individual with a terminal disease, who is a covered beneficiary of a health insurance plan, based on the availability of medical assistance in dying, his or her request for medications pursuant to this chapter, or the absence of a request for medications pursuant to this chapter.

IV. Any insurer in violation of this section shall be subject to the penalties set forth in RSA 400-A:15, or such other section of Title XXXVII as may be applicable, including, but not limited to RSA 420-J and RSA 417.

I. Unless otherwise prohibited by law, the prescribing provider may sign the death certificate of a qualified individual who obtained and self-administered a prescription for medications pursuant to this chapter.

II. When a death has occurred in accordance with this chapter, the death shall be attributed to the underlying terminal disease.

III. Death following self-administering medications under that chapter alone does not constitute grounds for post-mortem inquiry.

IV. Death in accordance with this chapter shall not be designated suicide or homicide.

V. A qualified individual’s act of self-administering medications prescribed pursuant to this chapter shall not be indicated on the death certificate.

VI. A coroner may conduct a preliminary investigation to determine whether an individual received a prescription for medications under this chapter.

2 Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

3 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to end of life options.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
<td>Indeterminable</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>Insurance premium tax revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Under $3,000</td>
<td>Under $3,000</td>
<td>Under $3,000</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill establishes a procedure for individuals with terminal illnesses to receive medical assistance in dying through the self-administration of medicine. The Department of Insurance states that certain factors, such as the demand for medical assistance in dying and the availability and cost of medications, may impact premium rates charged by insurers. Any such change would have an indeterminable impact on insurance premium tax revenue received by the state.

The Department of Health and Human Services states that the cost of its responsibilities under the bill (compiling information on medical assistance in dying and issuing an annual statistical report), will have a fiscal impact of under $3,000 per year.

In addition, the bill modifies criminal penalties, and/or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf
AGENCIES CONTACTED:
    Department of Insurance, Department of Health & Human Services, Judicial Branch,
    Department of Corrections, Department of Justice, Judicial Council, New Hampshire Municipal
    Association, and New Hampshire Association of Counties
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Judiciary  HJ 1</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>02/06/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/15/2024 10:00 am LOB 206-208</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/06/2024 10:00 am LOB 206-208</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-0808h 03/06/2024 (Vote 13-7; RC)</td>
</tr>
<tr>
<td>03/12/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Lay HB1283 on Table (Rep. Hoell): MF RC 155-217 03/21/2024  HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Amendment # 2024-0808h: AA VV 03/21/2024  HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Indefinitely Postpone (Rep. Cordelli): MF RC 150-212 03/21/2024  HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0808h: MA RC 179-176 03/21/2024  HJ 9</td>
</tr>
<tr>
<td>03/22/2024</td>
<td>H</td>
<td>Notice of Reconsideration (Rep. Ouellet) 03/22/2024  HJ 9</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>S</td>
<td>Reconsider OTPA (Rep. Ouellet): MF DV 147-210 03/28/2024  HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services;  SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>==ROOM CHANGE== Hearing: 04/24/2024, Room 103, SH, 10:00 am;  SC 16</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-2;  SC 19</td>
</tr>
</tbody>
</table>
Senate Health and Human Services Committee
Cameron Lapine 271-2104

HB 1283-FN, relative to end of life options.

Hearing Date: April 24, 2024

Time Opened: 10:45 a.m.  Time Closed: 3:08 p.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill establishes a procedure for an individual with terminal illness to receive medical assistance in dying through the self administration of medication. The bill establishes criteria for the prescription of such medication and establishes reporting requirements and penalties for misuse or noncompliance.

Sponsors:
Sen. Altschiller

Who supports the bill: In total, 215 individuals signed in in support of HB 1283-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who opposes the bill: In total, 441 individuals signed in as opposed to HB 1283-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who is neutral on the bill: None.

Summary of testimony presented:

Representative Marjorie Smith and Representative Bob Lynn

Strafford – District 10 and Rockingham – District 17

- Representative Smith said New Hampshire often likes to be first. Sometimes, however, New Hampshire waits to see what happens in other states and figures out what happens.
- Rep. Smith said she was elected to the General Court in 1996 and experienced a hearing on a bill on a similar topic. At that hearing, health care professionals testified that their hands were tied and they had to watch people suffer.
• Rep. Smith said Oregon passed the first bill in the country on end of life issues in 1994, taking effect in 1997. There have been nearly three decades of national experience about what works and what does not work. New Hampshire has not acted and has waited to see what happened in other states. New Hampshire RSA 137-J:1 recognizes that individual persons have the right, founded in the autonomy and sanctity of a person, to control the decisions relating to the rendering of their own medical care.

• Rep. Smith said HB 1283-FN is a narrow, conservative bill based on those nearly 30 years of national experience. It offers one option to protect individual rights.

• Rep. Smith said HB 1283-FN is limited to people who have had two independent medical practitioners expect their death in six months or less. The individual must have the ability to self-administer the drug and they have to have been educated about all of the alternatives that exist under law and custom. There must not be any coercion.

• Rep. Smith said people are asking to be able to have medical assistance in dying (MAID).

• Rep. Smith said MAID is not suicide. Over the nearly 30 years of national experience with MAID, states with MAID have not seen any change in terms of who does, or does not, choose to end their lives by suicide. People who choose to do so typically do so violently and on their own. She said suicide is a sad problem, but HB 1283-FN is not about suicide.

• Rep. Smith said she has spent her legislative career recognizing that New Hampshire has not done a good job providing access to quality health care to people with disabilities, people of color, and other minority groups. HB 1283-FN ensures that people have the intellectual and physical ability to make a decision about MAID independently and for themselves.

• Rep. Smith said there are people whose religion does not find MAID acceptable; they cannot decide that for other people.

• Rep. Smith said people who are eligible for MAID do not want to die, they want to live and continue to participate in society but they've reached a point where they are nearing the end.

• Rep. Smith said some people who are prescribed the drug do not fill the prescription but simply knowing they have the option is enough to give them comfort.

• Rep. Smith said when someone choose MAID they are not alone and they are not using a violent means. They are with their family and friends and it is a peaceful and loving time.

• Rep. Smith said everyone was born and everyone will die. HB 1283-FN is one option for people who choose to make sure they die peacefully and lovingly.

• Representative Lynn said the fundamental question posed by HB 1283-FN is should a terminally ill person, within six months of death, have the right to make a knowing, intelligent, voluntary decision to end their suffering. He said the answer should be yes – especially in New Hampshire, the Live Free or Die state.

• Rep. Lynn said the UNH Survey found more than 70% of Granite Staters favor HB 1283-FN, including majorities of Democrats, Republicans, and gun owners. 53% of Catholics and 75% of people with disabilities support HB 1283-FN.

• Rep. Lynn said he would describe himself as a “fair weather Catholic”, attending church for weddings and funerals and not much else. He said he is in the 53% of Catholics who support HB 1283-FN.

• Rep. Lynn said this is a decision people should have the right to make for themselves.
• Rep. Lynn said most of the opposition to HB 1283-FN is not based on the legislation itself, but on the potential slippery slope argument. He said the General Court will make any decisions about whether or not MAID is ever expanded. He said as far as he is concerned, a terminal diagnosis with six months or less to live is the full stop.
• Rep. Lynn said the argument should not be “we can’t trust ourselves” not to expand the program in the future.
• Rep. Lynn said HB 1283-FN has very significant safeguards and people are not going to be taken advantage of.
• Senator Prentiss said she approached HB 1283-FN with the background as a paramedic who had been in the homes of people at the end of their lives, and in the emergency department with people deeply suffering. She said HB 1283-FN appears very similar to Act 39 (2013) from Vermont. She said it is clear to her that it is up to the patient, there must be two witnesses, only one of whom may be a relative, and the patient must have the full capacity to consent to taking the step of MAID.
  o Rep. Smith said that was correct. The individual must have the physical and mental capacity to make the choice. There must be two independent medical professionals involved and if there is any question, the patient will be sent to an appropriate medical professional to be evaluated. It must also be clear that there is no coercion involved in the decision; someone found to have attempted to coerce the decision would be criminally liable.
• Sen. Prentiss asked if the requirement to be terminally ill and have six months or less to live would primarily apply to people with cancer.
  o Rep. Smith said she believed that to be correct but there were professionals who could speak to that further. People with terrible degenerative diseases but no expectation of almost immediate death are not eligible for MAID under HB 1283-FN.
• Sen. Prentiss asked if the prescriber would have to be a licensed physician in New Hampshire, the prescribing pharmacy would have to be in New Hampshire, and the death would have to take place in New Hampshire.
  o Rep. Smith said that was correct.
• Sen. Prentiss asked if a patient could end up not taking the prescription after meeting all of the requirements and going through the process.
  o Rep. Smith said that was correct. There is a 48-hour waiting period at the end of the process. A significant number of people in other states hold on to the prescription.
• Senator Avard said he is one of the people concerned about the slippery slope. He said the General Court changes year to year and new legislators have different personalities and different ideas. Future legislators could be eugenicists. He said he sits on the Subcommittee on Alzheimer’s Disease and Other Related Dementia; if someone has severe Alzheimer’s Disease, it costs a lot of money and they could be seen as an inconvenience. He said Alzheimer’s Disease could be the next thing added to HB 1283-FN. He said the culture in America is changing. He said he wanted to see on emphasis on saving life. He said he struggled to see the need for HB 1283-FN. He asked how does the door stop opening once it is opened.
  o Rep. Smith said she agreed 100% with the concerns being raised. It is appropriate to feel uneasy – this is not a bill about putting a decal on a license plate. She said it is a very serious issue. The entire governmental system could
be turned upside down and decisions could be made that people of certain races or religions should not exist anymore. She quoted President Ronald Reagan – trust but verify. She said a legislator in California drafted legislation to change the parameters of their MAID bill and they were forced to withdraw the bill before it was even assigned to committee because it was clear that wasn’t something California would tolerate. The New Hampshire General Court and the California State Legislature are very different. She said there are more serious problems if the basic integrity and decency of the people elected to the General Court cannot be trusted. She said everyone has experienced a friend or family member who is dying and wants to go so the doctor gives “just a little more” of a certain drug that, knowingly, will hasten their passing. She said these decisions should be faced honestly and with integrity.

- Sen. Avard said there are protests ongoing at the universities that are training America’s future doctors, lawyers, and judges. The phrase “from the river to the sea” is being heard. When this type of philosophical rhetoric is being used and Hebrew friends are being targeted, his mind goes to the slippery slope. He said he thinks about the Biblical story of Job, who suffered greatly. He said there are miracles and people recover. He said he is concerned about the anger in the streets and the philosophies of elected officials can change overnight with an election. He said he was worried that HB 1283-FN was the key to open a door that cannot be shut.
  - Rep. Smith said she heard Sen. Avard’s concerns. She believes in the separation of church and state; everyone has the right to practice their own religion and no right to force their religion on others. She is Jewish and said there is a great difference between being Jewish and supporting the political actions of a country. She said if that line of thought were followed, nothing would ever be done to address homelessness, drug addiction, or suicide, because people would just wait around for a miracle. HB 1283-FN is trying to present options for people in a particular category and does not include people with Alzheimer’s Disease or disabilities that make someone physically or mentally unable to consent. New Hampshire is a small state that believes in the rights of individuals to make decisions.
  - Rep. Lynn said he shared Sen. Avard’s uncertainty. He said that if someone had told him Americans would be saying “I am Hamas” a year ago, he would not have believed it. He said, however, he believes in the First Amendment. He said legislators cannot overreact to that. He said every bill draws a line somewhere. Voting to recommend Inexpedient to Legislate (ITL) on HB 1283-FN would be drawing a line. He said sometimes the General Court gets it wrong where it draws a line, but usually does a pretty good job.
  - Rep. Smith said there are many bills where she disagrees with Rep. Lynn, but the strength of the system sees where they come together. She said she had many disagreements with Senator Bradley when she was a first-term Representative and he was the then-Chair of the House Science, Technology, and Energy Committee.

- Senator Birdsell said she shared Sen. Avard’s concerns about the slippery slope. She said the discussion around medical marijuana started with medicinal use only and is now moving towards full legalization. She said at a recent hearing on a bill to expand the therapeutic cannabis program, someone testified that their wife was diagnosed with
cancer in 1994. If HB 1283-FN had been the law then, they would not have had the last 30 years of life together.

- Rep. Smith said many people sitting in the committee room had been diagnosed with cancer five, ten, or 20 years ago. Simply being diagnosed with cancer does not mean an individual has six months or less to live. She said she has skin cancer but has not been told she has six months to live. She said people want to die with dignity and grace and with their families.

- Sen. Birdsell asked if there was a residency requirement in HB 1283-FN.
  - Rep. Smith said there was not. In the states that have residency requirements, court decisions have ruled that would be a constitutional issue. She said she was not sure what the purpose of a residency requirement would be. The worry that New Hampshire would have a reputation as a place where everyone goes to die is devoid of fact; she asked if people looked at Vermont that way, and if Vermont’s tourism industry had suffered.

- Sen. Birdsell asked if the case that struck down the Vermont residency requirement was brought by someone from Connecticut wanting to go to Vermont to participate.
  - Rep. Lynn said that might be true. He suspects some people will come to New Hampshire to participate, just as some Granite Staters now go to Vermont. He said that argument is a red herring and should not be thought of as a problem.

- Sen. Birdsell said the MAID program in Canada has been amended to point where it has been labeled as worse for disabled people than the policies under the Nazi regime in Germany.
  - Rep. Smith said New Hampshire has its own culture, own history, own laws, and own constitution. She asked if there was a list of Canadian or Dutch laws that New Hampshire has adopted. She said that just because other countries – operating under different constitutions and different value sets – take a particular action has nothing to do with how New Hampshire will choose to act. She said there have been problems in Canada and the Netherlands, which is why New Hampshire did not act in 1998, 2000, 2002, or any other time. She said HB 1283-FN is very limited and very conservative, to the point where she has gotten pushback as to why it is so limited. Rep. Smith said although she voted to decriminalize marijuana in 2017, she voted against HB 1633-FN-A (2024).

- Sen. Avard asked for clarification on the pushback Rep. Smith had received. He asked if people wanted HB 1283-FN to go further.
  - Rep. Smith said that was correct. There are always different views and they have to decide what is reflective of the core values of this society. She said that is what HB 1283-FN has done. She said she does not know of any issue on which there is universal agreement other than the First in the Nation Primary. New Hampshire has the experience of ten other states and the District of Columbia. She said she saw other suggestions that were not acceptable.

- Sen. Avard said the existence of pushback lends itself to the idea that the slippery slope is looming.
  - Rep. Smith said that in health, education, and the environment, the legislature says “we want x, but...”. The purposes of having a small “d” democratic society is to fight those fights. She said she has fought the fight on HB 1283-FN based on the best practices of the states that acted before.
Senator Debra Altschiller

Senate District 24

- Senator Altschiller said discussing end of life options is emotional and challenging, based on science, religion, morality, and more. It is a complicated issue. It is the responsibility of the General Court to examine complex legislation.
- Sen. Altschiller said HB 1283-FN is appropriate and balanced to give people at the end of their lives control. It is about peace for people destined to have a short time to live, and giving them the power to decide. It will give peace of mind to Granite Staters at the end of their lives when time is short.
- Sen. Altschiller said the parameters of HB 1283-FN are narrow.
- Sen. Altschiller discussed two situations. Ralph was a California resident who planned his death and was followed by his local newspaper, making a short YouTube documentary on his final week. A Granite Stater was in a similar experience but did not have the same options, and died in pain as his wife watched him starve to death.
- Sen. Altschiller said it is a universal truth that death is coming.
- Sen. Altschiller said it is antithetical to the New Hampshire ethos to put up roadblocks.
- Sen. Altschiller urged the Committee to consider the merits of HB 1283-FN. It may never be the choice a member of the Committee wants, but it may be the peace someone else needs at the end of their life.

Representative Louise Andrus

Merrimack – District 5

- Representative Andrus said she opposes HB 1283-FN and did not vote for it on the House floor. She was absent but would have voted against it.
- Rep. Andrus said the conversation needs to be about people living. Everyone has health issues. People need to start living and teaching people how to live.
- Rep. Andrus asked what would happen if someone was prescribed the MAID medication and did not take it, what would happen to the pills. She asked what would happen if a person took the pill but decided they wanted to take their spouse out with them.
- Rep. Andrus said it is a complicated problem.
- Rep. Andrus said doctors do not have the right to have a pill to end life.
- Rep. Andrus discussed her father, who was in a vegetive state for six weeks and the doctors said he would never come out of it. He did and lived for five more years.
- Rep. Andrus said doctors do not have the right to tell someone they have six months to live.
- Rep. Andrus said this is heading down a slippery slope and will be opened up to people with disabilities or other diseases as a way to get rid of them.

Representative Chris Muns

Rockingham – District 29

- Representative Muns voted against HB 1823-FN in the House. He said he did not treat it as a partisan issue.
• Rep. Muns discussed his mother, who suffered complications from heart surgery which led to her kidneys failing. She chose to stop going to dialysis because it wasn’t right for her and she passed away. The family was proud of her.
• Rep. Muns said his son has a developmental disability and has a unique gift for remembering facts with encyclopedic recall.
• Rep. Muns said he works to protect the rights of people with disabilities. Disability rights organizations are opposed to HB 1283-FN. It is inherently dangerous to vulnerable populations, who are at a distinct disadvantage to access appropriate levels of care.
• Rep. Muns said 2-3% annual increases do not fill the funding gap caused by years of neglect in funding the Individuals with Disabilities Education Act.
• Rep. Muns said all parents of children with developmental disabilities worry what will happen to their children when they are gone. There is a stigmatization of disability in society and he is worried his son would be pushed to end his life prematurely.
• Rep. Muns said if a provider is not properly trained in working with people with developmental disabilities, they won’t know how to connect with them and understand their desires.
• Rep. Muns said HB 1283-FN prevents a surrogate from making decisions and initiating a request for MAID. He said people with disabilities are very trusting and could easily be coerced.
• Rep. Muns said he wants everyone to have the same options his mother had, but is worried about people like his son.
• Rep. Muns recommended an ITL vote.

Representative Maureen Mooney
Hillsborough – District 12
• Representative Mooney said she opposes HB 1283-FN and recommended an ITL vote.
• Rep. Mooney said HB 1283-FN passed on the House floor by a three-vote margin, 179 to 776, on March 21. There were 40 members who missed the vote. A reconsideration motion was made on March 28 by a member who wished to change their vote. The vote was taken up as the last vote of the day at the end of a very long session and failed. She said there were several members who were interested in revoting or changing their vote.
• Rep. Mooney said she did the parliamentary inquiry for the reconsideration vote on HB 1283-FN and expressed the need for accuracy on the House’s intentions on such an important vote. She does not feel that accuracy was achieved.

Representative Margaret Drye
Sullivan – District 7
• Representative Drye said the phrasing used around HB 1283-FN mirrors the phrasing used in the discussion of abortion in the 1970s. Doctors originally served as the safeguards against abortion, but then the conditions were expanded and became abortion on demand.
Rep. Drye said there were half a million abortions performed in 1973, 1.5 million in 1990, and 500,000 today.

Rep. Drye said MAID in Canada was expanded from people expected to die soon to people for whom death was not considered reasonably foreseeable, to people who are mentally ill, all in seven years.

Rep. Drye urged the Committee to look at the history of abortion in the United States when considering HB 1283-FN. She said what fits inside the guardrails today will be expanded.

Representative Walt Stapleton

Sullivan – District 6

- Representative Stapleton said that 4% of the population of Canadian had died via MAID.
- Rep. Stapelton said the Canadian MAID program was expanded to include people with mental illness in March of 2024 but that expansion was paused.
- Rep. Stapelton asked how taking one’s own life gives peace and dignity. He asked how the death dose was peaceful. Death by lethal dosage is horrific – involving nausea, gasping, and convulsions – which is why it is outlawed.
- Rep. Stapelton said HB 1283-FN opens a dangerous door and sends the wrong messaging to the vulnerable, normalizes suicide, and will lead to incremental expansion over time.
- Rep. Stapelton said the General Court is always tweaking the laws and will receive requests to expand the MAID program.
- Rep. Stapelton said once health insurers offer coverage for MAID, there will be a cost/benefit limitation to other forms of care.
- Rep. Stapelton said palliative care is well developed and advanced. He discussed a conversation he had with Dr. Charles Mills, medical director for hospice/palliative medicine for Elliot Hospital, about the quality of palliative care. In situations of extreme pain and discomfort, a medically induced coma will be applied.
- Rep. Stapelton said HB 1283-FN is unnecessary.

Representative Kristine Perez

Rockingham – District 16

- Representative Perez said she looks at HB 1283-FN both as a legislator and as a Catholic.
- Rep. Perez said there are faults in the bill. There is no residency requirement. There is nothing to say that someone from another country could not come to New Hampshire. There is no reporting requirement. California and Oregon have said they have concerns about underreporting. There is no standard of care for the drugs involved.
- Rep. Perez said the UNH Survey was paid for by the New Hampshire Alliance for End of Life Options. It was not a random sample, it was done by the Granite State Panel, who are compensated for participating. The survey asked if respondents considered
themselves disabled. Rep. Perez said she asked the Alliance why they included that question and was told that they needed to identify other vulnerable communities.

- Rep. Perez said the sponsors of HB 1283-FN did not take any of her recommendations.
- Rep. Perez said a teenager testified at the House Judiciary Committee hearing on HB 1283-FN and discussed fears about legalizing suicide. The rate of suicide has increased in every state where MAID has been allowed.
- Rep. Perez said the patient’s participating physician does not need to be involved in the process of entering MAID. It could be two strangers or two APRNs. The participating physician is needed to enter hospice. There is no witness required for the taking of the medication. She said there are problems with the medication.
- Rep. Perez said people are required to receive psychological counseling for gastric bypass surgery. There is no requirement for that in HB 1283-FN.
- Sen. Prentiss asked for clarification if there was not a reporting requirement.
  - Rep. Perez said that was correct. She said that the criminal liability section only applies to trying to stop someone from entering MAID. The bill says it is not coercion to try get someone to die.
- Sen. Prentiss said Page 7, Line 36 of the bill has a section on reporting.
  - Rep. Perez said there is no penalty if it is not reported. California and Oregon have said there is a problem with underreporting.

**Representative Katy Peternel**

**Carroll – District 6**

- Representative Peternel said physician-assisted suicide (PAS) is a euphemism for death by suicide. The American Medical Association (AMA) has upheld its stance opposing PAS. She said the General Court should ask “why” rather than rush to codify it.
- Rep. Peternel said HB 1283-FN allows the true cause of death to be hidden on the death certificate. She said if PAS is the correct path, why should it be hidden. She asked why the General Court should legalize lying.
- Rep. Peternel said the patient must self-administer the drugs. She asked what if the patient is of sound mind but unable physically and they have to have the drugs handed to them. She asked if they would be willing to be complicit in their death.
- Rep. Peternel asked if the General Court could alleviate the guilt of another’s death. HB 1283-FN allows the prescribing of death.
- Rep. Peternel recounted a conversation she had with a constituent at a park. The constituent said that immigration restrictions needed to be eased because of the shortage of health care workers, out of fear there would be no one to care for him when he got old. Rep. Peternel said there was another option. The constituent replied, “Euthanasia?”.

**Representative Barbara Comtois**

**Belknap – District 7**

- Representative Comtois discussed Jules Good, who attempted to die by suicide. She was looking to become a music major but started to go deaf. The counselor she went to told
her that they would want to die too if they had been in that situation. Rep. Comtois said medical professionals do not need to be saying that they’d want to die too. Jules is now an advocate for people with disabilities and transgender and LGBTQ individuals.

- Rep. Comtois said living is a good thing and assisted suicide is not a good option.
- Rep. Comtois said there is value in life and people contribute to society in good ways.
- Rep. Comtois said California and Oregon are looking to expand their assisted suicide laws. It is not one-and-done. She said the General Court sees it with legislation all the time.
- Rep. Comtois asked where it will end. She asked where will life no longer be valued. She said perfectly healthy people in other countries are saying that they want to die.

**Melinda Simms**

**United Spinal Association**

- Mrs. Simms has incomplete paralysis. She is a disabled woman, a veteran, and an advocate.
- Mrs. Simms said there are harmful prejudices and HB 1283-FN fails to address the real issues.
- Mrs. Simms said assisted suicide laws risk abuse and are seeking to cut costs based on subjective opinions. She said fear and prejudice cannot be allowed to shape laws. People must stand together to protect the rights and dignity of all.
- Mrs. Simms said there has been a resounding call to reject this dangerous bill and to rededicate the efforts of society to true inclusion. There is true value of all life, regardless of someone’s disabilities.
- Mrs. Simms said every person has the opportunity to live a valued and fulfilling life.

**Rod Simms**

- Mr. Simms said the idea of MAID sounded like a good thing when he first heard of it. After his wife presented him with the facts, he realized it is actually a nightmare.
- Mr. Simms said it is not a slippery slope, it is a waterslide towards where the Dutch are with MAID.
- Mr. Simms said MAID is a cloak and dagger and there is a driving force. Every country and state has found a process to get to where the Dutch are even more quickly.
- Mr. Simms said HB 1283-FN would open the door to terrible things.
- Mr. Simms said his wife had been told that living in a motorized chair was worse than death.

**Charmaine Manansala**

**Chief Advocacy Officer, Compassion & Choices**

- Ms. Manansala supports HB 1283-FN and supports end of life options. End of life options prevent many more terminally ill people from suffering needlessly.
Ms. Manansala said that, in the nearly 30 years since MAID was first introduced in the United States, none of the dire predictions about the harms to disabled people have come to fruition.

Ms. Manansala said that, since 1997, there have been no documented and substantiated instances of abuse or coercion. Disability Rights of Oregon has never received a single complaint about coercion.

Ms. Manansala said for nearly 30 years the same strict criteria have been in place.

Ms. Manansala said less than 1% of the population will use MAID.

Ms. Manansala said she would not do the work she does if it put people with disabilities in harm’s way.

Lori Safford

- Ms. Safford opposes HB 1283-FN.
- Ms. Safford said her sons, Ben and Sam, were diagnosed with a fatal muscle-wasting defect. Their pediatrician said they would not live past their teenage years; they are now 26 and 28. Doctors are only human and can be wrong.
- Ms. Safford said Ben has a social work degree and Sam is a writer and an artist. Her husband died at the age of 53 from pulmonary disease. Their daughter was 12 at the time and suffered from mental health challenges. She is now happy and well adjusted.
- Ms. Safford said her uncle was diagnosed with prostate cancer in his 80s. She coordinated his care. Their car rides to Boston were some of their best memories together and he lived for several good years.
- Ms. Safford said PAS is a permanent solution to a temporary problem.
- Ms. Safford said death should be in the hands of the Creator.

Samuel Safford

- Mr. Safford said his condition is fatal and has no cure. Although his parents were told he would not live past his teenage years, the doctors were wrong. He said his life has not been easy and he has been sad, lonely, and depressed.
- Mr. Safford said after a hospital stay in 2021, he was diagnosed with Bartonella, a brain disease, that made him feel as if he were dying. Doctors misdiagnosed the Bartonella as a more fatal disease than what it actually was.
- Mr. Safford said the six months to live criteria would morph into depression. He said his mom found him counseling and a homeopathic provider.
- Mr. Safford lives a rich and abundant life and is active in his church and his community.
- Mr. Safford said the medical community and insurance companies might use HB 1283-FN to end lives like his.

Sara Elkins
Compassion & Choices

- Ms. Elkins supports HB 1283-FN.
• Ms. Elkins said there are strict eligibility requirements in the bill to ensure a high standard of care. Patients can change their mind at any step along the way of the process.
• Ms. Elkins said a lawsuit was filed in California that argued that the program was discriminatory against people with disabilities and minorities. The ruling held that those classes of people did not meet the medical prognosis to be eligible for the MAID program. The guardrails in place prevent coercion and patients are informed that they can withdraw or rescind from the process.

William Carraher
CMDA/AAME
• Mr. Carraher opposes HB 1283-FN.
• Mr. Carraher said he had concerns about legalizing PAS in New Hampshire.
• Mr. Carraher works in rehabilitation in long-term care and skilled nursing.
• Mr. Carraher said profit-driven insurance companies will deny treatment in order to pay for cheaper drugs.
• Mr. Carraher said there is a suicide contagion and HB 1283-FN normalizes suicide.
• Mr. Carraher said he conducts cognitive exams under the guidance of an occupational therapist and there are gray areas in those evaluations. People may be coerced.
• Mr. Carraher said people often live longer than predicted. The goal should be to respect lives.

Kevin Flynn
Vice President for Mission and Ethics, St. Joseph Hospital
• Mr. Flynn opposes HB 1283-FN.
• Mr. Flynn said Canada has expanded their PAS program to include otherwise healthy people who haven’t been able to find treatment for psychological problems, disabled people who cannot find adequate housing, and people with autism.
• Mr. Flynn said, in Oregon, 18 times the number of people have died from PAS since their law went into effect in 1997. Physicians are now present only 13% of the time, and only 1% of patients are evaluated for impaired judgement.
• Mr. Flynn said, in Washington state, there have been 3,000 prescriptions in 14 years, which is 10 times as many as when the law took effect.
• Mr. Flynn said a number of people have seizures when they ingest the poison. It is not a peaceful death. The purpose of medicine is to relieve suffering. HB 1283-FN corrupts the profession.
• Mr. Flynn said PAS would provide incentives for insurance companies to offer it as a cheap fix.
• Mr. Flynn said St. Joseph’s Hospital supports palliative care.
Rebecca Brown

New Hampshire Alliance for End of Life Options

- Ms. Brown supports HB 1283-FN.
- Ms. Brown was a State Representative when her husband chose a violent death rather than continuing to live with a terminal condition. She doesn’t know if he would have chosen MAID. If MAID can help another person avoid anguish, it is a success.
- Ms. Brown said it takes courage to come before the General Court and testify. It takes courage to share hopes and fears of one’s own death. It takes courage for medical professionals.
- Ms. Brown said 7-in-10 Granite Staters want to have the option for themselves. She said Rep. Perez did ask her about the UNH Survey. They asked about the disabled community because they know that that community has many concerns, and they want to be supportive of that community. 75% of Granite Staters living with a disability want to have the option for themselves.

Rev. Peter Friedrichs

- Rev. Friedrichs is a Unitarian Universalist minister and a hospice volunteer. He supports HB 1283-FN.
- Rev. Friedrichs said personal beliefs inform an individual’s opinions on life and death.
- Rev. Friedrichs said one faith tradition opposes HB 1283-FN. They should not be the only faith-based voices heard.
- Rev. Friedrichs said mercy, compassion, peace, and love are Christian values. HB 1283-FN will ensure that the terminally ill have those when they choose to bring their suffering to an end.
- Rev. Friedrichs recounted the Biblical story of the Good Samaritan and said all are called to provide comfort and reduce suffering. MAID reduces suffering and provides comfort to those at the end of their life.
- Rev. Friedrichs said human life is precious, but it is not only measured in longevity. Quality of life is important.
- Rev. Friedrichs said MAID empowers the terminally ill to decide if they wish to keep living under their current circumstances.
- Rev. Friedrichs said he has witnessed painful and prolonged suffering.
- Rev. Friedrichs said he had a colleague in Oregon who ended their life on their own terms thanks to Oregon’s MAID program.

Pat Wilczynski

- Ms. Wilczynski supports HB 1283-FN and dedicated her support to her father, Ed.
- Ms. Wilczynski said Ed was diagnosed with ALS, also known as Lou Gehrig’s Disease, when he was 47. He was not a physicist like Stephen Hawking, he was a builder. He couldn’t bear the loss of his physical abilities. At one point he “fell” down the stairs. Ms. Wilczynski said she asked her brother if they thought Ed was trying to kill himself. Her brother informed her that Ed had asked him to push his wheelchair into the garage, start the car, and shut the door.
Ms. Wilczynski said the only option for Ed was to endure the torment or try to kill himself. He eventually choked to death. He was left to suffer horrifically.

Ms. Wilczynski said more does need to be done to support hospice and palliative care, but it would not have helped her father.

Ms. Wilczynski said suicide rates are increasing, but not in states that have compassionate choices. It is shameful that there aren’t better resources for mental illnesses, but she urged the Committee not to confuse two separate issues.

Betsy McConnel

Ms. McConnel is a clinical social worker. She supports HB 1283-FN.

Ms. McConnel said there are differences between MAID and a person seeking suicide. MAID is a process where a person with a terminal illness evaluates their circumstances together with medical professionals and their family. Many factors are discussed. The person has a conviction that their suffering is unbearable, and their death is inevitable.

Ms. McConnel said a suicidal person has departed the lives of their loved ones and believes it would be a relief to others if they died. They have feelings of worthlessness, which is not a common feature of people suffering a terminal illness.

Ms. McConnel said people with a terminal illness are not planning an escape but are seeking help to avoid intolerable pain.

Ms. McConnel said people finally feel in control again. Many who receive the medication elect not to end their lives, but it gives them the strength to bear what is to come.

Ms. McConnel shared the story of her sister, who had cervical cancer and endured two years of agony. All she wanted was freedom from pain. She spent the final hours of her life in a ball, unable to speak. Her death may have been different had MAID been an option.

Lucy Karl

Ms. Karl shared the story of her son, who died the day before Thanksgiving in 2019. He was 34 years old at the time and living in Oregon. It was five years after being diagnosed with advanced pancreatic cancer. He was active and worked full time for as long as he was able.

Ms. Karl said her son endured 60 rounds of chemotherapy and had many surgeries. The cancer spread to his brain, which was a game changer. He decided to enter hospice because he thought it would give him time. He was bedbound within days.

Ms. Karl said her son was committed to living life intentionally and he pursued his options under Oregon’s law. He had seen his friends go through ugly and painful deaths. Brain cancer can cause severe personality changes and violence. He did not want his three-year-old son to see him like that and be traumatized. He was comforted in knowing he had obtained the MAID medication; he did not end up taking it.

Ms. Karl said her son tried to live, did everything possible, and wanted to live. The cancer took over. He had the courage to live life with cancer and exercise his rights under Oregon’s Law.

Ms. Karl said “Live Free or Die” is only a motto on a license plate unless action is taken.
• Mr. Karl said people should have the freedom to choose an option. Senators have the power to show compassion and love.

Dr. Seth Morgan
US for Autonomy
• Dr. Morgan said US for Autonomy is an organization of people with disabilities who affirm the right of the disabled to access high quality health care and choose appropriate end of life options.
• Dr. Morgan said people with disabilities are not a monolithic group and no organization can speak for every independent, competent person. Organizations can only represent their boards of directors.
• Dr. Morgan said there has been no evidence of a slippery slope or of abuse in Oregon over 25 years. The safeguards are rigorous and preclude anyone with a cognitive disability.
• Dr. Morgan said decisions should be solely at the control of a competent and dying individual.
• Dr. Morgan said people with disabilities support HB 1283-FN.
• Dr. Morgan said people with disabilities are not incompetent and can make their own choices and their own decisions.

Robin Mower
• Ms. Mower read written testimony from Jill Robinson in support of HB 1283-FN.

Mark Kaplan
• Mr. Kaplan supports HB 1283-FN. He said he is Jewish and had a traditional upbringing.
• Mr. Kaplan said his parents supported MAID for decades. Despite it being clear his father was ready to die, he was not given the option. Instead, he chose not to eat or drink and was sedated into unconsciousness.
• Mr. Kaplan said his father had teenage polio and he has a cousin who is disabled.
• Mr. Kaplan said no vote should be based on one's religion. He believes in the separation of church and state.
• Mr. Kaplan said it is important to consider individuals, not institutions. Constituents favor HB 1283-FN, including religious people.
• Mr. Kaplan said he doesn't want to impose his beliefs on others and does not want the beliefs of others imposed on him. HB 1283-FN gives an option.

Kathy Polly
• Ms. Polly read written testimony from Diane Guerin in support of HB 1283-FN.
Rev. Mary James

- Rev. James is a United Church of Christ minister. She supports HB 1283-FN.
- Rev. James shared the story of her husband, Bob, who died in 2022 from cancer. Bob was a man of deep faith and a loving father and husband. He underwent a hard regiment of treatment and wanted to live. When it was clear he was terminal, he enrolled in at-home hospice. There were periods of unbearable breakthrough pain, his breathing tube clogged, and he lost control of his bodily functions.
- Rev. James said unmanageable symptoms are the real slippery slope.
- Rev. James said Bob wrote in his journal that he wanted to transition in peace but couldn’t. He considered overdosing on his hospice medications. He woke up in the middle of the night bleeding from his tracheotomy. Rev. James held him and told him how loved he was as he bled to death and drowned in his own blood.
- Rev. James said she did not believe Bob’s disease or manner of death was God’s plan for him.
- Rev. James said too many terminally ill patients ask if they can die and tell their doctors that it is time to go.

Brent Richardson, APRN

- Mr. Richardson said he is a clinician who would be honored to have a law like HB 1283-FN. He said he has seen people die like Bob James, although it is rare.
- Mr. Richardson said HB 1283-FN is so specific and narrowly tailored.
- Mr. Richardson said he has helped thousands of patients die over his career. The majority of patients are routine, palliative care. There are exceptional cases.
- Mr. Richardson said the majority of human beings want to live as long as possible even if they are terminal. When the impossible calculus tips to suffering and the individual wants the option to end the suffering, he needs to be able to offer that.

The Committee was in recess from 1:02 PM to 1:32 PM.

Bob Dunn

Director of Public Policy, Roman Catholic Diocese of Manchester

- Mr. Dunn opposes HB 1283-FN.
- Mr. Dunn said that although PAS is ordinarily put forward with the idea that it is a matter of individual autonomy, he urged the Committee to look at HB 1283-FN in the context of Part 1, Article 1 of the New Hampshire Constitution and the principle of the common good.
- Mr. Dunn said the AMA says PAS is difficult or impossible to control and poses serious societal risk.
- Mr. Dunn said the coalition of stakeholders opposing HB 1283-FN speaks powerfully. The bill poses risks to the most vulnerable.
- Mr. Dunn said lives will be compromised or placed at risk if HB 1283-FN passed.
Raelene Shippee-Rice

- Ms. Shippee-Rice supports HB 1283-FN.
- Ms. Shippee-Rice said there have been many advocates seeking to protect vulnerable people, especially those with disabilities or mental health challenges. There are other vulnerable people, including those with terminal illnesses and those who suffer extreme pain.
- Ms. Shippee-Rice shared the story of her father, who shot himself because of his inability to continue enduring the physical pain caused by his illness.
- Ms. Shippee-Rice asked why people who are suffering should be forced to kill themselves or forced to try to end their lives and fail. This increases their physical and emotional suffering.
- Ms. Shippee-Rice said that if MAID had been an option for her father, he would have been able to be loved and supported. Instead, they heard the gunshot and ran to find him. He said he was sorry he wasn’t even able to kill himself correctly.

Armand Soucy

SVAC, DAV, CWV

- Mr. Soucy opposes HB 1283-FN. He said there is a slippery slope with PAS, just as there was with medical marijuana, casinos and gambling, and civil unions.
- Mr. Soucy said there is a particular danger for veterans. Soldiers must do the killing for society. He said his son was not worried about dying, but about killing.
- Mr. Soucy said if HB 1283-FN passed, New Hampshire will be like Vermont, or worse, in ten years.
- Mr. Soucy said there are commercials supporting MAID in Canada and it has become a corporate business.
- Mr. Soucy said there likely would be lawsuits brought for wrongful death.

Larry Miller

President, NH Chapter, MOAA

- Mr. Miller said veterans made a promise to never stop serving.
- Mr. Miller said the MOAA board voted unanimously to oppose HB 1283-FN.
- Mr. Miller said veterans are the leading suicide risk and 16 veterans die by suicide every day.
- Mr. Miller said HB 1283-FN normalizes suicide and creates a pressure for veterans to make irreversible decisions. MAID devalues the inherent worth of veterans living with disabilities.
- Mr. Miller said the door would be opened to other populations.
- Mr. Miller urged the Committee to look at legislation to expand veteran access to mental health services and compassionate health care.
Fr. Andrew Nelson

- Fr. Nelson said he has been chaplain to thousands of dying people, of faith and not. There are different conversations when family members are not present. They often say they do not want to be a burden to their loved ones.
- Fr. Nelson said the medical industry needs to address pain.
- Fr. Nelson said HB 1283-FN puts into the minds of people the suggestion of suicide.
- Fr. Nelson said hidden behind the word “choice” is the word “pressure”. It has been behind every suicide he’s been involved with.
- Fr. Nelson said there was an epidemic of youth suicide in Goffstown in the 1990s. There is a fear that once the idea is placed in someone’s mind, it becomes more attractive to others who are vulnerable.
- Fr. Nelson said societal and cultural shifts are real.
- Fr. Nelson said 7% of deaths in Quebec are from PAS. Government regulators are worried doctors are disregarding the legal safeguards.
- Fr. Nelson said he is horrified by the societal changes in the last 25 years. He said he cannot believe school children are afraid of being at school. There is a fear of political violence in the streets. Cultural shifts happen.

Kurt Wuelper

NH Right to Life

- Mr. Wuelper said HB 1283-FN undermines the fundamental principle of medicine, which is to protect life.
- Mr. Wuelper said millions of dollars are spent to protect people from committing suicide. HB 1283-FN says it is OK to commit suicide.
- Mr. Wuelper said every restriction in HB 1283-FN has been struck down in other states by court rulings.
- Mr. Wuelper said it is OK, in the Netherlands, if children want to commit suicide.
- Mr. Wuelper said there aren’t enough mental health providers in Canada and the Netherlands to certify people for MAID, which is why Canada’s recent expansion was paused.
- Mr. Wuelper said MAID is the 4th leading cause of death in Canada. It took Canada less than ten years to get where it took the Dutch fifty.
- Mr. Wuelper said there was 143 suicides in New Hampshire in 2020. If it increased by 6%, there will be eight more people committing suicide, outside of MAID. He said it is a terrible tradeoff for a convenience for a small group of people.

George Kramlinger

- Mr. Kramlinger opposes HB 1283-FN.
- Mr. Kramlinger said any legalization of suicide lowers the threshold that those who consider suicide will need to cross in order to take their lives.
- Mr. Kramlinger said combat veterans, fire fighters, emergency medical responders, and police officers are exposed to increasing levels of stress and trauma, increasing their psychological fragility.
• Mr. Kramlinger said heroes and patriots deserve better.

Steve Wade
Executive Director, Brain Injury Association of NH
• Mr. Wade opposes HB 1283-FN.
• Mr. Wade said people with severe cognitive disabilities are at risk of many things. Although there are good intentions of HB 1283-FN, the guardrails do not work.
• Mr. Wade said a broad range of organizations oppose HB 1283-FN.
• Mr. Wade said the law is the teacher, and HB 1283-FN would send a message that suicide is normal and is health care for people who are vulnerable and at risk.

Ellen Edgerly
• Ms. Edgerly opposes HB 1283-FN. She said PAS is suicide and is always tragic.
• Ms. Edgerly shared the story of her daughter, Sarah, who was in an accident and was severely disabled at the age of 11. She lived for 23 years before she passed away. She wanted to live, communicating through blinking.
• Ms. Edgerly urged the Committee not to put sick and disabled citizens at risk.
• Ms. Edgerly said bodily autonomy, dignity, and rights are always under threat due to inadequate health care and institutionalization.
• Ms. Edgerly said some people believe that living with a disability was worse than death.
• Ms. Edgerly said HB 1283-FN is said to give a choice, but at what cost. It puts vulnerable people at risk.

Claudette Kelley
• Ms. Kelley supports HB 1283-FN.
• Ms. Kelley shared the story of her husband, Bill, who was a tough man and fought cancer for three and a half years. He was in and out of the hospital with a blood tumor in his lungs; he would have died a traumatic death, choking on his own blood. They traveled to Vermont and Bill safely made his own choices and passed on his own terms, ending months of suffering.
• Ms. Kelley said their experience in Vermont was warm, peaceful, and in the best interests of her husband.
• Ms. Kelley urged the Committee to give choice to people in New Hampshire.

Denise Muccioli
• Ms. Muccioli said she does not agree that HB 1283-FN will increase suicide rates.
• Ms. Muccioli said she watched her father die from lung and lymphatic cancers which traveled to his brain. There was a tumor the size of a football in his back. He was prescribed heroin and cocaine to control his pain, but they become ineffective over time.
She and her mother prayed for him to die; that could lead someone to consider suicide for the feeling of guilt.

- Ms. Muccioli said she is Catholic. HB 1283-FN is not suicide and is not euthanasia. It is compassionate care. There are controls in place to ease the physical pain for a person and their family.
- Ms. Muccioli said New Hampshire residents are being forced to go to Vermont or Oregon. They live in New Hampshire and want to die in New Hampshire with their family.
- Ms. Muccioli said there is a choice to allow people to die free from pain and suffering. No one is going to condone a five-year-old taking the MAID medication, because they do not have the capacity to make that decision.

**Kelly Rochford**

- Ms. Rochford supports HB 1283-FN. She is an end-of-life doula. Hospice and palliative care are a passion. Her experience shows they need additional tools.
- Ms. Rochford says she tells patients and families that they need to buy red towels to prepare for death, because their tumor is likely to rupture, and they will bleed to death.
- Ms. Rochford said there is complicated grief for survivors.
- Ms. Rochford said her vision of a peaceful death is not buying red towels and preparing for seizures.

**Shannon McGinley**

**Cornerstone Action**

- Ms. McGinley shared the story of her 87-year-old father. A year ago, he was diagnosed with multiple heart conditions. In October of 2023 he was in the hospital and told to prepare for his death. The family was pushed by the palliative care team to put him on hospice care. The pressure was significant. If he had gone on hospice, he would not have been able to access his cardiac care team.
- Ms. McGinley said her father's cardiac team recommended a different drug but were told not to get their hopes up. The drug gave him a new lease on life, and he made it through Christmas and was able to meet his granddaughter.
- Ms. McGinley said she asked challenging questions of his doctors and faced immense pressure.
- Ms. McGinley said there are also societal pressures involved.

**Lisa Schmidt**

- Ms. Schmidt shared the story of her husband, Jack, who was diagnosed with prostate cancer in the fall of 2023. He is the patient HB 1283-FN is intended for.
- Ms. Schmidt said there are many choices that need to be made, about treatment options, hospice care, and how and when to die.
- Ms. Schmidt said some people choose violence means to end their suffering. Some walk off a short pier, some exercise their Second Amendment rights. This is cruel to the
dying person. Her husband, Jack, stopped eating and drinking and took palliative sedation.

- Ms. Schmidt said MAID is a deliberate choice taken by qualified individuals with much discussion and thought.
- Ms. Schmidt said “natural death” does not have meaning today because there are so many medical interventions.

Corey Cormiea

- Ms. Cormiea shared the story of her daughter, Julie. Julie has an inoperable tumor at the base of her neck. Doctors do not know if she would survive a surgery. For four years, they’ve tried multiple kinds of chemotherapy, radiation, and experimental medications. Without HB 1283-FN, she will have to stand by and watch Julie suffer excruciating pain until her body gives out.
- Ms. Cormiea said HB 1283-FN was written for Julie. She is at the point where it needs to be done for her.
- Ms. Cormiea said the previous testimony about Hamas and abortion went way off track. People have been through enough pain already. They do not need more.

Beth Osgood Dodge

- Ms. Osgood Dodge supports HB 1283-FN.
- Ms. Osgood Dodge said that when a patient receives a terminal diagnosis, their mind immediately goes to the end of their life.
- Ms. Osgood Dodge shared the story of her sister, who was diagnosed with cancer. She wanted to die at home; HB 1283-FN would have given her the agency to do so. Hospice care failed her, and she had to call an ambulance. The emergency department was overrun so she waited in the hallway for treatment. It was the opposite of what she wanted, and it was profoundly sad.
- Ms. Osgood Dodge said that opponents of HB 1283-FN say that patients must live for as long as possible. She asked why people can’t decide for themselves what the end of their life looks like.
- Ms. Osgood Dodge said she is a descendant of the Pilgrims, who came to North America seeking freedom of religion and philosophy. She said it is tyrannical to impose one’s religious beliefs in an effort to control others.
- Ms. Osgood Dodge said HB 1283-FN would give comfort in case living becomes unbearable.

Brenda Buttrick

- Ms. Buttrick is a registered nurse who has worked in nursing homes in New Hampshire for 30 years. She has seen many patients die. It is a sacred time for families.
- Ms. Buttrick said many patients do not want to become a burden. With legislation for PAS, people may opt for it so that they do not become a burden.
• Ms. Buttrick said PAS is also appealing to insurance companies because it will save them money.
• Ms. Buttrick has a family member with lung cancer. He will enter hospice care soon. It is painful but they are glad that hospice care is an option. Hospice offers pain and symptom control, comfort care, and grief support after death.
• Ms. Buttrick said taking human life is wrong.

Shelia Zakre
• Ms. Zakre said she is disabled. She is legally blind, color blind, and cannot see outdoors because of the bright light.
• Ms. Zakre said HB 1283-FN should not pass. Despite the testimony that it is written narrowly and would only apply to rare conditions, the bill is written as to apply to many people.
• Ms. Zakre is an attorney who specializes in elder and disability law. Hundreds of people go to her to sign wills and directives. She said HB 1283-FN is written with less protections than those that exist for a person filling out a will. There is no sworn statement and there is no requirement for disinterested witnesses.
• Ms. Zakre said she has seen situations where there is a family disagreement and a child hands their parent a directive which has already been filled out with the hospital employee signing it as the witness, appointing the child to make decisions.
• Ms. Zakre said she is concerned that the culture has not come to grips with disability discrimination. She said a leading disability rights advocate in New Hampshire has told her that she is “so independent that she doesn’t seem disabled”.
• Ms. Zakre asked if the Committee wanted to ratify an option of “rather dead than blind”.
• Ms. Zakre urged an ITL recommendation.

Bonnie Blaisdell
• Ms. Blaisdell said her husband woke up on October 4, 2018, unable to speak with a loss of sensation on one side. He had a glioblastoma in his brain and was given 12 to 18 months to live. He underwent four and a half years of chemotherapy, surgery, and experimental treatments. The tumor grew back in March of 2023, and he decide to end treatment. He entered hospice and was given three months to live. He was interested in MAID and was frustrated that it wasn’t an option.
• Ms. Blaisdell said that when Vermont dropped their residency requirement, they traveled two and a half hours to meet with a provider about MAID. He met the requirements but needed to have two appointments with a gap in between. They had trouble making the appointments because he was so weak.
• Ms. Blaisdell said her husband died during the waiting period on the day that would have been the date of his second appointment when he would have gotten the prescription. He did everything he could for as long as he could. He wanted MAID.
• Ms. Blaisdell said MAID is an urgent issue.
Ian Dewey

- Mr. Dewey is a career firefighter and paramedic. He supports HB 1283-FN.
- Mr. Dewey said he has been on many medical calls and cared for many individuals with terminal illnesses. He has seen pain and suffering. People wish they could stop their pain and suffering.
- Mr. Dewey said his mother had cancer twice. They went over to Vermont and talked to a provider about dying with dignity. At the time she did not qualify for Vermont’s program, but they were able to have a proactive experience. She discussed over her last years wanting to end her life and her suffering.
- Mr. Dewey’s wife’s grandmother entered hospice in January of 2023. She was there for 13 days. It was not an easy experience to go through. He wishes there was something faster and easier.
- Mr. Dewey said it is not the most loving moments to watch people pass in hospice care.

Bonnie Dunham

- Ms. Dunham said her husband provided care to his brother with AIDS for two and a half years. It is important to note that they had some good times to his last day.
- Ms. Dunham said her son was born with complex health conditions and had surgery has an infant.
- Ms. Dunham said there was a time when infants with Down Syndrome were allowed to die. Parents would refuse routine surgery and deny food and water so the child would die after six days.
- Ms. Dunham said PAS is at risk of emotional and financial coercion. There is also a risk of feeling hopeless and a belief that suicide is the only option to avoid the cost of care and medical debt.
- Ms. Dunham said that insurance won’t pay for other care once PAS becomes an option. In California and Oregon, people with disabilities are denied insurance coverage and encouraged to use PAS.
- Ms. Dunham said a woman in California was told that her quality of life was not acceptable, even if it was acceptable to her personally.

Lisa Beaudoin

- Ms. Beaudoin is a disability policy professional and opposes HB 1283-FN.
- Ms. Beaudoin said the National Council on Disability published a 70-page white paper that said PAS represents an inherent harm and danger to people with disabilities. She said the top 17 national disability policy groups are not wrong and these are not alarmist groups.
- Ms. Beaudoin said this issue is rooted in ableist misconceptions and stigmas and marginalizes the lived experience of people with disabilities.
- Ms. Beaudoin said MAID is PAS.
- Ms. Beaudoin said the UNH Survey was paid for by the Alliance on End-of-Life Options and the national group, Compassion & Choices, and was a paid product of the survey center.
• Ms. Beaudoin said the Alzheimer's Association regrets having conversations with Compassion & Choices about HB 1283-FN and does not support the bill.
• Ms. Beaudoin said there is a lot of concern about abuse in Oregon.
• Ms. Beaudoin said the National Institutes of Health has said that medical ableism is real.
• Ms. Beaudoin said in all places where it has been enacted, MAID and PAS have been expanded and loosened.
• Ms. Beaudoin said then-Representative Wendy Chase testified at a hearing in 2020 on MAID that it could be expanded to include ALS, multiple sclerosis, and Alzheimer's Disease. The ideas for expansion are already in the minds of people in New Hampshire.
• Ms. Beaudoin said people with the privilege of being able to afford high quality specialty care do not understand why it is misguided to insist on giving themselves another health care option that is inherently dangerous. People with disabilities do not have the bodily autonomy based on disability discrimination. It is harder for them to get basic care like pap smears, dental and orthopedic care, and neurological visits.
• Ms. Beaudoin said a group of physicians who took part in a frequently cited Harvard study said that they tried to find ways to get disabled people out of their practice. 80% of doctors say that life with a disability is not as good as a life without.

Tom Fencil
• Mr. Fencil is a longtime hospice volunteer and a Coast Guard veteran.
• Mr. Fencil read written testimony from Dr. Bradley Eckert in support of HB 1283-FN.
• Mr. Fencil said he has personally been privileged to be with families and patients in their last days.

Donna Peterson
• Ms. Peterson is a registered nurse who has worked in end-of-life care for 20 years. She opposes HB 1283-FN.
• Ms. Peterson said she has seen many cases of people with terminal illnesses who have gotten care and pain management, such as a morphine drop, and given comfort with their families. The medical technology exists to manage pain and symptoms.
• Ms. Peterson said people are not always perfect and there is a slippery slope to go down. It is not guaranteed that HB 1283-FN will never be amended in the future. Canada, the United Kingdom, and the Netherlands have expanded their programs to include the disabled and people who are considered a burden on the health care system.
• Ms. Peterson said she has friends who have relatives in Canada. People in nursing homes have been deceived and told they were being given a pain pill but were actually being given the death pill.
• Ms. Peterson said society does not need physicians to validate the need of someone to die and the state does not need to be involved.
• Ms. Peterson said there are non-violent ways to commit suicide, such as leaving the car running in the garage and going on a hunger strike.
• Ms. Peterson said people will be euthanized against their will.
Fran Chickering

- Ms. Chickering supports HB 1283-FN.
- Ms. Chickering said she has had loved ones with several kinds of cancer. They did not have a choice. One loved one in particular would have chosen MAID if it were an option but, instead, they suffered.
- Ms. Chickering had cancer 20 years ago. She had chemotherapy and surgeries. If MAID had been an option then, she would not have taken it. She wanted to live and was not given six months to live. She did everything her doctors advised.
- Ms. Chickering said she is healthy now. She asked what about next week, next month, or next year. If she has a terminal illness, she wants the option. She already went through chemotherapy and radiation. She said she does not know if she would be brave enough to use the option, but she wants the option.

Steve, Andrea, and Phillip Kaneb

- Steve said his son, Phillip, has a disability, including epilepsy and a developmental disability. He adds a great deal to the lives of many and has shown his family that everyone has special needs.
- Steve said HB 1283-FN is plainly a form of suicide. It is a slippery slope, and it is difficult to prevent it from becoming widespread. Once a culture has embraced PAS, it becomes endemic in a “throw away” society.
- Steve said when he was a year old, his grandfather committed suicide. They did not know for many years that his great-grandmother had as well. Suicide spreads like contagion amongst family, friends, and society.
- Andrea said she endured a lot of heavy bleeding when she was pregnant for Phillip and doctors suggested ending her pregnancy.
- Andrea said Phillip was mainstreamed in elementary school and many classmates had speech or occupational therapists, so they saw the value in Phillip’s life. In high school he was ostracized. He attended Winnacunnet High School for one year before they decided to stop accepting tuition students, of whom there were only two and both of whom had special needs. At Amesbury High School, students with disabilities were not eligible to receive votes for senior class superlatives.
- Andrea said there are waitlists for services and staffing shortages at day programs. She does not trust the system to avoid a slippery slope.

Nancy Dorner

- Ms. Dorner is a retired high school guidance counselor and supports HB 1283-FN.
- Ms. Dorner said there is a difference between suicide and MAID.
- Ms. Dorner said hospice and palliative care are not sufficient for people with unbearable pain and a limited time to live.
- Ms. Dorner urged the Committee to recognize the comfort that people who are facing the end of the lives receive simply from having the option, even if they don’t use it.
- Ms. Dorner said she does not think that suffering is compassionate or necessary. Society does better for animals in pain.
Suzanne Steele

- Ms. Steele supports HB 1283-FN.
- Ms. Steele shared the story of her husband, Jeff, who has atypical Parkinson’s Disease and is about to go on hospice. He has lost the ability to move on his own, wash, use the bathroom, walk, hike, ride a bike, or ski – many of the things that made his life what it was and gave him joy and meaning.
- Ms. Steele said Jeff is no longer living but is simply existing. He is in constant emotional and physical pain. He cries and is frustrated and angry as he feels helpless.
- Ms. Steele said having the ability to die on his own terms would give Jeff some sense of control and peace of mind, compassion, kindness, and love.
- Ms. Steele urged the Committee to help change and make a difference for those that want to stop merely existing and suffering after living a long and happy life.
- Ms. Steele said the if people meet the requirements for MAID, they should be allowed to die with dignity if they want to and if it is right for them in the Live Free or Die state.

Abbey Thompson

- Ms. Thompson said it is heartbreaking to hear stories of relatives dying slowly. It is natural to want to relieve their pain. It is different to deliberately cause their death. If the main desire is to end pain, she asked where the natural end point is. She said there is no logical stopping point.
- Ms. Thompson said she learned about PAS in high school. At the time it made sense to her that it was about ending pain. She watched a documentary called How to Die in Oregon about a man who is terminally ill and living in a trailer. He wants to try everything to beat his illness and live as long as possible. The insurance company in the documentary informs him they won’t pay for his care but will pay for him to die.
- Ms. Thompson said society is judged by how it cares for the vulnerable.
- Ms. Thompson said the Hippocratic Oath is not religious but was invented by the Ancient Greeks. PAS is turning doctors into instruments of death and taking a wrong turn, moving society towards despair and homelessness.

Doug Read

- Mr. Read read written testimony from Dr. Zail Berry in support of HB 1283-FN.

Gary York, MD

- Dr. York is a retired physician and supports HB 1283-FN.
- Dr. York said HB 1283-FN is about options. Society embraces services like hospice and palliative care. For some people that is not enough. HB 1283-FN is about compassion.
- Dr. York said people want to pass at a time and place of their choosing, surrounded by their family and friends.
- Dr. York said HB 1283-FN is a bill for medical freedom and personal autonomy, which every person is born with and cannot be given nor taken away.
• Dr. York urged the Committee to actually read the bill and the implementation of the safeguards.
• Dr. York said a lot of the testimony about slippery slopes seems to be a distraction to the substance of the bill.
• Dr. York said 70% of New Hampshire citizens want HB 1283-FN to pass.
HOUSE BILL 1330-FN

AN ACT relative to establishing an emergency medical services disciplinary review panel, and relative to procedures for removal of records of discipline.

SPONSORS: Rep. Proulx, Hills. 15

COMMITTEE: Criminal Justice and Public Safety

-----------------------------

AMENDED ANALYSIS

This bill establishes a disciplinary review panel to consult, review disciplinary investigation findings, and make determinations for the discipline of licensed emergency medical service providers. The bill also requires procedures for the removal of disciplined licensee's names from public records.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to establishing an emergency medical services disciplinary review panel, and relative to procedures for removal of records of discipline.

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

1. Emergency Medical and Trauma Services; Disciplinary Review. The introductory paragraph of RSA 153-A:13, I is repealed and reenacted to read as follows:
   
   I. The EMS disciplinary review panel under paragraph IV shall deny an application for issuance or reissuance of a license, or suspend, or revoke a license, when the panel finds that the applicant is guilty of any of the following acts or offenses:

2. Procedures for Disciplinary Review. Amend RSA 153-A:13, III to read as follows:
   
   III. A denial, suspension, or revocation under this section by the EMS disciplinary review panel under paragraph IV shall be in accordance with RSA 541-A.

3. New Paragraphs; Emergency Medical Services; Disciplinary Review Panel Established. Amend RSA 153-A:13 by inserting after paragraph III the following new paragraphs:
   
   IV.(a) There is established an EMS disciplinary review panel comprised of 3 members, one representing each of the following New Hampshire EMS boards or committees: the emergency medical and trauma services coordinating board; the medical control board; and the trauma medical review committee. Panel members and/or their designee shall be members of, and appointed by the body they will represent, in a process determined by that body.

   (b) The disciplinary review panel shall be provided and review the findings of the director's investigation pursuant to RSA 153-A:14; and by majority decision of the full panel, shall approve license denials, the reissuance of licenses, and the suspension or revocation of a license.

   (c) Unless a time-frame extension is deemed necessary to complete its work, the panel shall review and act on a matter before it within 90 days. The panel shall provide a status update to the director every 30 days thereafter, until the matter is resolved. The director shall provide timely written notification to the licensee indicating any need for an extension, and a brief status update every 30 days thereafter, until the matter is resolved.

   (d) Nothing in this section shall prevent the director from issuing a letter of concern or an emergency suspension of an EMS provider's license. In such cases, the emergency suspension shall remain in place pending further action by the disciplinary review panel.

V. The division shall remove a licensee's name from its public list of the issuance of suspensions, or revocations 7 years from the date of disciplinary action; or in the event of a licensee's death, within 30 days of a request for removal and verification of death by the New Hampshire department of state's division of vital records administration, or equivalent agency of another state.
Emergency Medical and Trauma Services; Investigation. Amend RSA 153-A:14 to read as follows:

153-A:14 Investigations. The director shall investigate any complaint regarding the actions of any licensee licensed under this chapter or when the director has reason to believe that any licensed or unlicensed individual or entity is in violation of this chapter or any rules adopted pursuant to this chapter. *The findings of the investigation shall be referred to the disciplinary review panel for a determination of disciplinary action.*

Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to establishing an emergency medical services disciplinary review panel, and relative to procedures for removal of records of discipline.

FISCAL IMPACT:

<table>
<thead>
<tr>
<th>[ ] State</th>
<th>[ ] County</th>
<th>[ ] Local</th>
<th>[ ] None</th>
</tr>
</thead>
</table>

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$23,350</td>
<td>$35,000</td>
<td>$35,000</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

### METHODOLOGY:

This bill, effective January 1, 2025, creates an emergency medical services (EMS) Disciplinary Review Panel (Panel) that would hear and approve proposed disciplinary action on EMS providers prior to the final approval and issuance by the Commissioner of the Department of Safety. The Division of Fire Standards and Training and Emergency Medical Services would be required to formulate a process for the selection and training of candidates to sit on the Panel, perform administrative functions of organizing meetings, taking minutes, and producing the Panel’s findings for the Commissioner. In the most recent years, the Commissioner has issued approximately 20 sanctions per year, which would qualify going before the Panel, and to ensure timeliness and effectiveness it would need to meet at least monthly.

The Department states it would need to hire a part-time Administrator I position (labor grade 16, starting step 3) to administratively manage the work of the Panel. Assuming a start date of November 1, 2024, this position is expected to cost approximately $23,350 in FY 2025, and $35,000 in FY 2026 and each year thereafter.

### AGENCIES CONTACTED:

Department of Safety
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Criminal Justice and Public Safety</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/18/2024 12:00 pm LOB 202-204</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/12/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Majority Committee Report: Inexpedient to Legislate 02/12/2024 (Vote 12-7; RC)</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Minority Committee Report: Ought to Pass</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Inexpedient to Legislate: MF DV 54-320 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>FLAM # 2024-0818 (Rep. Proulx): AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0818: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/05/2024 01:25 am LOB 209</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; CC) HC 14 P. 6</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Health and Human Services; SJ 10</td>
</tr>
<tr>
<td>04/25/2024</td>
<td>S</td>
<td>Hearing: 05/01/2024, Room 101, LOB, 09:30 am; SC 17</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1330-FN, relative to establishing an emergency medical services disciplinary review panel, and relative to procedures for removal of records of discipline.

Hearing Date: May 1, 2024

Time Opened: 9:30 a.m.  
Time Closed: 9:41 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill establishes a disciplinary review panel to consult, review disciplinary investigation findings, and make determinations for the discipline of licensed emergency medical service providers. The bill also requires procedures for the removal of disciplined licensee's names from public records.

Sponsors:
Rep. Proulx

Who supports the bill: Representative Mark Proulx (Hillsborough – District 15).

Who opposes the bill: Justin Cutting (Dept. of Safety) and Janet Lucas.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Mark Proulx
Hillsborough – District 15

- Representative Proulx said HB 1330-FN started personally for him. His ex-partner was on the disciplinary website because she had a violation and her license was suspended. When she passed away, he tried to have her name removed from the website. He was told the Department of Safety (DOS) didn’t have the statutory authority to remove her name.

- Rep. Proulx said he had a coworker and friend who got caught in a controversial call and made a split-second decision that wasn’t in the normal realm but worked out. Most people who heard of the circumstances said they would have done the same thing. It took 11 months for the state to decide if she would keep her license or not, and there was little feedback on what was happening.
• Rep. Proulx said decisions fall to one person, who is not an emergency medical services (EMS) provider, to make a decision on EMS issues. He said there has to be a better way to do this.
• Rep. Proulx said the House Criminal Justice Committee amended HB 1330-FN to make it a better plan.
• Rep. Proulx said HB 1330-FN would create a panel of three members – one from the EMS Coordinating Board, one from the Medical Control Board, and one from the Medical Review Committee. The panel would receive information from the investigators and have 90 days to review the information. After 90 days, the panel has to reach out and inform the person of their status, as well as give updates every 30 days thereafter.
• Senator Avard asked if his coworker got her license back.
  o Rep. Proulx said she did, because she was right.
• Sen. Avard asked if it took 11 months.
  o Rep. Proulx said it did. He said it shouldn’t have been an issue. Anyone would have done the same thing.

Rep. Proulx

Speaking for a Second Time

• Rep. Proulx said he was willing to work on the bill with DOS. DOS had already given him word-for-word what they wanted and they went to the House Criminal Justice Committee with a compromise. When the Chair of the committee asked if everything was all set, the representative from DOS at the time said they needed more time and the amendment was not adopted.

Summary of testimony presented in opposition:

Justin Cutting

Director, Division of Fire Standards and Training and Emergency Medical Services, DOS

• Mr. Cutting said DOS opposes HB 1330-FN as written. Their opposition is technical-based. The bill does not repeal existing authorities granted to the DOS Commissioner, creates conflict with the new review panel, does not give the review panel rulemaking authority, does not authorize agency administrative support, creates conflict with the timeline in RSA 541-A, and conflicts with the existing authority regarding letters of concern.
• Mr. Cutting said there is a process in current law where complaints are investigated and then it goes to the DOS Commissioner to make a final decision.
• Sen. Avard said there was an 11-month period where a person was left hanging. He asked how to get the bureaucracy out of the way and expedite the process. He asked if DOS supported the spirit of the bill.
  o Mr. Cutting said DOS does not have a position on the spirit of HB 1330-FN. It is a policy decision for the General Court to make. Regarding the timeline, Mr.
Cutting said he has been a provider for 30 years. He understands the stress. He works hard to make sure the process is thorough and follows the laws and rules in coming to a result. It is complicated when there are numerous complaints with various degrees of information. It takes weeks or months to do the fact finding. DOS does not have subpoena power so they have to schedule interviews and work with people. He said the average timeline is six months or less.

- Sen. Avard asked if removing a deceased person from the list of violations could be fixed.
  - Mr. Cutting said that DOS does not have a position on that portion of the bill. It is a policy decision for the General Court to make.
- Sen. Avard asked if he was able to talk to Rep. Proulx about the issues with the bill.
  - Mr. Cutting said he had.
  - Sen. Avard asked if there was room for compromise.
  - Mr. Cutting said that what Rep. Proulx is trying to do is a policy decision for the General Court. He said he would share their technical issues and try to work on them.
- Senator Prentiss asked how complaints enter the system.
  - Mr. Cutting said they’re in a written format.
- Sen. Prentiss asked if complaints had to be signed or could be anonymous.
  - Mr. Cutting said they can be anonymous.
- Sen. Prentiss asked who made the decision on if a complaint becomes an investigation.
  - Mr. Cutting said he did.

Neutral Information Presented: None.
AN ACT relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill adds generalized anxiety disorder as a qualifying medical condition for the use of therapeutic cannabis.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

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

1 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Qualifying Medical Condition; Generalized Anxiety Disorder. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (6) the following new subparagraph:

(7) Generalized anxiety disorder.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill adds generalized anxiety disorder to the definition of "qualifying medical condition" for the purposes of the use of cannabis for therapeutic purposes law. The Department of Health and Human Services indicates addition of this qualifying medical condition may result in more patients eligible for the Therapeutic Cannabis Program. To the extent additional patients apply to the program, there would be an increase in application fee revenue received by the Department. Though indeterminable, the Department estimated revenue may increase up to $35,500 a year assuming 710 individuals with anxiety disorder pay the $50 application for the program. Under the statutorily mandated self-funding structure of the Therapeutic Cannabis Program in RSA 126-X and the fee structure established in administrative rule, this may result in lower annual registration fees for the Alternative Treatment Centers. There would be an increase in the number of applications processed by the Department, however it is not expected that the increase would necessitate additional staff.

AGENCIES CONTACTED:
Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/18/2024 10:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 11:00 am LOB 203</td>
</tr>
<tr>
<td>02/23/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/21/2024 (Vote 19-0; CC) HC 9 P. 9</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 101, LOB, 01:45 pm; SC 15</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1349-FN, relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

Hearing Date: April 18, 2024

Members of the Committee Present: Senators Birdsell, Bradley and Prentiss

Members of the Committee Absent: Senators Avard and Whitley

Bill Analysis: This bill adds generalized anxiety disorder as a qualifying medical condition for the use of therapeutic cannabis.

Sponsors:

Who supports the bill: Dr. Jerry Knirk, Rep. Heath Howard, Rep. Wendy Thomas, Dr. Joe Hannon, Matt Simon (Granite Leaf Cannabis), Hayden Smith, Curtis Howland, Janet Lucas, Brian Homer, Rachel Valladares, James Riddle

Who opposes the bill: Laura Condon, Daniel Richardson

Who is neutral on the bill: No one

Summary of testimony presented in support:
Rep. Heath Howard
- Rep. Howard said Cannabis has been successful in the treatment of Post Traumatic Stress Disorder, particularly in veterans.
- A number of states have allowed medicinal cannabis cards to be obtained by people who have PTSD, which is a specific type of anxiety.
- We have a number of people who are prescribed benzodiazepines which can be highly addictive.
- In 2021 there were 12,499 deaths as a result of the combination of benzodiazepines with synthetic opiates like fentanyl.
- If we can allow people an alternative that hasn’t caused any deaths and does not have addictive qualities than we can allow people to have greater control over their medical future.

Sen. Prentiss asked him to clarify his testimony around the combination of benzodiazepines and fentanyl.
**Rep. Howard** said people are taking benzodiazepines as an enhancer to elevate the high you experience when taking opiates. He said if we can eliminate people going this route this would allow people to have another option if they have had issues with opiates in the past.

**Rep. Thomas**
- Rep. Thomas said she wanted to give the committee real life examples of using therapeutic cannabis for anxiety.
- She was diagnosed with breast cancer in 2022 for which she had 3 major operations. This has resulted in her having situational anxiety. Before a test or procedure, she has anxiety beyond her control. Normally a physician would prescribe something like Valium or Ativan, however, she takes a small dose of cannabis between 2.5 - 5 milligrams.
- Rep. Thomas said she also has PTSD from medical procedures, which is a different kind of anxiety. She uses a vape pen for that which gets the medicine into her more quickly.
- She used to work at the dispensary in Merrimack and worked with patients with anxiety. Some plants can enhance anxiety. Talking to staff at a dispensary is helpful in those cases. They know which plants to recommend.
- Rep. Thomas said cannabis is a very effective medication for anxiety.

**Dr. Jerry Knirk**
- HB1349 seeks to add generalized anxiety disorder to the list of qualifying conditions for the therapeutic cannabis program.
- The Therapeutic Cannabis Medical Oversight Board voted 7-1 to support bill.
- Anxiety disorder is complicated and is often treated with multiple modalities, including counseling, cognitive behavioral therapy, exercise and medications.
- Even the use of FDA approved medications for anxiety can be problematic due to side effects and they are also not recommended for long term use.
- Cannabis can relieve anxiety. Often times patients in the program use cannabis for pain and find out it helps with anxiety.
- CBD alone can help with social anxiety without changes in cognition. CBD will not affect driving ability.
- The problem is that THC in high doses can worsen or cause anxiety. It needs to be used cautiously.
- The Board thinks it would be appropriate to use cannabis to treat anxiety. This is a change from their previous position from a few years ago.
- The standard approach at an ATC is to start at a low dose and titrate upward slowly.
- Another reason to pass this bill is many people treat anxiety with black market cannabis and that will introduce the risk of a patient getting cannabis with a high THC concentration and that will make anxiety worse. It is far safer for them to be certified to use therapeutic cannabis in order to be able to access tested, labeled, uncontaminated cannabis under the guidance on an ATC.
HB 1616 - AS AMENDED BY THE HOUSE
28Mar2024... 0716h
2024 SESSION
24-2459
05/10

HOUSE BILL 1616

AN ACT relative to parental consent for student participation in Medicaid to schools program.


COMMITTEE: Education

AMENDED ANALYSIS

This bill requires schools to obtain parental consent for each service is provided to a student under the Medicaid to schools program. The bill also requires certain legislative policy committees to receive reports regarding the Medicaid to schools program.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to parental consent for student participation in Medicaid to schools program.

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

1 Medicaid to Schools Program; Parental Consent Required. Amend RSA 186-C:25, VII to read as follows:
   VII. Beginning on September 1, 2018, the commissioner of the department of health and human services shall submit an annual report to the senate president, the speaker of the house of representatives, the chairpersons of the house and senate policy committees with jurisdiction over education, the chairpersons of the house and senate policy committees with jurisdiction over health and human services, and the chairpersons of the house and senate finance committees regarding the total cost of the Medicaid to schools program and the number of students who received services through the program during the prior school year.

VIII. Written parental consent shall be obtained for each new service provided to a Medicaid enrolled child pursuant to RSA 200:27-a. For the purpose of this paragraph and RSA 200:27-a, each new service shall mean each new Medicaid International Classification of Diseases (ICD) diagnostic code.

2 School Health Services; Consent of Parent or Legal Guardian Required. Amend RSA 200:27-a to read as follows:
   200:27-a Consent of Parent or Legal Guardian Required. A child's participation in any program that provides medical or dental treatment in any school setting shall require the explicit written consent of the child's parent or legal guardian for each new service as defined by a new diagnostic billing code.

3 Effective Date. This act shall take effect January 1, 2025.
<table>
<thead>
<tr>
<th>Date</th>
<th>Session</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Education  HJ 1</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/06/2024 02:45 pm LOB 205-207</td>
</tr>
<tr>
<td>02/05/2024</td>
<td>H</td>
<td>Executive Session: 02/13/2024 09:45 am LOB 205-207</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/06/2024 09:30 am LOB 205-207</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Executive Session: 03/18/2024 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 03/18/2024 (Vote 10-10; RC) HC 12 P. 27</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0716h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0716h: MA DV 190-187 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/17/2024, Room 100, SH, 09:30 am; SC 15</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1616, relative to parental consent for student participation in Medicaid to schools program.

Hearing Date: April 17, 2024

Time Opened: 10:28 a.m. Time Closed: 10:41 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley and Prentiss

Members of the Committee Absent: Senator Whitley

Bill Analysis: This bill requires schools to obtain parental consent for each service is provided to a student under the Medicaid to schools program. The bill also requires certain legislative policy committees to receive reports regarding the Medicaid to schools program.

Sponsors:

Who supports the bill: In total, 71 individuals signed in in support of HB 1616. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who opposes the bill: In total, 26 individuals signed in as opposed to HB 1616. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Katy Peternel
Carrol – District 6

- Representative Peternel said the intent of the bill is to create transparency in parental involvement and to protect parental rights.
- Rep. Peternel said Centers for Medicare and Medicaid Services (CMS) issued new guidance last year related to school billing. She said the intent was to ease administrative burdens on school-based providers. The Department of Health and Human Services (DHHS) and the Department of Education (DOE) are working with
school districts to implement the rules, which are only required under IDEA and FERPA, that schools must obtain written consent for the first instance of care.

- Rep. Peternel said the program includes preventative care, behavioral care, disease management, and mental health care.
- Rep. Peternel said that parents have the right to know about each service being provided to their children.

Aubrey Freedman

- Mr. Freedman said parents are responsible for supervising the medical care of their children. He said this includes every single service and there cannot be a blanket authorization.
- Mr. Freedman said that just because the federal government is paying for the care, there is no reason not to get consent for each service and is even more of a reason to get additional consent. He said this is a financial incentive for providers since someone else is paying for it.
- Mr. Freedman said that minors do not have the worldly wisdom and maturity to decide for themselves. He said parents should be giving consent on behalf of their children.

Janan Archibald

One Sky

- Ms. Archibald said she is concerned with what is going on within the Medicaid space. She said since the rules are changing, it is now legal to bill outside of an IEP in New Hampshire.
- Ms. Archibald said that a proposed rule in the Federal register would take away parental consent entirely. She said there are great concerns on the wellbeing of the population.
- Ms. Archibald said the parent is the one who aggregates information about their child. She said the process should promote parents staying involved.

Summary of testimony presented in opposition:

Representative Tim Horrigan

Strafford – District 10

- Representative Horrigan said the bill seemed unnecessary. He said the bill would modify two RSAs, of which one is in the education statutes and already requires parental consent for treatment. He does not understand the need for paperwork for each diagnostic code.
- Rep. Horrigan said the bill is an unfunded mandate.
- Rep. Horrigan said the definition in RSA 200:27 does not cover when parents or guardians disagree about treatment. He said this is covered in RSA 186-C.
- Rep. Horrigan said the bill would serve no purpose.
- Senator Avard asked if there was a cost to HB 1616.
o Rep. Horrigan said that there would be a cost.
• Sen. Avard asked why there is no fiscal note attached to the bill.
  o Rep. Horrigan said things fall through the cracks and that the fiscal note would likely be “indeterminable”. He said there is a large cost of more paper going back and forth if it is required for each diagnostic code.

Neutral Information Presented: None.

cml
Date Hearing Report completed: April 22, 2024
HB 1660-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1660-FN

AN ACT relative to coverage of certain procedures for minor children under the state's Medicaid program.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill provides that the state Medicaid plan shall not include gender reassignment treatment for minors.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1660-FN - AS INTRODUCED
24-2634
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to coverage of certain procedures for minor children under the state's Medicaid program.

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

1 New Section; Coverage of Gender Reassignment Procedures for Minors Excluded Under State Medicaid Program. Amend RSA 167 by inserting after section 3-m the following new section:

167:3-n State Medicaid Plan; Sex Reassignment Excluded. Medical assistance provided under the state Medicaid plan shall not include any form of gender reassignment surgery for a person under 18 years of age.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to coverage of certain procedures for minor children under the state’s Medicaid program.

FISCAL IMPACT:  [ X ] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 $0</td>
</tr>
<tr>
<td>FY 2026 $0</td>
</tr>
<tr>
<td>FY 2027 $0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 Indeterminable</td>
</tr>
<tr>
<td>FY 2026 Indeterminable</td>
</tr>
<tr>
<td>FY 2027 Indeterminable</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>General Fund</td>
</tr>
<tr>
<td>Federal matching funds</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>FY 2024 $0</td>
</tr>
<tr>
<td>FY 2025 $0</td>
</tr>
<tr>
<td>FY 2026 $0</td>
</tr>
<tr>
<td>FY 2027 $0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] See Below
• Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:
This bill provides that the state Medicaid plan shall not include coverage of gender reassignment treatment for minors. The Department of Health and Human Services states that gender reassignment surgery is estimated to cost $10,000 per procedure in total funds. (In most cases, the procedures would be funded with 50 percent federal funds and 50 percent state general funds.) The Department notes that gender reassignment for minors is a rare occurrence, and that lack of coverage for the procedure may result in other Medicaid expenditures due to a substitution of demand for different services. The net impact of the change is indeterminable, but the Department assumes it will range from a $50,000 annual savings to a $50,000 annual increase in general fund expenditures.

AGENCIES CONTACTED:
Department of Health and Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1</td>
</tr>
<tr>
<td>01/19/2024</td>
<td>H</td>
<td>Public Hearing: 01/31/2024 10:00 am SH Reps Hall</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/14/2024 09:30 am LOB 210-211</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Committee Report: Without Recommendation 02/15/2024 (Vote 10-10; RC) HC 9 P. 23</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Lay HB1660 on Table (Rep. A. Murray): MF RC 174-188 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA RC 193-169 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Reconsider HB1660 (Rep. Sweeney): MF DV 171-192 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/17/2024, Room 100, SH, 10:00 am; SC 15</td>
</tr>
<tr>
<td>05/01/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1660-FN, relative to coverage of certain procedures for minor children under the state’s Medicaid program.

Hearing Date: April 17, 2024

Time Opened: 11:34 a.m.  Time Closed: 12:24 p.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill provides that the state Medicaid plan shall not include gender reassignment treatment for minors.

Sponsors:

Who supports the bill: In total, 93 individuals signed in in support of HB 1660-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who opposes the bill: In total, 268 individuals signed in as opposed to HB 1660-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Jim Kofalt

Hillsborough – District 32

- Representative Kofalt said several countries and states have curtailed gender reassignment surgery for minors. He said HB 619-FN (2024) is an outright ban on such surgeries for people under the age of 18. HB 1660-FN is not that bill.
- Rep. Kofalt said that taxpayers should not be on the hook to pay for gender reassignment surgery for minors. It does not prohibit puberty blockers for minors. It does bar Medicaid from covering gender reassignment surgery for minors.
- Rep. Kofalt said that the House Health, Human Services, and Elderly Affairs Committee felt that outstanding questions had been answered and chose not to amend HB 1660-FN. He presented an amendment that drew language from HB 619-FN and went into detail about what was medically necessary and permitted.
• Rep. Kofalt said some raised concerns that HB 1660-FN would create a two-tiered system of health care. He said he did research and there are many differences across private health care and what they cover.
• Senator Prentiss asked if there were other examples of procedures being excluded from the Medicaid plan.
  o Rep. Kofalt said he was not aware of others in statute. He said that coverage for gender reassignment surgery was added through Administrative Rules in 2017 or 2018. A foundational element of Medicaid is that things that are not medically necessary are not covered.
• Senator Whitley said that the Medicaid system involves health care services that are prescribed, recommended, and for which there is parental consent. There are doctors who are saying that this medical care is medically necessary. She said she is concerned about the legality of HB 1660-FN. She said New Hampshire does not target specific health care services in the Medicaid program. She asked if he was concerned about HB 1660-FN violating federal law. She said a federal judge recently blocked a similar ban in Florida.
  o Rep. Kofalt said that is up to the federal courts to decide. He said it is up to the people of New Hampshire to decide what New Hampshire wants to do. If the courts find it objectionable, so be it. He said it is a position that New Hampshire should take. He said that barring the ability for the General Court to remove an Administrative Rule, statute has to be changed.
• Sen. Whitley said there are some things the General Court is able to do. One of them is not violating the United States Constitution. She said a federal judge blocked a similar ban in Arkansas. She asked if he was concerned about HB 1660-FN being unconstitutional.
  o Rep. Kofalt said he agreed there should be a discussion on the constitutionality of it all. He said there have been opinions from one or two judges. He said the Supreme Court will ultimately rule on the issue. Many states are saying that they do not want taxpayers on the hook for these procedures. He said it is inappropriate and dangerous to allow the procedures for people under the age of 18.
• Sen. Whitley said states cannot violate federal law, because federal law takes precedence. She asked if he was concerned about HB 1660-FN violating federal law which prohibits discrimination in health care based on gender identity.
  o Rep. Kofalt said Sen. Whitley was arguing that the law was settled, while he was saying that the law was not settled.
• Senator Avard asked if conversion therapy was banned in statute.
  o Rep. Kofalt said it was.
• Sen. Whitley asked if he was aware that conversion therapy was never covered by the Medicaid program.
  o Rep. Kofalt said he was not.
• Senator Bradley asked if HB 1660-FN was still necessary if HB 619-FN became law.
  o Rep. Kofalt said the research was unclear. He said it was unclear if Medicaid would cover a surgery performed in another state.
• Rep. Kofalt said HB 619-FN is focused on bottom surgery, while HB 1660-FN also covers top surgery.
Beth Scaer

- Ms. Scaer said the Supreme Court ruled on the Idaho ban on gender affirming treatments for children within the last few days.
- Ms. Scaer said HB 1660-FN will protect gender-confused teenagers from making irreversible decisions.
- Ms. Scaer said parents lack adequate information to provide informed consent and are often coerced. They are told they have a choice between suicide or reassignment surgery.
- Ms. Scaer said it is natural for teenagers to want to make a new path and to stand out from their peers. She said it is harder for people who are neurodiverse, as they are bullied and excluded.
- Ms. Scaer said that LGBTQ clubs invite children in and make them feel special and then identify them as transgendered in order to explain their feelings of exclusion. She said children are coached and parents are backed into corners.
- Ms. Scaer said New Hampshire taxpayers should not be paying for these procedures.
- Ms. Scaer said children should get mental health care without medical transitioning.
- Ms. Scaer said a woman had filed a lawsuit against Dartmouth Health for transitioning her.
- Sen. Avard asked what the Supreme Court case was regarding Idaho’s ban.
  - Ms. Scaer said she had texted it to Sen. Avard.
- Sen. Avard said he recalled seeing Ms. Scaer outside the Senate Chamber with a sign for a different bill on transgender issues. He asked if she felt bullied for having a different opinion.
  - Ms. Scaer said she was harassed and bullied by transgender rights advocates. She said they were in her face trying to shut her down, and not allowing her to express her opinion.
- Sen. Whitley asked if she was aware that the Supreme Court ruling was based on the procedures of the case, not on the merits.
  - Ms. Scaer said she wasn’t but that she was glad to see any protection for children.
- Sen. Whitley said bullying was not acceptable and should not happen. She asked if she was aware that in states where laws have been passed, hate crimes had doubled against that population.
  - Ms. Scaer said that correlation is not causation. She said she has been accused of committing hate crimes. She said a lot of it is exaggeration.

Summary of testimony presented in opposition:

Courtney Reed

Legal Assistant, ACLU NH

- Ms. Reed said HB 1660-FN excludes treatment for gender sex reassignment, which is a medically necessary treatment for gender dysphoria. It discriminates against gender non-conforming people.
- Ms. Reed said HB 1660-FN has exceptions for mastectomies in other circumstance. It is saying that the care is less valid for transgendered individuals.
• Ms. Reed said multiple courts have ruled that categorical exclusions violate the Patient Protection and Affordable Care Act (ACA) and the United States Constitution. Courts in Arkansas, Florida, North Carolina, and West Virginia, and the Fourth Circuit, have ruled on it. A decision from the federal Department of Health and Human Services ruled that categorical exclusions are discriminatory on the basis of sex and Title VII of the Civil Rights Act of 1964.
• Ms. Reed said the New Hampshire Insurance Department issued a bulletin in 2020 saying that insurers cannot exclude or deny services based on gender identity.
• Sen. Avard asked if the issue had gone to the Supreme Court.
  o Ms. Reed said there was one case before the Supreme Court on the issue but there had been no decision on the merits.
• Sen. Avard asked if the law was then not settled.
  o Ms. Reed said it had not been settled by the Supreme Court. The Fourth Circuit has ruled in multiple cases that the exclusion of this care violates both federal law and the Constitution. The First Circuit, which includes New Hampshire, has not yet taken up a case.

Michelle Foisey
• Ms. Foisey said she is a mother of six children. She said medical decisions are personal ones that deserve support. As a physical therapist, she works to educate and inform her patients, while she supports, listens, and trusts her children.
• Ms. Foisey shared the story of her 17-year-old child who in March of 2023 disclosed suicidal thoughts and was diagnosed with gender dysphoria. She said the process was horrific and painful as a parent. She said her child would not be around today if they did not receive gender affirming care.
• Ms. Foisey said she cannot understand why gender affirming care is available at 18 but not at 16.
• Ms. Foisey questioned why it was appropriate to single out the low-income community. It would exacerbate their isolation while waiting to reach 18, while they need this care to survive.
• Sen. Prentiss asked if it was a multi-year process of working with medical professionals to reach their current place.
  o Ms. Foisey said they worked with her child’s doctor very closely for multiple years. They did not start with hormone therapy immediately; there were many steps before that.

Linds Jakows
603 Equality
• Linds said they use they/them pronouns and identify as non-binary.
• They said they had top surgery when they were 25-years-old, after much conversation. They first learned about transgender identity in the early 2000s and met a non-binary person in their early 20s.
• They said they went to therapy, explored surgeons, and needed a letter from their therapist. There were many hoops for them to jump through.
They said they were racing to get their top surgery done before they turned 26 and were kicked off of their parent’s insurance plan. They worked many odd jobs and gigs in order to save the $4,000 needed for their out-of-pocket costs.

- They said everyone should be lucky enough to feel at home in their body.
- They said the exclusion of gender affirming care was removed in 2017 on the basis of non-discrimination. They urged the Committee not to reverse it because of a fear mongering campaign.
- They said they knew they needed surgery from a young age. They said it should be free to all.

**Bethany Murabito**

- Ms. Murabito said she worked for an organization that connected people with health care resources. She was the Director of LGBTQ Health.
- Ms. Murabito said most of the children she interacted with were 15 or 16 years old when they began to discuss conversion. She would help them access therapy and, if they received a diagnosis of gender dysphoria, discuss what Medicaid or the Children’s Health Insurance Program (CHIP) would cover.
- Ms. Murabito said she saw teenagers just starting their gender discovery journey, and it is more than just surgery. She said as children turned 16 or 17 they started to come into their own.
- Ms. Murabito said there is an explicit requirement under the ACA for access to care without discrimination. HB 1660-FN would be discriminatory.
- Ms. Murabito said the Centers of Medicare and Medicaid Services defines the LGBTQ community as a specific underserved community.
- Ms. Murabito said people either receive Medicaid or enter the marketplace based on their income. All of the coverage available on the marketplace does cover gender reassignment surgery, although some are more blatant about it than others. If HB 1660-FN passed, it would be unfairly targeting poorer children who must receive Medicaid if they want insurance coverage.
- Ms. Murabito said HB 1660-FN is denying people access to life-saving procedures.

**Emma Sevigny**

**Children's Behavioral Health Policy Coordinator, New Futures**

- Ms. Sevigny said that HB 1660-FN creates barriers to receiving care for youth who do not have private insurance.
- Ms. Sevigny said the data is clear that when children are able to have access to medical care, it reduces the impacts of discrimination. This population already has higher rates of depression, self-harm, and suicide.
- Ms. Sevigny said receiving care leads to better health outcomes.
Jennifer Smith, MD

- Dr. Smith said the House did not pass HB 1683-NF (2024), which would have banned the state Medicaid plan from covering circumcision, which is an elective procedure.
- Dr. Smith said there is a reasonable debate to be had about circumcision, but banning Medicaid from paying for something other insurance pays for is wrong.
- Dr. Smith said HB 619-FN and HB 1660-FN are different debates and should be considered separately.
- Dr. Smith said if something is heinous, it will be banned. Gender affirming care is not heinous.
- Dr. Smith said she knows many transgender children and there are not being coached.
- Sen. Whitley asked if it was correct that under the ruling in Labrador v. Poe (2024) children could still receive gender affirming care in Idaho.
  - Dr. Smith said that was correct to her understanding.

Courtney Tanner
Dartmouth Health

- Ms. Tanner said there is no other place in RSA 167 that prohibits Medicaid from covering a medical service. All coverage decisions are done in administrative rules and implemented by the Medicaid office. HB 1660-FN would be designing Medicaid benefits.
- Ms. Tanner said there were material drafting questions with HB 1660-FN. She said there is no definition for gender reassignment surgery. She asked if it would include penile opening repair surgery, since it is a reconstructive surgery performed in childhood. She asked if it would cover breast reduction surgery for a 16-year-old girl who had back pain. She asked if that would change if the child had a different gender identity.
- Ms. Tanner said the questions she'd raised illustrate the danger in legislating medicine. Any blanket prohibitions bypass the existing system.
- Sen. Avard asked if all Medicaid decisions were made in administrative rules.
  - Ms. Tanner said not all, but there are no benefit design decisions made in statute.
- Sen. Avard asked if the rules could be tightened up or if there should be legislation.
  - Ms. Tanner said Dartmouth Health has concerns about legislating medicine. Putting Medicaid benefit designs in statute is legislating medicine.

Ava Hawkes
Director of Advocacy, New Hampshire Medical Association

- Ms. Hawkes said HB 1660-FN sets a dangerous precedent and moves New Hampshire in the wrong direction for health equity.
- Ms. Hawkes said it has been a priority to ensure that all New Hampshire residents have access to Medicaid-led health coverage.
• Ms. Hawkes said HB 1660-FN lacks definitions and is unclear. She raised the issue of people who are inter-sex and have ambiguous genitalia at birth.
• Ms. Hawkes said the American Medical Association opposes denying health care coverage based on gender identity.

Neutral Information Presented: None.

cml
Date Hearing Report completed: April 22, 2024
HOUSE BILL 306

AN ACT relative to prohibiting reunification therapy.


COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill prohibits certain types of family reunification treatment as part of a parenting plan and requires any recommended counselor be recommended by the parties and is a participating provider in the parties' health insurance network.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 306 - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to prohibiting reunification therapy.

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

1 Parental Rights and Responsibilities; Parenting Plans; Contents; Reunification Therapy Prohibited. Amend RSA 461-A:4, III to read as follows:

   III. If the parties are insured and the parenting plan directs the parties to participate in counseling, the court shall give due consideration to selecting a counselor who [accepts direct payment from the] is recommended by the parties and is a participating provider in the parties' health insurance carrier. The court shall not order family reunification treatments, programs, or services, including, but not limited to, camps, workshops, therapeutic vacations, or educational programs that, as a condition of enrollment or participation, require or result in any of the following:

   (a) A no-contact order.

   (b) An overnight, out-of-state, or multi-day stay.

   (c) A transfer of physical or legal custody of the child.

   (d) The use of private youth transporters or private transportation agents engaged in the use of force, threat of force, physical obstruction, acutely distressing circumstances, or circumstances that place the safety of the child at risk.

   (e) The use of threats of physical force, undue coercion, verbal abuse, isolation from the child's family, community, or other sources of support, or other acutely distressing circumstances.

2 Effective Date. This act shall take effect July 1, 2024.
<table>
<thead>
<tr>
<th>Date</th>
<th>Session</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/09/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Children and</td>
<td>Family Law HJ 3 P. 10</td>
</tr>
<tr>
<td>02/01/2023</td>
<td>H</td>
<td>Public Hearing: 02/07/2023 01:15 pm LOB 206-208</td>
<td></td>
</tr>
<tr>
<td>02/09/2023</td>
<td>H</td>
<td>Executive Session: 02/21/2023 01:00 pm LOB 206-208</td>
<td></td>
</tr>
<tr>
<td>02/24/2023</td>
<td>H</td>
<td>Retained in Committee</td>
<td></td>
</tr>
<tr>
<td>08/30/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 10/03/2023 03:00 pm LOB 206-208</td>
<td></td>
</tr>
<tr>
<td>10/12/2023</td>
<td>H</td>
<td>Executive Session: 10/31/2023 10:00 am LOB 206-208 HC 41</td>
<td></td>
</tr>
<tr>
<td>11/06/2023</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2306h 10/31/23</td>
<td>(Vote 16-0; CC) HC 49 P. 2</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Amendment # 2023-2306h: AA VV 01/03/2024 HJ 1 P. 32</td>
<td></td>
</tr>
<tr>
<td>01/03/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2306h: MA VV 01/03/2024 HJ 1 P. 32</td>
<td></td>
</tr>
<tr>
<td>02/26/2024</td>
<td>S</td>
<td>Introduced 02/21/2024 and Referred to Judiciary; SJ 6</td>
<td></td>
</tr>
<tr>
<td>04/11/2024</td>
<td>S</td>
<td>Hearing: 04/18/2024, Room 100, SH, 01:15 pm; SC 15</td>
<td></td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 5-0; SC 19</td>
<td></td>
</tr>
</tbody>
</table>
HB 306, relative to prohibiting reunification therapy.

Hearing Date: April 18, 2024

Time Opened: 1:17 p.m.  Time Closed: 1:43 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas and Chandley

Members of the Committee Absent: Senator Whitley

Bill Analysis: This bill prohibits certain types of family reunification treatment as part of a parenting plan and requires any recommended counselor be recommended by the parties and is a participating provider in the parties' health insurance network.

Sponsors:


Who opposes the bill: Dana Albrecht, and Daniel Richardson.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Fran Nutter-Upham said this bill was brought forward to protect children from being subjected to unproven, harmful, and supposedly therapeutic techniques offered by non-licensed clinics. She said this bill has been amended by Rep. Raymond. She deferred to Rep. Raymond for the amendment.

Senator Gannon asked if this deals with religion.


Representative Heather Raymond said as amended HB 306 protects both parents and children involved in custody cases by requiring the judges to consider selecting a counselor who is in the family’s health insurance plan. Families have testified that it
can be cost prohibitive when judge’s order counselors who are not covered in either parties’ insurance plan. HB 306 does not prohibit judges from assigning services that are not in the health insurance plan, but it does make the judge at least consider in-plan treatments.

She said reunification therapy is universally rejected by licensed mental health practitioners and health insurance agencies. Reunification therapy frequently employs no contact orders with one parent without evidence of abuse, transfer of custody from one parent to the other over the objection of the child, the use of threat or force towards the child to compel compliance, and undue coercion. She said reunification therapy can use a boot camp style programs to break children’s spirits. States like Colorado and California have passed legislation that bans reunification therapy. Vast majority of young adults cut off contact with the parent who they were forced to be reunified with. She said this is harmful to children and not good for families. Reunification therapy is happening in New Hampshire, and she noted there is a judge that orders the use of reunification therapy as treatment. HB 306 prohibits judges from ordering reunification therapy that employ certain services.

**Senator Chandley** asked if private youth transporters are given any training. She also asked if the phrase undue coercion is the phrase that is generally used, or would coercion be sufficient.

**Rep. Raymond** said the Colorado and California statutes use the phrase undue coercion. She said just using coercion may give the impression that you cannot talk to children about certain types of therapy. Undue coercion is if you don’t do a certain therapy, you will have a punishment. She was unaware about what training the transporters have.

**Senator Abbas** said on lines 4-6 it leaves it to the parties to recommend what counselors they want to use. However, he noted there are limited counselors who can serve, so sometimes it can be hard to find one in the health insurance plan.

**Rep. Raymond** said on line 5 it says, “the court shall give due consideration to selecting a counselor.” The court isn’t prohibited from ordering a counselor outside of the insurance plan, but they would like the court to start at that point.

**Senator Carson** said this Committee in the past has heard testimony that judges were assigning counselors who weren’t in the parties insurance plan, and she thought this bill was a good change that allows for flexibility. She asked if this applies to non-licensed facilities, and asked if we have any licensed facilities that do reunification therapy.

**Rep. Raymond** said no licensed facilities will do reunification therapy.

**Sarah Tollefsen** said she supported HB 306. She said there are children in this country that are taken from their homes, removed by transporters, and forced to be in the care of their non preferred and often abusive parent. She said reunification therapy courts are not good for a child’s well-being. She said they are wholly unregulated. She said adverse childhood experiences can make later in life tougher for
children. She said when family court orders reunification therapy, it is institutional betrayal to the children.

**Sen. Abbas** asked if she is opposed to any form of reunification therapy.

**Ms. Tollefsen** said family therapy with licensed therapists would be fine.

**Paula Werme**, practicing family law attorney in New Hampshire, concerned with the language that says the courts shall give due consideration. She said judges will have a wider discretion to make their own decisions. She said reunification therapy needs to be banned entirely. Court ordered family therapy usually ends up as a problem. She recalled a horrific case of reunification therapy. She would like to see stronger wording than the courts shall give due consideration.

**Sen. Abbas** asked if this language would ban any form of reunification therapy.

**Ms. Werme** said it does not ban family therapy, but it needs to be with licensed professionals who are following ethical guidelines.

**Sen. Abbas** said on lines 6 it says, “a court shall not order family reunification treatments,” and said treatments may include family therapy that would involve reunification.

**Ms. Werme** said the bill specifically talks about reunification therapy that should not be done.

**Summary of testimony presented in opposition:**

**Dana Albrecht** said he was concerned with line 11 and he wanted to make sure the bill was not preventing people who live in Nashua from booking an appointment in Boston with a counselor or telehealth treatment. He said going across state lines for good quality providers was a legitimate concern.

**Neutral Information Presented:** None.
HOUSE BILL 318-FN-A

AN ACT relative to magistrates, bail commissioners, the standards applicable to and the administration of bail, and making appropriations.


COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

I. Establishes magistrates and provides them duties and requirements.

II. Makes various amendments governing the standards applicable to and the administration of bail.

III. Establishes an electronic monitoring program for certain criminal defendants and provides various appropriations to allow for the development and implementation of such a program.

IV. Makes amendments to the amount of the bail commissioner's fee and makes other amendments to the duties and educational requirements for bail commissioners.

V. Establishes a judicial training coordinator and establishes training requirements for judges and certain judicial employees.

VI. Makes additional appropriations to the judicial branch.

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

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to magistrates, bail commissioners, the standards applicable to and the administration of bail, and making appropriations.

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

1 New Chapter; Magistrates. Amend RSA by inserting after chapter 491-A the following new chapter:

CHAPTER 491-B

MAGISTRATES

491-B:1 Appointment and qualifications. The chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall appoint at least 10 magistrates, subject to appropriation by the legislature. Such magistrates shall serve at such locations as the chief justice of the supreme court may determine under this chapter. Magistrates shall be judicial branch employees.

491-B:2 Duties.

I. At the discretion of the chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, magistrates may have the following powers:

(a) To determine the release or detention of defendants on all days of the week and at all times of day pursuant to RSA 597:2;

(b) To conduct arraignment hearings and issue decisions on arraignments;

(c) To conduct bail hearings and issue decisions on bail and other decisions regarding release or detention of persons pending trial pursuant to RSA 597:2;

(d) To issue arrest warrants or other processes of arrest;

(e) To issue search warrants;

(f) To administer oaths and affirmations; and

(g) To perform such other acts or functions specifically authorized by the chief justice of the supreme court not inconsistent with the New Hampshire constitution or any state or federal laws.

II. Magistrates may only perform the powers listed in paragraph I(b) through I(g) if they are licensed to practice law in the state of New Hampshire.

III. The magistrates shall provide to any person bailed by the magistrate pursuant to the authority granted by this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.
I. If bail is being determined pursuant to RSA 597:2, I where the person seeking bail is physically present at a state courthouse, bail payments may be in the form of cash or non-cash electronic form as established by rule or order of the supreme court.

II. If bail is being determined pursuant to RSA 597:2, I where the person seeking bail is not physically present at a state courthouse, bail payments shall be accepted in any non-cash electronic form as established by rule or order of the supreme court.

2 Arrests in Criminal Cases; Release or Detention; Place and Time of Detention. Amend RSA 594:20-a, I to read as follows:

I. When a person is arrested with or without a warrant, he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody. The person shall be taken to appear before a magistrate, circuit court, or a superior court in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies, without unreasonable delay, to answer for the offense. All persons shall appear no later than 24 hours after arrest, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person’s attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and holidays excepted. In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a magistrate within 24 hours of the arrest.

3 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA 597:6-e to read as follows:

I. If a person is ordered released by a bail commissioner or magistrate, the person, or the state, shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours, Sundays and holidays excepted.

II. Subject to RSA 597:2, X and XI, the person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice or magistrate, or by a bail commissioner. The motion shall be determined promptly. However, no action shall be taken on any such motion until the moving party has provided to the superior court certified copies of the complaint, affidavit, warrant, bail slip, and any other court orders relative to each charge for which a release or detention order was issued by a justice, or a bail commissioner. In cases where a district court justice has made a finding, pursuant to RSA 597:2, IV that the person poses a danger to another, the superior court shall, after notification to both parties, the police department that brought the charges in district court, and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into
consideration the district court’s written findings, orders, pleadings, or transcript when making a modification.

III. The person, or the state pursuant to RSA 606:10, V, may appeal to the supreme court from a court’s release or detention order, or from a decision denying revocation or amendment of such an order. The appeal shall be determined promptly.

4 Bail and Recognizances; Detention and Sanctions for Default or Breach Conditions. Amend RSA 597:7-a, I to read as follows:

I. A peace officer may detain an accused until the accused can be brought before a justice or magistrate if the peace officer has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if the peace officer witnesses a breach of conditions of release. The accused shall be brought before a justice or magistrate for a bail revocation hearing within 48 hours, Saturdays, Sundays and holidays excepted.

5 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, I-IV to read as follows:

I. Except as provided in paragraph III or VI, upon the appearance before the court or magistrate of a person charged with an offense, the court or magistrate shall issue an order that, pending arraignment or trial, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;

(c) Detained; or

(d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

I-a. The court shall have the authority under paragraph I to set a cash bail amount only if it is an amount which the defendant is able to meet.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court or magistrate shall issue an order that, pending a probation violation hearing, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

III. When considering whether to release or detain a person, the court, magistrate, or, if applicable, a bail commissioner shall consider the following issues:

(a) Safety of the public or the defendant.
(1) Except as provided in RSA 597:1-c, a person who is charged with
homicide under RSA 630; first degree assault under RSA 631:1; second degree assault
under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious
sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping
under RSA 633:1; felony level stalking under RSA 633:3-a, VI(a); trafficking in persons
under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of
child sexual abuse images under RSA 649-A; or computer pornography and child
exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall,
upon arrest, be detained pending arraignment before the court. Arraignment shall occur
no later than 24 hours after the arrest. In the case of a person arrested when the court is
not open within the next 24 hours, a decision on bail shall be made by a magistrate within
24 hours of the arrest. At the person’s appearance before the court or magistrate, the court
or magistrate shall order that the person be detained pending trial if the court or
magistrate determines that there is substantial evidence to believe that release of the
person is a danger to that person or the public. For purposes of this subparagraph,
"substantial evidence" shall be more than a preponderance of evidence and less than clear
and convincing evidence. In determining whether release will endanger the safety of that
person or the public, the court or magistrate may consider all relevant and material
factors presented pursuant to paragraph IV. If the court or magistrate does not find that
there is substantial evidence that the person must be detained, the court or magistrate
shall order the person released pursuant to subparagraph I(a) or subparagraph I(b), or, if
applicable, temporarily detained pursuant to subparagraph I(d). In any case where a
protective order is issued by the court or magistrate related to any of the crimes listed in
this subparagraph, a person may be released only with electronic monitoring in order to
ensure the safety of any alleged victim. Any violation of the conditions of the release with
electronic monitoring shall be immediately reported to the law enforcement agency in the
jurisdiction where the violation occurred, which, if there is probable cause to establish
such violation, shall cause the person to be arrested forthwith. A person arrested for
violating the conditions of his or her bail for an offense listed in this subparagraph shall
be held until they can be brought before the court at the first available date. If at a
subsequent hearing, the court finds probable cause exists that the person violated the
conditions of his or her bail for any of the crimes listed in this subparagraph, such
violation shall be prima facie evidence of dangerousness and the defendant shall be held
pending trial. The court may order reimbursement of the cost of electronic monitoring to
the county in accordance with the provisions in paragraph VI(b).

(2) If a person is charged with any other criminal offense, [an offense listed in RSA
173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged
with a violation of a protective order issued under RSA 173-B, the court or magistrate may order preventive detention without bail, or, in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court or magistrate determines by clear and convincing evidence that release will endanger the safety of that person or the public, except as provided in paragraph VI. In determining whether release will endanger the safety of that person or the public, the court or magistrate may consider all relevant factors presented pursuant to paragraph IV. The court shall have the authority to set a cash bail amount only if it is an amount which the defendant is able to meet.

(b) Assuring the court appearance of charged persons.

(1) The court or magistrate shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court or magistrate, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court or magistrate may require unless the court or magistrate determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2) If the court or magistrate determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past 5 years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required.

(3) In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court or magistrate may consider all relevant factors bearing upon a person's ability to post bail.

(4) The court or magistrate shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition unless the court or magistrate determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

(c) Failure of a person to abide by previous bail conditions. If there is probable cause to believe that, while on release pending resolution of a previous offense, the person committed a felony, or if there is probable cause to believe that a person is on release pending resolution of a previous offense, and thereafter was arrested and released pending the resolution of a second offense, and has committed an additional class A misdemeanor[,] or driving or operating while impaired, the person shall be detained for no more than 24 hours for a bail hearing before a magistrate or the court. Upon appearance in front of a magistrate or the
court for a person detained under this section, there shall be a rebuttable presumption that the
person will not abide by a condition that the person not commit a new offense. The court or
magistrate shall not impose a financial condition that will result in the pretrial detention of the
person solely as a result of that financial condition unless the court or magistrate determines by
clear and convincing evidence after a hearing that no reasonable alternative or combination of
conditions will assure that the person will not commit a new offense. The court or magistrate may
consider any relevant factors in making its determination.

IV.(a) Evidence in support of preventive detention shall be made by offer of proof at the
initial appearance before the court or magistrate. At that time, the defendant may request a
subsequent bail hearing where live testimony is presented to the court.

(b) At any subsequent hearing, such testimony may be presented via video conferencing,
unless the court determines that witness testimony in court is necessary. A request by the
defendant for in-court testimony shall be made by oral motion at the initial hearing or by written
motion prior to any subsequent hearing. Any order granting the defendant's request shall be
distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not
be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim
from voluntarily testifying at such hearing or otherwise providing information to the court or
magistrate. The state may present evidence of statements made in the course of an investigation
through a law enforcement officer.

VI. If a person is charged with violation of a protective order issued under RSA 173-B or
RSA 633:3-a[1]:

(a) The person shall be detained without bail pending arraignment by the court
pursuant to RSA 173-B:9, I(a). Arraignment for a person charged with violation of a
protective order issued under RSA 173-B or RSA 633:3-a shall not be heard by a magistrate.

(b) If the court releases the person, the court shall order electronic monitoring
of the person while released.

(1) The county shall develop uniform criteria to evaluate and determine
whether a person is indigent or not indigent for the purpose of the person's ability to repay
the cost of electronic monitoring. Based on the criteria, the county shall render a finding
of indigent or not indigent for the purpose of the person's ability to repay the cost of
electronic monitoring.

(2) If the county finds that the person is not indigent for the purpose of
repaying the cost of electronic monitoring, the county shall order that the person reimburse
the county for payment of the cost of electronic monitoring. The county may extend the
time period for repayment in its discretion to allow the person time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed.

(3) If the county finds that the person is indigent for the purpose of repaying the cost of electronic monitoring, the person shall not be liable to pay the cost of electronic monitoring.

(c) A law enforcement officer shall have probable cause to arrest any person who is released pursuant to this paragraph with electronic monitoring upon probable cause that the person has violated the monitoring conditions imposed by the court. The county employee or agent who is tasked with monitoring the released person shall inform the law enforcement agency in the appropriate jurisdiction of any violation of the monitoring conditions.

(d) Unless pursuant to a search warrant, a law enforcement officer shall not be provided access to any data associated with the electronic monitoring of the released person, including but not limited to location data, for any purpose other than the investigation of non-compliance with the monitoring conditions imposed by the court.

VII. In a release order issued pursuant to this section, the court or magistrate shall include a written statement that sets forth:

(a) All of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) The provisions of RSA 641:5, relative to tampering with witnesses and informants.

VIII. A person charged with an offense who is, or was at the time the offense was committed, on release pending trial for a felony or misdemeanor under federal or state law, release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III, may be detained for a period of not more than 72 hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. Upon such notice, the court or magistrate shall direct the clerk to notify by telephone the department of corrections, division of field services, of the pending bail hearing. If the department fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

IX. Upon the appearance of a person charged with a class B misdemeanor, the court or magistrate shall issue an order that, pending arraignment, the person be released on his or her
personal recognizance, unless the court or magistrate determines pursuant to paragraph III that
such release will endanger the safety of the person or the public. The court or magistrate shall
appoint an attorney to represent any indigent person charged with a class B misdemeanor denied
release for the purpose of representing such person at any detention hearing.

7 New Paragraph; Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA
597:2 by inserting after paragraph X the following new paragraph:

XI. If a person is ordered to be released by a circuit court, the state may appeal only on the
grounds of dangerousness to the superior court. Upon receipt of the intent to appeal, the circuit
court shall detain the person pending resolution of the appeal. The appeal shall be filed in the
superior court on the same day as the circuit court's notice of its decision in accordance with rules
adopted by the court. The superior court shall hold a hearing on the appeal within 48 hours of the
filing of the appeal, excluding weekends and holidays.

8 New Section; Bail and Recognizances; General Provisions; Electronic Monitoring. Amend RSA
597 by inserting after section 2-b the following new section:

597:2-c Electronic Monitoring Program to be Established.

I. In this section, "electronic monitoring" means tracking the location of an individual
through the use of physical equipment or software that is capable of determining or identifying the
monitored individual's presence or absence at a particular location, including but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or
is not at an approved location and notifies the monitoring agency of the time that the monitored
individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of
the monitored individual and notifies the monitoring agency of the monitored individual's location.

II. Each county shall obtain the ability to equip and monitor defendants who have been
arrested and released on bail with electronic monitoring. The county may contract with a private
company, enter into a memorandum of understanding with a government agency, or utilize its own
personnel, subject to legislative appropriation, to obtain such ability to both equip and monitor.
Each county may recover the cost of its electronic monitoring program through a charge to
defendants who have been released on bail with electronic monitoring.

9 Appropriation; Department of Safety; Division of State Police and the New Hampshire
Judicial Branch.

I. The sum of $750,000 is hereby appropriated in the fiscal year ending June 30, 2025, to the
department of safety, division of state police, to develop and implement a system to electronically
share an individual's bail condition status with law enforcement.

II. The sum of $986,000 is hereby appropriated in the fiscal year ending June 30, 2025, to
the judicial branch, to develop and implement a judicial branch bail data platform to enable
electronic sharing of an individual's bail condition status with law enforcement.
III. The appropriations in paragraphs I and II shall not lapse. The governor is authorized to
draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

10 Bail and Recognizances; Bail Commissioners; Fees. Amend RSA 597:20 to read as follows:

597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of [$40] $60.

However, clerks of court or members of their staffs who are bail commissioners shall be entitled to
collect such fee only when called while not on active duty. In jurisdictions where the bail
commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police
employee, or anyone else authorized to execute police powers, such person shall not receive the fee
established in this section, but instead such amount shall be remitted to the town or city in which
the district court is situated. If the defendant is indigent, the fee shall be waived.

11 Bail and Recognizances; General Provisions; Determination of Indigence and Payment of Bail
Commissioner Fee. Amend RSA 597:2-b to read as follows:

597:2-b Determination of Indigence and Payment of Bail Commissioner Fee.

I. The arresting officer, at the point of arrest, shall inform the offender of the availability of
the services of the bail commissioner. [If the offender elects to utilize the bail commissioner's
services and is not indigent, the offender shall pay the bail commissioner's fee directly to the bail
commissioner. If the offender elects to utilize the services of the bail commissioner, but claims
indigence, the court shall, to the extent of available funding, utilize all possible means to pay the bail
commissioner's fee, and shall include written evidence of fee payment in the offender's case file.] In
any case where the offender has been arrested for a crime of violence against an individual
person, including any act of stalking or criminal threatening, and the bail commissioner
determines that the offender may be released pending arraignment, the arresting agency
shall attempt to contact the alleged victim for at least one hour to inform the alleged
victim of the pending release and the conditions of bail. This contact may be either in-
person or by telephone. If the alleged victim has not been reached within one hour of the
bail commissioner's setting of the terms and conditions of release, the police shall
immediately provide notice to the alleged victim through either telephonic voicemail or
written notice left at the alleged victim's last known residence. The police shall document
all efforts to contact the alleged victim and the time of the notification provided under this
section. The offender shall not be released until the alleged victim has been notified, or one
hour has elapsed from the time the bail commissioner set the terms and conditions of
release, whichever is earlier.

I-a. On a monthly basis, the court shall pay each bail commissioner the fees as
authorized by RSA 597:20 that each bail commissioner is entitled to from the previous
month.

II. The court shall develop uniform criteria to evaluate and determine whether an offender
is indigent or not indigent for the purpose of the offender's ability to [pay] repay the bail
commissioner's fee. Based on the criteria, the court shall render a finding of indigent or not indigent for the purpose of the offender's ability to repay the bail commissioner's fee.

III. If the court finds that the offender is not indigent for the purpose of repaying the bail commissioner's fee, the court shall order that the offender reimburse the court for payment of the bail commissioner's fee. The court may extend the time period for such repayment in its discretion to allow the offender reasonable time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed.

IV. If the court finds that the offender is indigent for the purpose of repaying the bail commissioner's fee, the offender shall not be liable to pay the fee.

12 Bail and Recognizances; Bail Commissioners; Term and Identification Card. Amend RSA 597:17 to read as follows:

597:17 Term and Identification Card.

I. Bail commissioners shall be commissioned for 5 years and continue in office until their successors shall have qualified. A bail commissioner's appointment may be revoked for cause at any time during the term of his or her appointment by the chief justice of the supreme court or the chief justice's designee.

II. The chief justice of the superior court or the administrative judge of the circuit court shall issue an identification card to each qualified bail commissioner in the state. The identification card shall be made of a durable material similar to that of a driver's license, and shall contain a photograph of the bail commissioner, the terms and dates of the bail commissioner's appointment, and any other information deemed necessary by the chief justice of the superior court or the administrative judge of the circuit court. The chief justice of the superior court or the administrative judge of the circuit court may enter into an agreement, through an interagency memorandum of understanding or any other appropriate mechanism, with the department of safety, division of motor vehicles to facilitate the production and issuance of the identification card.

13 New Chapter; Judicial Training. Amend RSA by inserting after chapter 490-J the following new chapter:

CHAPTER 490-K
JUDICIAL TRAINING

490-K:1 Judicial Training Coordinator.

A judicial training coordinator position shall be created on or before January 1, 2025, to work under the direction of the chief justice of the supreme court. The judicial training coordinator shall develop high quality judicial branch training and continuing education programs and work to provide judges, magistrates, bail commissioners, administrators, and court staff with a reasonable
opportunity to fulfill any mandatory orientation and initial required training as well as continuing educational requirements.

490-K:2 Initial Judicial Training Requirements.

Any person who holds the position of judge or magistrate in this state, and all nonjudicial employees of the judicial branch with a hire date on or after July 1, 2025, shall complete a judicial orientation and training program within 3 months of hire, as directed by the chief justice of the supreme court. The minimum initial training for judges shall be as follows:

I. Orientation for new judges on procedures and functions of the applicable court and relevant procedural and substantive law;

II. Education for new judges on major legal subjects and practical skills needed by them and appropriate to the jurisdiction of the court in which they serve;

III. At least one hour of training devoted to the topics of legal and judicial ethics, professionalism, preventing implicit bias, mental health, and domestic violence.

490-K:3 Judicial Continuing Education Requirements.

Any person who holds the position of judge, magistrate, court administrator, clerk, or director of the administrative office of the court in this state, shall be required to complete continuing education as the chief justice of the supreme court directs:

I. Justices of the supreme court shall complete a minimum of 24 hours of continuing education each year.

II. Justices of the superior court shall complete a minimum of 24 hours of continuing education approved by the chief justice of the superior court each year.

III. All superior court clerks shall complete a minimum of 16 hours of continuing education approved by the chief justice of the superior court each year.

IV. All circuit court judges shall complete a minimum of 24 hours of continuing education approved by the administrative judge of the circuit court each year.

V. All circuit court clerks shall complete a minimum of 12 hours of continuing education approved by the administrative judge of the circuit court each year.

VI. Magistrates shall complete a minimum of 16 hours of continuing education approved by the chief justice of the supreme court each year.

VII. The director of the administrative office of the courts shall complete a minimum of 16 hours of continuing education approved by the chief justice of the supreme court each year.

14 Bail and Recognizances; Bail Commissioners; Educational Requirements for Bail Commissioners. RSA 597:18-a is repealed and reenacted to read as follows:

597:18-a Educational Requirements for Bail Commissioners.

I. The judicial training coordinator, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall develop an education program to ensure that new bail commissioners are adequately trained and that existing bail commissioners have
current information regarding the status of the laws affecting bail commissioners and the powers and duties of bail commissioners. This education program shall include the laws specific to bail and the conditions that may be imposed by the bail commissioners.

II. Upon appointment, each bail commissioner shall receive at least 16 hours of training. Training may be in person, remote, or on the job training by shadowing another bail commissioner for a period of time as determined by the courts.

III. Each bail commissioner shall undergo 8 hours of annual training that shall include any changes to the law made by the general court or as a result of court decisions. An updated copy of all laws concerning bail commissioners and a copy of the latest edition of the Bail Commissioner's Handbook shall be provided to each bail commissioner at this annual training.

IV. Bail commissioners shall be paid for time spent during training as follows:

(a) Bail commissioners shall be paid a $50 stipend for each 8 hour block of training. Any in person training requiring less that 8 hours shall nonetheless be paid for a minimum 8 hour block. Remote training less than 8 hours may be prorated based upon the $50 per 8 hour block standard.
(b) If the training for newly appointed bail commissioners exceeds 16 hours, the newly appointed bail commissioners shall not be paid for more than 2, 8-hour blocks.

15 New Section; Bail and Recognizances; Bail Commissioners; Duties. Amend RSA 597 by inserting after section 18-a the following new section:

597:18-b Duties.
I. The bail commissioners shall provide to any person bailed by the bail commissioner under this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.

II. The bail commissioners shall notify any person bailed by the bail commissioners under this chapter that any violations of a protective order are non-bailable.

16 Funding.
I. The judicial branch shall determine the amount of funding needed in order to pay for the fees for bail commissioners and to establish the identification cards as directed in sections 10-12 and 14 of this act, and that amount is hereby appropriated in the fiscal year ending June 30, 2025 to the judicial branch.

II. The judicial branch shall determine the amount of funding needed to establish 10 new magistrates who will serve at such locations as the chief justice of the supreme court designates and who shall be empowered to perform certain judicial functions relative to bail, arraignments, and warrants, and that amount is hereby appropriated in the fiscal year ending June 30, 2025 to the judicial branch.

III. The appropriations in paragraphs I and II shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

17 Effective Date.
I. Sections 9 and 16 of this act shall take effect July 1, 2024.

II. Sections 5, 6, 7, and 8 of this act shall take effect July 1, 2025.

III. The remainder of this act shall take effect January 2, 2025.
AN ACT relative to magistrates, bail commissioners, the standards applicable to and the administration of bail, and making appropriations.

FISCAL IMPACT:  [X] State  [X] County  [X] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>$3,285,685</td>
<td>$3,091,370</td>
<td>$3,458,659</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>In excess of $3,153,685</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] Yes
- Does this bill authorize new positions to implement this bill? [X] Yes

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill:

- Establishes 10 magistrates, provides the duties and requirements for magistrates and makes a non lapsing general fund appropriation for the fiscal year ending June 30, 2025 to the Judicial Branch for the amount needed to establish the magistrate positions.

- Makes various amendments governing the standards applicable to and the administration of bail.

- Establishes an electronic monitoring program for certain criminal defendants and provides that each county shall obtain the ability to equip and monitor defendants who have been arrested and released on bail with electronic monitoring. Counties may
recover the cost their electronic monitoring programs through a charge to defendants who have been released on bail with electronic monitoring.

- Establishes a Judicial Training Coordinator and establishes training requirements for judges and certain judicial employees and bail commissioners.

- Increases bail commissioners' fees from $40 to $60 and provides that the court shall pay each bail commissioner's fees on a monthly basis. Includes a non lapsing appropriation for the fiscal year ending June 30, 2025 to the Judicial Branch for the amount needed to pay bail commissioners' fee and establish identification cards for bail commissioners.

- Makes non lapsing appropriations of $750,000 to the Department of Safety and $986,000 to the Judicial Branch for the fiscal year ending June 30, 2025 for development of a system to electronically share an individual's bail condition status with law enforcement.

The Judicial Branch provided the following estimates of the fiscal impact of the bill based on the effective dates:

<table>
<thead>
<tr>
<th>Judicial Branch Expenditures</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Magistrates, effective 1/2/2025 (1/2 year cost in FY 2025)</td>
<td>$781,685</td>
<td>$1,563,370</td>
<td>$1,629,090</td>
</tr>
<tr>
<td>Judicial Bail Data Platform, effective 7/1/2024 (2-year IT Contract)</td>
<td>$986,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Bail Data Platform - ongoing annual maintenance</td>
<td>$0</td>
<td>$0</td>
<td>$295,569</td>
</tr>
<tr>
<td>Judicial Training Coordinator, effective 1/2/2025 (1/2 year cost in FY 2025)</td>
<td>$82,000</td>
<td>$151,000</td>
<td>$157,000</td>
</tr>
<tr>
<td>Annual Bail Commissioner Training Stipends (Developed in FY 2025, first year FY 2026)</td>
<td>$0</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Bail Commissioner Fees, effective 1/2/2025</td>
<td>$636,000</td>
<td>$1,272,000</td>
<td>$1,272,000</td>
</tr>
<tr>
<td>Staff to pay bail commissioners and technology costs for new magistrates, effective 1/2/2025</td>
<td>$50,000</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td><strong>TOTALS:</strong></td>
<td><strong>$2,535,685</strong></td>
<td><strong>$3,091,370</strong></td>
<td><strong>$3,458,659</strong></td>
</tr>
</tbody>
</table>

The Department of Safety states it is not possible for the Department to calculate the fiscal impact of the changes to the bail system set forth in this bill. The most significant costs could come from housing and transporting defendants as well as the time associated with attempting to notify victims pending release of an individual arrested for a crime of violence against an individual person. The bill appropriates $750,000 in FY 2025 to the department of safety, division of state police, to develop and implement a system to electronically share an individual’s bail condition status with law enforcement.

The New Hampshire Municipal Association (NHMA) indicates that typically, arrest processing takes between 2-3 hours and timing is highly dependent on the availability of a bail commissioner or judge. In the case of offenses where a bail commissioner is called, the longest
period of time is usually waiting for the bail commissioner to arrive at the police department. In areas where few commissioners reside, that wait time can exceed an hour. Depending on the location of the department, the court, the county correctional facility, and the time of day, arrests resulting in action pursuant to this legislation may or may not result in increased costs associated with processing. Additionally, alterations in the type of bail available for certain crimes may or may not see changes in local expenditures based on the likelihood of further or future offenses being committed, requiring additional expenditures related to investigation of those offenses. Similarly, the creation of an electronic monitoring system beyond what is already available may or may not result in additional expenditures depending on the need to perform additional (or fewer) investigations. The NHMA states the bill would appear to affect municipal expenditures in the proposed amendment to RSA 597:2-b. This would change police processes to require an attempt to contact an alleged victim in cases of a crime of violence against an individual person, including any act of stalking or criminal threatening, where a bail commissioner has granted the defendant personal recognizance (PR) bail. The bill would require that the police department spend the hour following the issuance of PR attempting to contact the alleged victim to let him/her know of the bail conditions and would require that the defendant not be released until after the department contacts the victim or the hour has elapsed. The NHMA makes the following assumptions:

- Defendants may not be left unsupervised.
- Contact to the alleged victim via telephone or in person would require departments to attempt to make in person contact if telephone contact fails.
- The defendant would not be transported alongside an officer attempting to make in person contact with his/her alleged victim. Therefore, at least two officers would be necessary in any instance where a bail commissioner grants PR bail to a defendant arrested for one of the qualifying offenses.

NHMA indicates there may be additional costs associated with searching for alleged victims, including wear on equipment, gasoline costs, and other costs. Additionally, NHMA notes there may be no additional costs in instances where officers are already on duty and no additional wage costs would be incurred and/or when the alleged victim may be reachable by phone or immediately available in person and no additional costs would be incurred.

The New Hampshire Association of Counties states this bill would require all counties to set up an electronic monitoring program for those on pretrial/bail. The Association indicates that the counties anticipate the cost to establish this type of electronic monitoring program would be approximately $15 million a year. This cost would include hardware, software, and personnel to operate and execute the program. While there would be some reimbursement from persons on electronic monitoring, this reimbursement would be only for the hardware and not the additional expenses that go with the program. In addition, the Association indicates, while there would be
insignificant costs to the county attorney’s offices; the costs to the correctional facilities are indeterminable. Such costs may include increased salary and technology costs to execute hearings outside of the current schedule with the expanded magistrate program. In addition, the requirement for certain offenses to go in front of a judge, could lead to increased holding costs at the county correctional facilities.

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, New Hampshire Association of Counties and New Hampshire Municipal Association
Amendment to HB 318-FN-A

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

AN ACT relative to bail commissioners, the standards applicable to and the administration of bail, and making an appropriation.

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

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(a)-(b) to read as follows:

   (a) Safety of the public or the defendant.

       (1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; felony level stalking under RSA 633:3-a, VI(a); trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. At the person’s appearance before the court, the court shall order that the person be detained pending trial if the court determines by a preponderance of the evidence that release of the person is a danger to that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant and material factors presented pursuant to paragraph IV. If the court does not find sufficient evidence that the person must be detained, the court shall order the person released pursuant to subparagraph I(a) or subparagraph I(b), or, if applicable, temporarily detained pursuant to subparagraph I(d). A person arrested for violating the conditions of his or her bail for an offense listed in this subparagraph shall be held until they can be brought before the court at the first available date. If at a subsequent hearing, the court finds probable cause exists that the person violated the conditions of his or her bail for any of the crimes listed in this subparagraph, the defendant shall be held pending trial.
(2) If a person is charged with any other criminal offense, [an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B,] the court may order preventive detention without bail, or, in the alternative, may order restrictive conditions including, but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant factors presented pursuant to paragraph IV.

(b) Assuring the court appearance of charged persons.

(1) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2)(A) If the court determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past [5] 3 years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required, and the person shall be detained. At the bail hearing, the defendant shall be permitted to present evidence and the court shall decide whether such person has rebutted the presumption that release will not reasonably assure the appearance of the person as required.

(3) In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court may consider all relevant factors bearing upon a person's ability to post bail.

(4) The court shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition, unless the court determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

2. Bail and Recognizances; Detention and Sanctions for Default or Breach of Conditions. Amend RSA 597:7-a, II to read as follows:

II. A person who has been released pursuant to the provisions of this chapter and who has knowingly committed an act that he or she knew, or reasonably should have known,
violated a condition of his or her release [is] may be subject to a revocation of release, an order of
detention, and either a prosecution for contempt of court or, unless such conduct violates RSA
642:8, class A misdemeanor breach of bail.

3 New Paragraph; Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA
597:2 by inserting after paragraph X the following new paragraph:
XI(a) Each county may develop criteria to evaluate and determine whether a person is
indigent or not for the purpose of the person’s ability to repay the cost of electronic monitoring.
Based on the criteria, the county may render a finding of indigent or not for the purpose of the
person’s ability to repay the costs of electronic monitoring.
(b) If the county finds that the person is not indigent for the purpose of repaying the cost
of electronic monitoring, the county may order that the person reimburse the county for payment of
the cost of electronic monitoring. The county may extend the time period for repayment in its
discretion to allow the person time to make the repayment, except that in no case shall the time
period exceed one year from the date the case was closed. The county may seek reimbursement in
other ways as determined by the county.
(c) If the county finds that the person is indigent for the purpose of repaying the cost of
electronic monitoring, the county may waive the cost of electronic monitoring.

4 Bail and Recognizances; Bail Commissioners; Fees. Amend RSA 597:20 to read as follows:
597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of [\$40] \$60.
However, clerks of court or members of their staffs who are bail commissioners shall be entitled to
collect such fee only when called while not on active duty. In jurisdictions where the bail
commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police
employee, or anyone else authorized to execute police powers, such person shall not receive the fee
established in this section, but instead such amount shall be remitted to the town or city in which
the district court is situated. If the defendant is indigent, the fee shall be waived.

5 Bail and Recognizances; General Provisions; Determination of Indigence and Payment of Bail
Commissioner Fee. Amend RSA 597:2-b to read as follows:
597:2-b Determination of Indigence and Payment of Bail Commissioner Fee.
I. The arresting officer, at the point of arrest, shall inform the offender of the availability of
the services of the bail commissioner. [If the offender elects to utilize the bail commissioner’s services
and is not indigent, the offender shall pay the bail commissioner’s fee directly to the bail
commissioner. If the offender elects to utilize the services of the bail commissioner, but claims
indigence, the court shall, to the extent of available funding, utilize all possible means to pay the bail
commissioner’s fee, and shall include written evidence of fee payment in the offender’s case file.]
I-a. The court shall pay each bail commissioner the fees as authorized by RSA
597:20 that each bail commissioner is entitled to within 90 days of the submission of a
request for reimbursement from a bail commissioner. The court shall not pay fees that accumulate before January 1, 2025.

II. The court shall develop uniform criteria to evaluate and determine whether an offender is indigent or not indigent for the purpose of the offender's ability to repay the bail commissioner's fee. Based on the criteria, the court shall render a finding of indigent or not indigent for the purpose of the offender's ability to repay the bail commissioner's fee.

III. If the court finds that the offender is not indigent for the purpose of repaying the bail commissioner's fee, the court shall order that the [shall] reimburse the court for payment of the bail commissioner's fee. The court may extend the time period for such repayment in its discretion to allow the offender reasonable time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed.

IV. If the court finds that the offender is indigent for the purpose of repaying the bail commissioner's fee, the offender shall not be liable to pay the fee.

6 Bail and Recognizances; Bail Commissioners; Term and Identification Card. Amend RSA 597:17 to read as follows:

597:17 Term and Identification Card.

I. Bail commissioners shall be commissioned for 5 years and continue in office until their successors shall have qualified. A bail commissioner's appointment may be revoked for cause at any time during the term of his or her appointment by the chief justice of the supreme court or the chief justice's designee.

II. The judicial branch shall issue an identification card to each qualified bail commissioner in the state. The identification card shall be made of a durable material similar to that of a driver's license, and shall contain a photograph of the bail commissioner, the terms and dates of the bail commissioner's appointment, and any other information deemed necessary by the judicial branch. The judicial branch may enter into an agreement, through an interagency memorandum of understanding or any other appropriate mechanism, with the department of safety, division of motor vehicles to facilitate the production and issuance of the identification card.

7 New Chapter; Judicial Training. Amend RSA by inserting after chapter 490-J the following new chapter:

CHAPTER 490-K

JUDICIAL TRAINING

490-K:1 Judicial Training Coordinator.

A judicial training coordinator position shall be created on or before January 1, 2025, to work under the direction of the chief justice of the supreme court. The judicial training coordinator shall
develop high quality judicial branch training and continuing education programs and work to
provide judges, bail commissioners, administrators, and court staff with a reasonable opportunity to
fulfill any mandatory orientation and initial required training as well as continuing educational
requirements set by the chief justice of the supreme court.

490-K:2 Initial Judicial Training Requirements.

Any person who holds the position of judge in this state, and all nonjudicial employees of the
judicial branch with a hire date on or after July 1, 2025, shall complete an orientation and training
program within 3 months of hire, as directed by the chief justice of the supreme court. The
minimum initial training for judges may be as follows:

I. Orientation for new judges on procedures and functions of the applicable court and
relevant procedural and substantive law;

II. Education for new judges on major legal subjects and practical skills needed by them and
appropriate to the jurisdiction of the court in which they serve;

III. At least one hour of training devoted to the topics of legal and judicial ethics,
professionalism, preventing implicit bias, mental health, and domestic violence.

490-K:3 Judicial Continuing Education Requirements.

Any person who holds the position of judge, court administrator, clerk, or director of the
administrative office of the court in this state, shall be required to complete continuing education as
the chief justice of the supreme court directs.

8 Bail and Recognizances; Bail Commissioners; Educational Requirements for Bail
Commissioners. RSA 597:18-a is repealed and reenacted to read as follows:

597:18-a Educational Requirements for Bail Commissioners.

I. The judicial training coordinator, in consultation with the chief justice of the superior
court and the administrative judge of the circuit court, shall develop an education program to ensure
that new bail commissioners are adequately trained and that existing bail commissioners have
current information regarding the status of the laws affecting bail commissioners and the powers
and duties of bail commissioners. This education program shall include the laws specific to bail and
the conditions that may be imposed by the bail commissioners.

II. Upon appointment, each bail commissioner shall receive at least 16 hours of training.
Training may be in person, remote, or on the job training by shadowing another bail commissioner
for a period of time as determined by the courts.

III. Each bail commissioner shall undergo 8 hours of annual training that shall include any
changes to the law made by the general court or as a result of court decisions. An updated copy of all
laws concerning bail commissioners and a copy of the latest edition of the Bail Commissioner's
Handbook shall be provided to each bail commissioner at this annual training.

IV. Bail commissioners shall be paid for time spent during training as follows:
(a) Bail commissioners shall be paid a $50 stipend for each 8 hour block of training. Any in person training requiring less than 8 hours shall nonetheless be paid for a minimum 8 hour block. Remote training less than 8 hours may be prorated based upon the $50 per 8 hour block standard.

(b) If the training for newly appointed bail commissioners exceeds 16 hours, the newly appointed bail commissioners shall not be paid for more than 2, 8-hour blocks.

9 New Section; Bail and Recognizances; Bail Commissioners; Duties. Amend RSA 597 by inserting after section 18-a the following new section:

597:18-b Duties.

I. The bail commissioners shall provide to any person bailed by the bail commissioner under this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.

II. The bail commissioners shall notify any person bailed by the bail commissioners under this chapter that any violations of a protective order are non-bailable.

10 Funding.

I. The judicial branch shall determine the amount of funding needed in order to pay for the fees for bail commissioners and to establish the identification cards as directed in sections 4-6 of this act, and that amount is hereby appropriated in the fiscal year ending June 30, 2025, to the judicial branch.

II. The appropriation in paragraph I shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11 Effective Date.

I. Sections 10 and 11 of this act shall take effect July 1, 2024.

II. The remainder of this act shall take effect January 1, 2025.
AMENDED ANALYSIS

This bill:

I. Makes various amendments governing the standards applicable to and the administration of bail, as well as the penalties for violations of bail conditions.

II. Authorizes counties to establish criteria concerning a criminal defendant's ability to repay the costs of electronic monitoring.

III. Makes amendments to the amount of the bail commissioner's fee and the process to pay this fee, and makes other amendments to the duties and educational requirements for bail commissioners.

IV. Establishes a judicial training coordinator and establishes training requirements for judges and certain judicial employees.

V. Makes an appropriation to the judicial branch.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/09/2023</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Criminal Justice and Public Safety</td>
</tr>
<tr>
<td>01/18/2023</td>
<td>Public Hearing: 01/26/2023 09:00 am SH Reps Hall</td>
</tr>
<tr>
<td>01/24/2023</td>
<td>Executive Session: 02/03/2023 09:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/15/2023</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>08/22/2023</td>
<td>Subcommittee Work Session: 09/14/2023 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>08/22/2023</td>
<td>Subcommittee Work Session: 09/15/2023 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>08/24/2023</td>
<td>Subcommittee Work Session: 09/21/2023 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>08/24/2023</td>
<td>Subcommittee Work Session: 09/22/2023 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>09/06/2023</td>
<td>==CANCELLED== Subcommittee Work Session: 09/28/2023 10:00 am LOB 202-204 HC 36</td>
</tr>
<tr>
<td>09/13/2023</td>
<td>Subcommittee Work Session: 09/29/2023 10:00 am LOB 202-204 HC 36</td>
</tr>
<tr>
<td>09/14/2023</td>
<td>Subcommittee Work Session: 10/05/2023 10:00 am LOB 202-204 HC 37</td>
</tr>
<tr>
<td>09/13/2023</td>
<td>==CANCELLED== Subcommittee Work Session: 10/13/2023 10:00 am LOB 202-204 HC 37</td>
</tr>
<tr>
<td>10/12/2023</td>
<td>Subcommittee Work Session: 10/19/2023 10:00 am LOB 209 HC 41</td>
</tr>
<tr>
<td>10/12/2023</td>
<td>==CANCELLED== Subcommittee Work Session: 10/27/2023 10:00 am LOB 202-204 HC 41</td>
</tr>
<tr>
<td>10/12/2023</td>
<td>Subcommittee Work Session: 11/02/2023 10:00 am LOB 202-204 HC 41</td>
</tr>
<tr>
<td>10/12/2023</td>
<td>==CANCELLED== Subcommittee Work Session: 11/03/2023 10:00 am LOB 202-204 HC 41</td>
</tr>
<tr>
<td>10/16/2023</td>
<td>==CANCELLED== Executive Session: 11/09/2023 10:00 am LOB 202-204 HC 42</td>
</tr>
<tr>
<td>11/03/2023</td>
<td>Subcommittee Work Session: 11/14/2023 10:00 am LOB 202-204 HC 45</td>
</tr>
<tr>
<td>11/03/2023</td>
<td>Subcommittee Work Session: 11/08/2023 01:00 pm LOB 202-204 HC 45</td>
</tr>
<tr>
<td>11/03/2023</td>
<td>Executive Session: 11/15/2023 10:00 am LOB 202-204 HC 45</td>
</tr>
<tr>
<td>11/17/2023</td>
<td>Committee Report: Ought to Pass with Amendment # 2023-2460h (NT) 11/15/2023 (Vote 20-0; CC) HC 49 P. 7</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>Amendment # 2023-2460h: AA VV 01/03/2024 HJ 1 P. 38</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>Ought to Pass with Amendment 2023-2460h: MA VV 01/03/2024 HJ 1 P. 38</td>
</tr>
<tr>
<td>01/03/2024</td>
<td>Referred to Finance 01/03/2024 HJ 1 P. 40</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>Division I Work Session: 01/16/2024 10:30 am LOB 212</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
</tr>
</tbody>
</table>
Senate Judiciary Committee
Matthew Schelzi 271-3266

HB 318-FN-A, relative to magistrates, bail commissioners, the standards applicable to and the administration of bail, and making appropriations.

Hearing Date: April 24, 2024

Time Opened: 1:06 p.m. 
Time Closed: 1:56 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill:

I. Establishes magistrates and provides them duties and requirements.

II. Makes various amendments governing the standards applicable to and the administration of bail.

III. Establishes an electronic monitoring program for certain criminal defendants and provides various appropriations to allow for the development and implementation of such a program.

IV. Makes amendments to the amount of the bail commissioner's fee and makes other amendments to the duties and educational requirements for bail commissioners.

V. Establishes a judicial training coordinator and establishes training requirements for judges and certain judicial employees.

VI. Makes additional appropriations to the judicial branch.


Who opposes the bill: Janet Lucas.
Who is neutral on the bill: Travis Cushman and Sean Eldridge.

Summary of testimony presented in support:

Chief Allen Aldenberg, Manchester PD, said he supported HB 318-FN-A. He said departments and communities across the state continue to experience challenges with the current bail law. There are still countless cases where individuals continue to reoffend while out on bail and this is happening across the state. He highlighted a story out of Nashua of a man who kept offending and kept being released back into the community each time. He said his primary focus is on Section 5, because they fully support holding individuals alleged to have committed the 13 most egregious crimes and having them go before a judge or magistrate the next day. He said the evidentiary standard should be a preponderance of evidence, not substantial evidence, as it is not a burden of proof standard. He said the effective date should be July 2024, as communities cannot wait and need action now.

Mayor Jay Ruais supported HB 318-FN-A. Between January and March 2024, the Manchester Police Department conducted 1,203 arrests. He noted 25% of those individuals were out on bail at the time of their arrest. He said over the past 12 months Manchester PD conducted 4,529 arrests, and 26% of those arrestees were out on bail at the time of their arrest. This underscores the critical issue that violent and repeat offenders continue to be released onto the streets thereby putting the citizens of this state at risk. He said this alarming trend is a clear indication that communities are facing challenges that require a comprehensive and strategic response.

He urged the Committee to pass this legislation, as the state cannot afford to allow individuals charged with serious offenses to be released onto the streets to reoffend without consequence. He said there is a balance to be struck, but public safety is paramount. He said for Manchester, the passage of this bill and other reforms is imperative because the safety of the citizens is non-negotiable. He said this is an opportunity to prioritize safety, accountability, and ensuring that our communities are protected and justice is served.

Representative Jennifer Rhodes said over the summer there was a subcommittee to try and address all the concerns that House Criminal Justice and Public Safety kept hearing regarding bail. There was a list of crimes where people felt they should not go before a bail commissioner but must go before a judge. The Committee considered how they would get people in front of judges quickly, which turned out to be the creation of a magistrate system. She said New Hampshire does not have a system in place to let officers know if the person arrested is already out on bail or not.

She said this bill creates that system and allows the person arrested to go before the magistrate within 24 hours. She said the justices are going to be the ones who appoint the magistrates. She said the bill raises money for the bail commissioners. She said there is an appropriation to raise the amount of money that bail commissioners will get paid for their services, and those fees are going to get collected by the court. She said if a person is found to be indigent, the court can make the decision to have the
fees waived or put the person on a payment plan. She said there are fees for a monitoring device, which the courts will decide if the person needs to pay for or not.

**Representative Jonah Wheeler** said the bail commissioners fee will be $50 and they will be given money for the training portion. He said the magistrates were originally supposed to be 15 in total but House Finance took it down to 10 magistrates.

**Senator Gannon** asked when do bail commissioners receive their fees in which they are owed.

**Rep. Rhodes** said bail commissioners are not being paid at all right now, so the money will be collected and paid by the court. She also noted that all bills the House got from Senate Judiciary regarding bail have all been addressed in HB 318-FN-A.

**Senator Carson** said the magisterial system is brand new. Page 1, line 5, says the magistrates need qualifications but sets out no qualifications. She noted that the Chief Justice of the Supreme Court, Chief Justice of the Superior Court, and Administrative Judge of the Circuit Court shall appoint 10 magistrates, but asked who the individuals are that will be chosen as magistrates. She asked if House Finance took those qualifications out.

**Rep. Wheeler** said these people need to be qualified. There was an assumption that these people would be lawyers or people familiar with the bail system.

**Sen. Carson** said these duties are very serious as they will be conducting bail hearings and issuing warrants among other responsibilities and this bill needs to have the qualifications in the language.

**Senator Abbas** said on page 1, lines 11-22, that virtually all of those responsibilities listed would not be able to be performed unless they were a licensed member of the New Hampshire Bar.

**Sen. Carson** said because this is new, everything needs to be very clear. She said if they are to be attorneys, they must be in good standing with the New Hampshire Bar in order to be considered.

**Buzz Scherr,** Law Professor at UNH Law, supported HB 318-FN-A. He said he never heard in any Committee that there would be a $15 million cost. He said the electronic monitoring would be for people who are released on electronic order, not for every person, and it would not cost $15 million. He said it is not comprehensive electronic monitoring. He said the whole point of the magistrate system is that they be available. He said there was never a concern that came up about the availability of the magistrate system. He said there is a committee that is tasked with looking at the pre-trial services and ways to implement them statewide. He said there was language that would have had qualifications in the magistrate system expecting them to be lawyers. He said he could provide the Committee with a detailed set of qualifications for the magistrates.

He said on page 9, lines 19-32, would require that a police department, if someone were to be released on bail, make an effort to notify the victim, at least an hour before, that the perpetrator would be released. He said the electronic monitoring system was
put in place for those subject to a protective order to help manage contact between domestic violence victims and their abusers. He said the July 1, 2025, implementation date, as opposed to July, 1st 2024, would be more practical as the court would need time to ramp up the magistrate system. He said a compromise could be January 1st, 2025. He said the substantial evidence standard was a negotiated item. He said he wasn’t a fan of the substantial evidence standard and would have liked it to stay at clear and convincing evidence, but there needed to be compromise. He urged the Committee to concur on HB 318-FN-A.

Sen. Abbas said on page 4, line 14, is the substantial evidence standard and asked if he could share what discussion went on with the stakeholders.

Mr. Scherr said it was always between clear and convincing evidence and substantial evidence. It was never a preponderance of the evidence. He said it was a strong request from the Prosecutor's Association that for these particular crimes listed as felonies that there be some relief from the strictness of the clear and convincing standard. He said he would like it to be clear and convincing.

Sen. Abbas asked how he could support this bill if he thinks anything less than clear and convincing is unconstitutional.

Mr. Scherr said it will probably make its way up to the Supreme Court to litigate if the clear and convincing standard is unconstitutional, but it was a compromise he made from his perspective to support HB 318-FN-A.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Senator Carson introduced HB 318-FN-A on behalf of the prime sponsor. She noted no one from the House was in the room to introduce this bill.

Erin Creegan, General Counsel for the Judicial Branch, said she is neutral on HB 318-FN-A. She said there is the ability to implement this plan, but they could implement other plans if negotiations are made. She said the 24-hour determination would be a big change. There is no night or weekend court right now. Currently, bail is determined by bail commissioners at night or on the weekends as court is not open. She said there may have been suggested qualifications in previous versions of this bill, such as having police or defense experience. She said those were taken out because they did not want to be too prescriptive as it would be hard to find people to fill these roles. She said having a magistrate system could potentially be a gain. She said these duties are currently being done by judges, so the magistrates could save resources for the courts. She informed the Committee that the magistrate system and the 24-hour system are conjoined and would need to be addressed jointly if they are thinking of making changes. She said a change made in House Finance moved the electronic monitoring responsibilities over to the counties. She said right now only four counties
have electronic monitoring systems. She said the judicial training coordinator, established in this bill, would be a good idea; however, the final language had mandatory training. She said there is a constitutional issue to mandatory training, and that should be permissive language.

**Sen. Abbas** said if there were a magistrate system in place and a person got arrested for drunk driving presumably the person would be impaired and would have no counsel. He said his concern is that what would happen at the magistrate hearing. He did not want people saying what they would not normally say in a courtroom if the magistrate hearing is thought to be more informal.

**Ms. Creegan** said the intention is to essentially have a highly qualified salaried bail commissioner. She said the intention is to also retain bail commissioners for other than the 13 counties listed.

**Sen. Abbas** asked if magistrate hearings would be recorded.

**Ms. Creegan** did not believe it would be recorded, as it would be a challenge to do that at the jails.

**Sen. Carson** asked Ms. Creegan to supply the Committee with an updated fiscal note.

**Ms. Creegan** said it would be around $1 million to pay the bail commissioner fees, $1.6 million to pay the magistrates, $150,000 for the judicial training coordinator, and $1 million for the startup cost for the electronic bail data system, but it would drop down in subsequent years.

**Travis Cushman**, Superintendent of Merrimack County Department of Corrections and NH Association of Counties, neutral on HB 318-FN-A. He said the magistrates are a major concern. He said the 24 hour timeframe is a concern because what would happen if a magistrate was not available. He said getting magistrates to come to the facilities could be a challenge. He said the other big concern for the counties is the electronic monitoring system. He said only four of the counties have electronic monitoring, and the smaller counties who don’t have this system would have a significant cost to get the system up and running. He said all the counties are vastly different with size and scale, and transportation on the weekends would have a major impact on operations.

**Sean Eldridge**, Superintendent of Carroll County Department of Corrections and NH Association of Counties, neutral on HB 318-FN-A. He said their big concern is the cost of the electronic monitoring system and the cost of the magistrates. He said if the magistrate is not available on the weekend and a judge is available who would transport that individual. He said virtual hearings would be a higher cost, and they would need more staff. He said if they take over electronic monitoring he questioned who would take over the role of doing monitoring. He said it would be roughly $6 a day to monitor an individual. He said indigent individuals who don’t pay that cost would go back to the counties. He said the cost could be up to $15 million for the staffing, electronic monitoring, and everything else it would take to get this system up and running. He said the decision that the courts would be charged with ordering
electronic monitoring would be a concern as the Department of Correction would be the ones to enforce the monitoring of these individuals.

Senator Carson asked if the $15 million cost to the counties would be collectively. Mr. Eldridge said it is collectively based on each county and it would be per year.
HOUSE BILL 619-FN

AN ACT to require a person to attain the age of majority for genital gender reassignment surgery.


COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

The bill prohibits gender reassignment surgery for minors under 18 years of age.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT to require a person to attain the age of majority for genital gender reassignment surgery.

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

1 New Chapter; Prohibiting Genital Gender Reassignment Surgery on Minors. Amend RSA by inserting after chapter 332-L the following new chapter:

CHAPTER 332-M

PROHIBITING GENITAL GENDER REASSIGNMENT SURGERY ON MINORS

332-M:1 Purpose.

I. The legislature finds that the following facts and circumstances exist, which make the enactment of this statute necessary for the protection of minors and the furtherance of the public interest:

(a) Physicians have an ethical and legal duty to obtain patients' informed consent before ordering testing and treatment.

(b) Older children and adolescents should be asked to provide their assent for treatment in addition to their parents' permission.

(c) A patient's informed consent requires adequate information, capacity to decide, and absence of coercion.

(d) Best practices urge shared decision making between parent(s) and child and, in general preferring alternatives that will not foreclose important future choices by the adolescent and the adult the patient will become.

(e) Multivariate analyses of published studies between 2015 and 2022 showed no decrease in suicidality after gender affirming surgery, with some studies showing a significant increase in psychiatric hospitalizations and suicide after surgical transition.

(f) There is a lack of high quality clinical trials which provide data on outcomes for adolescent genital gender reassignment surgeries or young adult genital gender reassignment surgeries, particularly after pubertal suppression and cross sex hormones.

II. Adolescent genital gender reassignment surgery generally lacks both adequate information for informed consent and involves a high risk of coercion for parental consent when parents believe that they are faced with a choice between their child committing suicide or consenting to their child's genital gender reassignment surgeries.

III. In the absence of high quality data to prove safety and efficacy, including long term outcomes, only people over the age of majority should receive genital gender reassignment surgery in the state of New Hampshire.
Definitions. In this chapter:

I. “Ambiguous genitalia” means a malformation in which a person is not born with clearly male or clearly female external genitalia.

II. “Disorders of sex development” includes:
   (a) Forty-six XX chromosomes with or without virilization,
   (b) Presence of both ovarian and testicular tissue,
   (c) Other abnormal sex chromosome structure,
   (d) Abnormal sex steroid hormone production or action, or
   (e) Ambiguous genitalia.

III. “Female genitalia” means
   (a) Internal female genitalia which are the ovaries, Fallopian tubes, uterus, cervix and vagina; and
   (b) External female genitalia which are the labia minora and majora, also known as the vulva, and the clitoris.

IV. “Genital” and “genitalia” means the male or female reproductive organs, in singular and plural form.

V. “Genital gender reassignment surgery” means surgical procedures in people born without disorders of sex development including but not limited to metoidioplasty, phalloplasty, or vaginoplasty which seek to change genitalia:
   (a) From male genitalia to female genitalia;
   (b) From female genitalia to male genitalia;
   (c) To form a combination of male and female genitalia or absence of genitalia in those born with exclusively male or exclusively female genitalia; or
   (d) By removing non-malignant genitalia.

VI. “Male circumcision” means surgery which removes all or a portion of the foreskin covering the glans of the penis, performed for religious, cultural or health reasons.

VII. “Male genitalia” means:
   (a) Internal male genitalia which are the testes, epididymis, and vas deferens; and
   (b) External male genitalia which are the penis and scrotum.

VIII. “Malignant” means cancerous or otherwise dangerous to the physical health of the person including physiology compromised by infection, lack of blood flow, or physical injury.

IX. "Malformation" means a structural defect in the body due to abnormal embryonic or fetal development.

X. "Metoidioplasty" means a surgery to transform the clitoris into a penis.

XI. “Minor” means a person who has not reached the age of majority.

XII. "Phalloplasty" means the surgical construction of a penis from other parts of the body.
XIII. “Physician” means a person who is licensed to practice medicine in this state under RSA 329.

XIV. "Reconstructive surgery" means surgery to restore normal form and function of tissue after it has been compromised by malformation, infection, trauma, cancer or other physical pathologies.

XV. "Vaginoplasty" means the surgical creation of a vagina from other parts of the body and includes but is not limited to:

(a) Penile inversion vaginoplasty, which is a first-line “gold standard” approach for those with sufficient penile tissue;

(b) Peritoneal vaginoplasty, which is an emerging surgical approach using the membrane that lines the abdominopelvic cavity and surrounds the abdominal organs, for people with insufficient penile tissue including those with a history of puberty blocking medications.

(c) Rectosigmoid vaginoplasty, which uses a section of the sigmoid colon to create the vaginal lining, providing an option for those without sufficient penile tissue or as a revision for failed vaginoplasty.

332-M:3 Prohibition of Genital Gender Reassignment Surgery on Minors.

I. A physician shall not perform genital gender reassignment surgery on minors in the state of New Hampshire.

II. Physicians are not prohibited from performing:

(a) Reconstructive surgeries on the genitalia of minors to correct malformation, malignancy, injury or physical disease;

(b) Removal of malignant, malformed, or otherwise damaged genitalia;

(c) Genital surgeries on minors with disorders of sex development; or

(d) Male circumcision.

332-M:4 Enforcement.

I. Any referral for or provision of genital gender reassignment surgery to an individual under 18 years of age is unprofessional conduct and is subject to discipline by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

II. A minor or the parent of such minor aggrieved by a violation of this chapter may bring an action in the superior court for damages and injunctive relief against any person who has committed or attempted or threatened to commit such violation or any person who has aided or abetted the same.

III.(a) A person shall bring a claim for a violation of this chapter no later than 2 years after the day the cause of action accrues.

(b) An individual under 18 years of age may bring an action during their minority through a parent or next friend, and may bring an action in their own name upon reaching majority at any time from that point until 20 years after reaching the age of majority.
IV. Notwithstanding any other provision of law, an action under this chapter may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

V. In any action or proceeding to enforce a provision of this chapter, a prevailing party who establishes a violation of this chapter shall recover reasonable attorneys’ fees.

VI.(a) The attorney general shall have authority to bring suit to enforce compliance with this chapter.

(b) This chapter shall not be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the State of New Hampshire, or any agency, officer, or employee of the state, acting under any law other than this chapter, to institute or intervene in any proceeding.

332-M:4 Severability. Should any part of this chapter be declared invalid the remaining portions shall continue in full force and effect.

2 Effective Date. This act shall take effect January 1, 2025.
AN ACT prohibiting gender transition procedures for minors, relative to sex and gender in public schools, and relative to the definition of conversion therapy.

FISCAL IMPACT: [ X ] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>STATE:</th>
<th>Estimated Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FY 2023</td>
</tr>
<tr>
<td>Appropriation</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue</td>
<td>$0</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source:</td>
<td>[ X ] General [ ] Education [ ] Highway [ ] Other</td>
</tr>
</tbody>
</table>

The Legislative Budget Assistant Office is awaiting information from the Department of Justice. The Department was contacted for a fiscal note worksheet on January 6, 2023.

METHODOLOGY:

This bill prohibits gender transition procedures for individuals under the age of 18 and prohibits the use of funds for these procedures. The Department of Health and Human Services anticipates a reduction in Medicaid funds as a result of the services, therapies, and medications that would no longer be performed or offered. However, the Department also anticipates that the bill may result in an "undefined level of risk" of disallowance of federal matching funds under Medicaid, as federal law and regulations are currently unsettled on the matter of whether states may prohibit public funds from being used for gender transitions and related treatments.

The Judicial Branch notes that violations of the proposed new chapter would be subject to civil proceedings in court. In addition, the bill creates a new subdivision in RSA 193 relative to sex and gender in public schools, and would entitle the attorney general to seek an action in court to enjoin any ongoing violation of the section. The Branch is unable to determine the number of new cases that may be brought as a result of the bill.

The Department of Education states there is no anticipated costs to local school districts as a result of the bill.

AGENCIES CONTACTED:
Judicial Branch, and Departments of Health and Human Services, Education, and Justice
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/12/2023</td>
<td>H</td>
<td>Introduced (in recess of) 01/05/2023 and referred to Health, Human Services and Elderly Affairs</td>
</tr>
<tr>
<td>02/08/2023</td>
<td>H</td>
<td>Public Hearing: 03/07/2023 10:00 am SH Reps Hall</td>
</tr>
<tr>
<td>03/10/2023</td>
<td>H</td>
<td>Executive Session: 03/13/2023 09:30 am LOB 206-208</td>
</tr>
<tr>
<td>03/08/2023</td>
<td>H</td>
<td>==CANCELLED== Executive Session: 03/15/2023 09:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/15/2023</td>
<td>H</td>
<td>Retained in Committee</td>
</tr>
<tr>
<td>05/18/2023</td>
<td>H</td>
<td>Full Committee Work Session: 05/24/2023 10:00 am LOB 205-207</td>
</tr>
<tr>
<td>10/11/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 10/20/2023 11:00 am LOB 205-207 HC 41</td>
</tr>
<tr>
<td>10/26/2023</td>
<td>H</td>
<td>==CANCELLED== Subcommittee Work Session: 10/31/2023 10:00 am LOB 209 HC 43</td>
</tr>
<tr>
<td>10/26/2023</td>
<td>H</td>
<td>Public Hearing on non-germane Amendment # 2023-2359h: 10/31/2023 10:00 am LOB 210-211 HC 43</td>
</tr>
<tr>
<td>11/06/2023</td>
<td>H</td>
<td>Subcommittee Work Session: 11/08/2023 01:00 pm LOB 201-203</td>
</tr>
<tr>
<td>11/08/2023</td>
<td>H</td>
<td>Executive Session: 11/13/2023 10:45 am LOB 201-203 HC 44</td>
</tr>
<tr>
<td>11/16/2023</td>
<td>H</td>
<td>Committee Report: Without Recommendation 11/13/2023 (Vote 10-10; RC) HC 49 P. 39</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Amendment # 2023-2451h: AA RC 209-167 01/04/2024 HJ 2 P. 8</td>
</tr>
<tr>
<td>01/04/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2023-2451h: MA RC 199-175 01/04/2024 HJ 2 P. 12</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Judiciary; SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 100, SH, 09:15 am; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 619-FN, to require a person to attain the age of majority for genital gender reassignment surgery.

**Hearing Date:** April 25, 2024

**Time Opened:** 12:17 p.m.  
**Time Closed:** 1:36 p.m.

**Members of the Committee Present:** Senators Carson, Gannon, Abbas, Whitley and Chandley

**Members of the Committee Absent:** None

**Bill Analysis:** The bill prohibits gender reassignment surgery for minors under 18 years of age.

**Sponsors:**
- Rep. Roy
- Rep. Spillane
- Rep. McCarter
- Rep. Verville
- Rep. Notter
- Rep. Seidel
- Rep. A. Lekas
- Rep. Love

---

**Who supports the bill:** In total, 60 individuals signed-in in support of HB 619-FN. Full sign in sheets are available upon request by contacting the Legislative Aide, Matthew Schelzi (matthew.schelzi@leg.state.nh.us).

**Who opposes the bill:** In total, 322 individuals signed-in in opposition of HB 619-FN. Full sign in sheets are available upon request by contacting the Legislative Aide, Matthew Schelzi (matthew.schelzi@leg.state.nh.us).

**Who is neutral on the bill:** No one.

**Summary of testimony presented:**

Representative Erica Layon, Rockingham – District 13
- Representative Layon introduced the bill and stated that she is the Vice Chair of the Health, Human Services and Elderly Affairs Committee in the House. She explained that the committee amended the bill drastically because it initially addressed too many topics.
- She explained the bill was amended to only address genital gender reassignment surgeries on individuals under the age of eighteen.
• She stated that there is more data available on phalloplasties compared to vaginoplasties. She explained these are complex and invasive procedures that are historically performed on sexually mature people.
• She acknowledged that while there is a lack of data on these procedures now, that may not necessarily always be the case. She said the bill acknowledges that there is currently no data to support these procedures’ safety and efficacy.
• She explained that informed consent requires known benefits and risks, and that is not possible if there is no data. Essentially, she said, one cannot give informed consent to this procedure unless they acknowledge that it is experimental.
• She said this bill has a large definitions section because there are a lot of reasons as to why someone may need genital surgery under the age of eighteen. She stated that physicians are not prohibited from performing reconstructive surgeries for malformation, malignancy, injury, or physical disease.
• She recognized that some argue the emotional aspect of this surgery is also a medical reason, but emphasized that this surgery is a serious procedure.
• She emphasized that this bill will not ban these procedures, but rather just require that individuals wait until they are eighteen years old.
• She said she supports people being their authentic selves, but allowing minors to have this surgery is a disservice to them and their parents.
• Senator Whitley acknowledged that medical professionals have expressed that it is dangerous to regulate the practice of medicine in statute. She asked why the practice of medicine should be legislated in this particular case. Representative Layon explained that medical societies generally adopt guidelines based upon various data sources, but the transgender medical field has not followed this same path. She said this is largely due to suicide risk and the need to offer necessary care, causing practice to move quicker than data. She emphasized this poses a risk towards minors.
• Senator Whitley inquired about why medical professionals in this area of medicine are not being trusted, and asked why politicians’ interpretation of medical data is being legislated instead. Representative Layon acknowledged the prohibition on conversion therapy in NH, explaining that the law is more focused on homosexuality compared to the spectrum of gender identity. She emphasized that there are areas of medicine being legislated.
• Senator Whitley acknowledged that there is ample evidence that conversion therapy is detrimental and ineffective, but noted that there is no such evidence for the procedures being considered in this bill. She asked how these two are being conflated. Representative Layon said that if we trust medical societies to keep medical professionals in check, then all the data saying that conversion therapy is harmful would mean that it would not be happening in the state. Thus, the law would not be needed.

Representative Heath Howard, Strafford – District 4
• Representative Howard stated that he is opposed to this bill because it would create a contradictory system in dictating who could receive genital reassignment surgery.
• He noted this bill exempts intersex people and cited that nearly 100% of intersex people receive genital reassignment surgery when they are born. He said this bill allows for this to happen, and emphasized that this population cannot consent to that surgery.
• He explained he sees this as wrong because the bill would not allow the individuals who want to consent to this procedure to receive it, but would allow it for the individuals who cannot consent and must live with the consequences.

Representative Gerri Cannon, Strafford – District 12
• Representative Cannon stated that she is concerned about putting medical practice into legislation.
• She referenced a document from the World Professional Association for Transgender Health (WPATH), explaining that they monitor test results around the world and validate what information is useful.
• She explained that the WPATH document addresses many different areas, including adolescents. She said their standards did not recommend surgical procedures for adolescents, but did not block it off completely because there can be exceptions.
• She also noted that WPATH provided recommendations in regards to when therapy and hormone blockers are appropriate.

Representative Alicia Lekas, Hillsborough – District 38
• Representative Lekas said she believes it is important that people are totally and honestly informed before surgery is done.
• She explained that she has spoken with individuals who have had this surgery about the harm they experienced as a result of getting the procedure at a young age. She said these individuals were not given information about the harm prior to the procedure.
• She acknowledged the use of puberty blockers and questioned if their harmlessness is true.
• She emphasized that the individuals who she has spoken with were not ready for this procedure as adolescents. She explained one of them told her nobody should undergo the procedure because of the physical harm.

Jennifer Black
• Ms. Black stated that she is speaking in support of this bill.
• She described herself as a tomboy growing up. She said transitioning from her childhood into teenage years was difficult, but she learned it is okay to not fit a stereotype and be different.
She said her heart aches for kids who are being told today that because they do not conform to a stereotype, there is something wrong with the body they were born in. She said this is leading to decisions which cannot be easily reversed, if at all.

She said that children are immature and lack the capacity to understand what they are doing and how it will affect their future. She questioned why society is assuming that a child has the maturity and perspective to declare they are the opposite sex and have gender reassignment surgery.

Serena Varley

- Ms. Varley stated that she is speaking in support of this bill.
- She said children need to be supported as they grow in their understanding of the world as it is, not as they wish it to be. She said they need to learn how to accept both the world around them and who they are.
- She explained that she does not agree with gender reassignment, especially for children.
- She said children need to accept that they don't know everything, which is why they are not allowed to do certain things such as drink, smoke, or get tattoos.
- She stated that a child wishing to be a different gender needs help to accept themselves.

Chris Erchull, GLAD

- Mr. Erchull stated that he is speaking in opposition to this bill.
- He explained that the surgeries prohibited by this bill are exceedingly rare and never occur in NH.
- He cited a study published last year that examined the demographics of gender affirming surgeries performed across the country. He was told by the authors of the study that between 2016 and 2021, there were 101 genital surgeries on people under eighteen nationwide. He was also told that anything with a sample size less than ten could not be ethically disclosed, which is why he does not have data to present on individuals under seventeen.
- He said the most alarming provision of this bill prohibits doctors from making referrals and that it is unquestionably a violation of the right to free speech.
- He cited a decision from the U.S. Court of Appeals for the Eleventh Circuit, which reviewed a state law governing the speech of doctors in 2017 and found that “speech is speech and must be analyzed as such.”
- He explained that when doctors write referrals, they are both exercising professional judgement and the right to express that judgment.
- Senator Whitley asked if Mr. Erchull could speak to regulating the practice of medicine in law, to which he explained that this law is different than many other medical regulatory laws because it is not based on a specific procedure. He emphasized that this bill targets a class of people and denies them access to
treatment and interferes with the rights of parents to work with medical professionals to make decisions that are best for their families.

- Senator Whitley asked if this law is telling parents what they can and cannot do, and if that is a violation of parental rights. Mr. Erchull confirmed that parental rights are implicated by this bill. He explained that courts have determined that interfering with the rights of parents to make medical decisions on behalf of their children is a violation of their rights as parents. Furthermore, there are strong protections under NH law for parents to access medical care for their children.

- Senator Gannon asked Mr. Erchull what age he believes a child has the capacity to make this decision. Mr. Erchull said that traditionally those decisions have been left to families and medical professionals to make based on the specific circumstances of the individual.

Sam Hawkins, NAMI NH
- Mr. Hawkins stated that NAMI NH has significant concerns regarding the prohibition on referrals, specifically as it relates to insurance coverage.
- He explained that if an individual requires medical care from a specialist or out-of-network provider, a referral is usually required to qualify for insurance coverage.
- He said that if this prohibition were put in place, should a family seek the care of an out-of-state provider, their insurance would likely deny coverage with no referral. This would expose the family to extreme out-of-pocket costs and create a barrier to accessing this care.

Michelle Cilley Foisy
- Ms. Foisy stated that she is speaking in opposition of this bill.
- She explained that last year she became aware of the severity of her seventeen year-old child’s depression, and she later discovered they were experiencing gender dysphoria.
- She shared that last summer her child attempted to commit suicide, and while she is grateful that they are still here, she knows they would not be if it were not for the essential medical care they are receiving.
- She stated that this bill establishes governmental overreach by not allowing NH doctors to provide out-of-state referrals and blocking insurance from covering that care.
- She explained that gender affirming care is medically necessary and lifesaving at every age. She said the private decisions that are made for how it is given should be between patients and their families in consultation with their medical provider.

Alice Wade, 603 Equality
- Ms. Wade said she believes this bill, as introduced, was one of the worst anti-trans bills in the country. She said while the amended version has removed
some of the most problematic sections, the purpose remains to limit access to gender affirming care.

- She explained that she had a vaginoplasty last summer, and while she has had some complications, she is still incredibly happy that she has gotten to a place where she is comfortable in her own body.
- She said there are almost no vaginoplasty surgeons for transgender women in NH, and that she had to travel to D.C. for her procedure. She recognized that this bill bars out-of-state referrals and explained that it depletes all options for families.
- She said this bill goes against recent recommendations from WPATH and creates logistical issues. She explained that her local hospital did not understand the care she needed when recovering from surgery.
- She said NH needs to improve transgender healthcare and bills like this make things more challenging.
- She stated that if this bill passes, she predicts there will be bills in the near future to further restrict gender affirming care.

Linds Jakows, 603 Equality

- Mx. Jakows said they are speaking in opposition to this bill because it bans healthcare that is both life changing and saving for some transgender teenagers.
- They stated that transgender teenagers and their families should be able to seek the care they need out of state and expressed concern about the out-of-state referral prohibition in the bill.
- They stated that they know of only one instance of a seventeen year-old NH transgender teen receiving this surgery out of state. This individual had been on puberty blockers since the beginning of puberty and subsequently used hormones. All these steps were made after much discussion between her, her parents, and doctors.
- They acknowledged Medicaid and assumed that this bill would ban Medicaid recipients from accessing this surgery out-of-state. They cited that in 2017, the exclusion on Medicaid covering gender affirming care was removed to align with the non-discrimination provisions of the Affordable Care Act. They urged the committee to not reverse this progress.

Bethany Murabito

- Ms. Murabito spoke about her experience helping families make decisions about gender affirming care.
- She said that decisions about an individual’s healthcare are the business of that individual; if they are under eighteen, then it is also the decision of their guardians in consultation with medical professionals.
- She emphasized that no individuals lacking professional medical experience should be making those decisions for others.
• She explained that she has helped families enroll in plans on the federal marketplace with under the Affordable Care Act, which has protections in place to prevent discrimination. She referred to section 1557 of the Affordable Care Act, which makes it unlawful to refuse access to healthcare for individuals based on discriminatory markers.
• She acknowledged that not everyone is seeking healthcare through public options, but emphasized that a lot of people do, and they would be negatively affected by this legislation.
• Senator Carson asked Ms. Murahito to submit her written testimony to the committee because she thinks it is important that they understand the Affordable Care Act in relation to this bill.

Beth Scaer
• Ms. Scaer stated that she is speaking in support of this bill.
• She explained that she has met and heard the stories of many people who have de-transitioned and regret the irreversible damage done to their bodies.
• Ms. Scaer quoted an individual named Sam’s story from written testimony she submitted to the committee. This individual regrets their gender reassignment surgery and has still not recovered years later. They say the complications, maintenance, and risk of sepsis makes removal necessary. They specify that they had minimal complications during and after the procedure compared to others.
• Ms. Scaer cited a quote from Representative Cannon who wondered if this legislation on medical procedures would stand the test of time. Ms. Scaer asked if this procedure would stand the test of time.

Courtney Reed, ACLU NH
• Ms. Reed stated that she is speaking in opposition to this bill because it is an active state overreach in private medical decisions between patients, their providers, and their families.
• She said this bill is discriminatory because it singles out restrictions on, although rare, medically necessary care for transgender individuals.
• She explained that gender affirming care is the only evidenced-based treatment for gender dysphoria, and it has support from every medical association in the country.
• She said restricting access to gender affirming care can produce tragic effects on transgender people, who are disproportionately at risk for anxiety, stress, substance abuse disorder, and suicide.
• She explained this legislation is specifically targeted at transgender individuals because it restricts this type of care, but carves out exceptions to access those same procedures for individuals with development disorders or cisgender individuals.
She explained that there have been rulings from the circuit courts against similar bills. She cited a decision from the Eighth Circuit that deemed legislation banning gender affirming care as unconstitutional because it violates Fourteenth Amendment rights.

She also cited another Eighth Circuit decision on referral bans, noting that they violate First Amendment rights by limiting what physicians can say and what minors and their parents could hear.

She noted there are numerous other court decisions regarding similar pieces of legislation violating parental rights.

Emma Sevigny, New Futures

Ms. Sevigny stated that she is speaking in opposition to this bill because it bans medically necessary healthcare for transgender individuals, specifically minors.

She explained that when healthcare is restricted, minors who are unable to get that healthcare have higher rates of depression, self-harm, and suicidality. She said it is clear from data that rejecting a child’s gender identity leaves them at an increased risk for such mental health outcomes because of the feelings of discrimination they have from that denial.

She explained that transgender youth are not inherently at risk for higher levels of depression, suicidality, and self-harm; it is because they face increasing levels of discrimination. Thus, this bill contributes to that by denying the healthcare they need.

Senator Abbas asked when gender reassignment surgery is medically necessary for a minor. Ms. Sevigny noted that she is not a medical provider, but said that is a good question for an individual patient to explore and discuss with their families and medical providers.

Ezra Brown

Ms. Brown said this bill provides three reasons why minors should not have access to gender affirming surgeries, and she described them as nonsense.

She acknowledged prior testimony concerning the lack of high-quality studies on this care. She said that if medicine was banned on the basis of there not being enough high-quality studies, then advancements in the field of medicine would never be made.

She explained that someone she knew was able to have their life extended by a year because they utilized experimental medical care.

She explained that the authors of the bill make a reference to a particular study claiming that gender affirming surgeries do not decrease suicidality. She acknowledged that while this study is not cited, she believed they are referring to Suicide-Related Outcomes Following Gender-Affirming Treatments: A Review. She said this study supports gender affirming surgeries, and said that if lawmakers cannot accurately read studies, that is evidence that they should not be writing these laws.
• She said the bill claims, with no evidence, that parents feel coerced into consenting to these surgeries because of the possibility it can prevent suicide. She asserted that weighing the risks of treatment and non-treatment is a practice of informed consent.

Fynn Stauber
• Mr. Stauber stated that he is speaking in opposition to the bill.
• He explained that he struggled to find basic gender affirming care throughout his transition. He advocated to be put on hormone blockers at thirteen, but was denied that care because one parent did not consent. He experienced negative mental health impacts as a result and attempted suicide before he began taking testosterone two years ago.
• He said that putting more limits on transgender youth trying to access care makes no sense to him as someone who has lived through the medical transition process.
• He said this bill makes exceptions for intersex newborns, infants, and youth to continue receiving genital surgery when it is often performed without informed consent, causes complications, and is not medically necessary.
• He asked the committee to speak to constituents about this issue and take feedback from people whose lives would be changed by this policy.

Laura Brigada
• Ms. Brigada said that parents should not be allowed to have their children’s body parts removed if there is no medical, healing, or cultural reference.
• She stated that if an individual is under the age of eighteen, they should not be able to consent.

Dr. Keith Loud & Courtney Tanner, Dartmouth Health
• Ms. Tanner stated that as a healthcare institution, Dartmouth Health opposes this bill.
• She said they have grave concerns about this bill in totality, as they are opposed to legislating medicine.
• She explained that medicine is innovating and constantly evolving. She acknowledged that there are general rules and exceptions, but it is important to recognize that exceptions change. She acknowledged the exceptions listed in the bill and said that itself illustrates that it is dangerous to legislate medicine.
• She acknowledged the provision concerning referrals and explained that it explicitly prohibits license providers from providing referrals. She said this bill infringes on a provider’s First Amendment right to free speech and emphasized that providers should have the protected ability to care for their patients and make referrals as part of that care.
• She acknowledged that this bill dictates access to care for individuals under eighteen, and said this would directly infringe on parental rights and
responsibilities. She expressed concern about the precedent this legislation would set.

- Senator Whitley asked if there are currently no other prohibitions on referrals in NH law, which Ms. Tanner confirmed. She explained that some patients have rare diseases and would be better treated out-of-state. She said that making the informed decision to seek specialty care, perhaps out-of-state, may give individuals access to opportunities like clinical trials.

- Dr. Loud acknowledged previous testimony concerned with the idea of legislating medicine and said this bill does not allow for the nuance needed in clinical practice.

- He acknowledged the issue of informed consent and explained that the notion of risks and benefits involved in informed consent is based on prior experience with the procedure. He said this is going to continue for the very rare cases of intersex children and other categories of indications, but also from adults who have the procedure.

- He explained that the knowledge base of the risks and benefits of these procedures can be addressed in the process of informed consent. He said this legislation is overreaching because it attempts to legislate which population and indications can seek care, not whether providers can perform informed consent.

- Senator Whitley asked if it is correct that being so specific in legislation is problematic because it interferes with providers’ ability to treat patients considering constant medical advancements, which Dr. Loud confirmed. He said there is no way that legislation can keep up with the pace of medical knowledge and the changes in clinical practice.

- Senator Abbas asked if there are any circumstances that would create exceptions in which legislation should regulate medical practice. Dr. Loud explained that as a physician, he feels as though the practice of medicine is extremely regulated. He expressed concern about having medical practice legislated in statute because it is not as flexible as science.

- Senator Abbas asked if there are any circumstances that would be appropriate for the legislature specifically to regulate the practice of medicine. Dr. Loud said he believes the legislature does regulate the practice of medicine via the bodies that are statutorily governed, such as the Board of Medicine. He said he could not otherwise think of any circumstances at the moment where it would be appropriate.

- Senator Chandley asked Ms. Tanner if there are examples of how this legislation may impact people on a practical level, to which Ms. Tanner explained that while these practices are not being performed in NH, there are concerns about the chilling effect this bill may have and the message it will send to providers, patients, and families.
• Senator Gannon acknowledged current bills referring to medical assistance in dying, and asked if that would not be considered regulating medical care. Dr. Loud said he believes that it is better if the legislature is less involved in what transpires between patients, providers, and families.

Ava Hawkes, NH Medical Society
• Ms. Hawkes stated that the NH Medical Society has fundamental concerns with this legislation.
• She explained it is precedent-setting, as it attacks physician’s freedom of speech by banning referrals for this type of healthcare. She explained that the physicians who provide gender affirming care know that it is well researched, medically necessary, and safe.
• She emphasized this would allow the legislature to determine medical necessity, and explained it is a slippery slope for the legislature to be determining medical necessity while also taking responsibility of parental choice.
• She said this legislation would fly in the face of parental rights and choice because parents of transgender children would have less choice than parents of non-transgender children.
• Senator Whitley asked if Ms. Hawkes was aware of any other places that define medical necessity in statute, to which Ms. Hawkes confirmed she was not.

Kathy Bizarro-Thunberg, NH Hospital Association
• Ms. Bizarro-Thunberg stated that she is speaking in opposition of the bill.
• She explained that the NH Hospital Association supports policies that advance health equity and inclusion for all individuals, but noted that this bill is contrary to those principles. She said it would be discriminatory towards often marginalized groups in society.
• She explained that this bill is an overreach by attempting to legislate the practice of medicine and expressed concern with the provisions of the bill prohibiting providers from giving referrals. She said this is a precedent that should be avoided.

Marcia Garber
• Ms. Garber explained that her son is transgender and had chest reconstructive surgery at seventeen years old. She said that the transition process was long for her son, and they trusted their healthcare professionals.
• She stated that this kind of healthcare should not be legislated.
AN ACT relative to contempt actions in domestic relations matters.


COMMITTEE: Children and Family Law

ANALYSIS

This bill provides a process, standards, and remedies for contempt of court in domestic relations matters.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to contempt actions in domestic relations matters.

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

1 Domestic Relations; Annulment, Divorce and Separation; Contempt of Court. RSA 458:51 is repealed and reenacted to read as follows:

458:51 Contempt of Court.

I. In this section:

(a) "Contempt of court" means the undoubted and willful disobedience of a valid and unequivocal court order, coupled with an ability to comply with the order.

(b) "Willful disobedience" means an act, or failure to act, that is voluntary and intentional, and not accidental.

II. By petition or motion, a party may seek enforcement of a court order pertaining to abuse, alimony, annulment, child support, divorce, legal separation, parenting, or any other matter for which the judicial branch family division has jurisdiction pursuant to RSA 490-D:2.

III. The burden of proof shall be on the party seeking enforcement to prove by a preponderance of the evidence that the other party is in contempt of court.

IV. In any proceeding under this section, in which a party alleges, and the court finds, that a party is in contempt of court and has failed, without just cause, to obey an order or decree, the court shall award reasonable costs and attorneys' fees to the prevailing party. Additionally, the court may impose sanctions and conditions designed to assure the contemnor's compliance with the order or decree, including but not limited to incarceration, fines, and reimbursements, taking into consideration the nature and severity of the acts constituting the contempt, the contemnor's history of non-compliance, and any other factors the court deems relevant. If the court determines that no condition, sanction, or combination of such will reasonably assure the contemnor's compliance with the order, the court shall amend the order or decree accordingly.

V. Nothing in this section shall be construed to limit or to preclude any other rights, remedies, or causes of action that may exist under other statutes.

2 Effective Date. This act shall take effect January 1, 2025.
HB 1192-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0914h)

AN ACT relative to contempt actions in domestic relations matters.

FISCAL IMPACT: [ X ] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

• Does this bill provide sufficient funding to cover estimated expenditures? [X] No
• Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill provides a process, standards, and remedies for contempt of court in domestic relations matters. The Judicial Branch indicates it is not possible to estimate how this change in law would affect the number and complexity of legal filings. While the bill may create a higher standard for a finding of contempt, it also includes detention as a sanction which may provide additional incentive to bring a motion.

Regarding the cost of detention, the New Hampshire Association of Counties has indicated the estimated average daily cost of incarcerating an individual is between $105 and $125.

AGENCIES CONTACTED:
Judicial Branch and New Hampshire Association of Counties
<table>
<thead>
<tr>
<th>Date</th>
<th>House</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Children and Family Law</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Public Hearing: 02/20/2024 10:00 am LOB 206-208</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 10:00 am LOB 206-208</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0914h 03/05/2024 (Vote 9-5; RC)</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Amendment # 2024-0914h: AA VV 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0914h: MA DV 187-178 03/21/2024 HJ 9</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Judiciary; SJ 8</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 100, SH, 02:15 pm; SC 13</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1192-FN, relative to contempt actions in domestic relations matters.

Hearing Date: April 2, 2024

Time Opened: 2:36 p.m.                Time Closed: 3:06 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Altschiller and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill provides a process, standards, and remedies for contempt of court in domestic relations matters.

Sponsors:
Rep. Seidel


Who opposes the bill: Marissa Chase (NHAJ), Pamela Keilig (NH Coalition Against Domestic and Sexual Violence), Emily Lawrence (Waypoint), Dawn McKinney (NH Legal Assistance), Janet Lucas, and Paula Werme.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Debra DeSimone said one of the most difficult portions of the law is addressed in this bill as it allows a process for standards and remedies for contempt of court in domestic relations. She said it’s complex if the contempt issue constitutes criminal or civil behavior. Statistics have shown that contempt behavior is on the rise in family court. Contempt verbiage is completely nonexistent when it comes to family court regulations and RSA’s. She said contempt language is completely silent in RSA 458, RSA 458-C, and RSA 461. She said contempt violation verbiage only has a place in criminal statutes. She noted a judge in a criminal court can refer to RSA 544:40, and Rule 45, which gives guidance to the court as how to rule when there is direct criminal contempt. She noted the penalties should not be as harsh as a criminal case but there should still be some penalties. HB 1192-FN gives clear and consistent guidance to family court judges, attorneys and pro se litigants where it is asked for and needed.
Jay Markell, Family Law Attorney, supported HB 1192-FN. He said contempt is an American tradition. He said contempt issues are virtually present in every case that goes before a court. He said this bill will define what a contempt of court is, so pro se litigants and lawyers can look at the elements of contempt and will help them draft effective pleadings. He said this bill defines willful disobedience, and noted the contempt language would all be located in one place. He noted a proposed amendment would eliminate the need for RSA 461-A:15. He said the standard of proof is a preponderance of evidence. He urged the Committee to make the suggested changes, as it will make the system fairer, and improve the administration of justice.

Senator Abbas asked what the remedy would be other than the legal fees in contempt hearings in a family law setting.

Mr. Markell said the remedies are based on individual cases.

Betty Gay said this bill will help make it so there is a punishment involved when you keep a child from seeing another parent as the parent violating the order will be held in contempt. She noted this bill will serve as a strong deterrent. She said this is a great step to alleviate the issue of parents not following their orders. She said local police will claim parents violating their parenting plan is a civil matter and they will not step in to enforce it.

Summary of testimony presented in opposition:

Marissa Chase, NHAJ, opposed to HB 1192-FN. She said family court is about fact specific actions. She said in the criminal context you are being accused of a particular crime and the circumstances of the crime and how you acted in the circumstance, but family court is looking at the system as a whole. Family court is about learning how certain actions lead to outcomes. She said right now how contempt is dealt with in family court is fact specific and judges have a lot of discretion. She said if we start delineating what contempt is in family court it could bind judges. She said a recent New Hampshire Supreme Court case discussed contempt and paying attorney’s fees and costs associated with multiple motions, but this bill is too prescriptive to deal with the fact specific patterns that come up in family court. She noted that all of the remedies are already able to be applied by the judge.

Sen. Abbas said a deterrent to avoid contempt is not just the remedy that the court can order but also the legal fees. He asked her thoughts on deterrents to violating these orders.

Ms. Chase said logically she would agree but many times in family court logic is missing. She said what happens is not always based on one’s self-interest.

Neutral Information Presented: None.
HOUSE BILL 1339-FN

AN ACT relative to background checks during motions to return firearms and ammunition.


COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill provides a procedure for conducting a discretionary background check prior to the return of firearms and/or ammunition in a court proceeding.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struck through.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to background checks during motions to return firearms and ammunition.

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

1. New Section; Criminal Background Checks; Motions for the Return of Firearms and Ammunition. Amend RSA 159-D by inserting after section 3 the following new section:

   159-D:4 Motions for the Return of Firearms and Ammunition. 

   I. In any matter pending before a court in New Hampshire where firearms and/or ammunition have been seized or removed from an individual in connection with a restraining order issued under RSA 173-B or RSA 633:3-a, an order pertaining to a criminal proceeding such as a bail order, or any other order issued pursuant to the statutory or equitable authority of a court, the individual whose firearms and/or ammunition property has been seized or removed shall be entitled to the prompt return of his or her property upon the termination or expiration of the relevant order, unless such individual is explicitly prohibited from receiving said property by state or federal statute.

   II. A court shall not be required to request, conduct, or receive the results of a background check prior to returning firearm property to its owner. Should any New Hampshire court require, at its discretion, that a background check be conducted on an individual prior to the return of his or her firearm property, the following conditions shall apply:

      (a) Upon receipt of a motion or other request for the return of firearms, whether written or oral, the court shall request a National Instant Criminal Background Check System (NICS) check with the New Hampshire department of safety within 2 business days.

      (b) The department of safety shall initiate a NICS check and shall provide a conclusive response to the court within 10 business days of receiving the court’s request stating either “proceed” or “deny.” A “deny” response shall only be provided if the NICS check depicts that the individual is clearly prohibited from possessing a firearm pursuant to state or federal law. If the NICS check is inconclusive and the department of safety cannot explicitly demonstrate that the individual is prohibited from possessing a firearm within 10 business days of the court’s request, the department of safety may provide a “proceed” response to the requesting court.

      (c) If the department of safety issues a “deny” response, it must provide a specific citation to statute, such as one of the prohibited categories included in 18 USC §922(g), and a narration of the specific facts relied upon for finding that the individual is prohibited from possessing a firearm. The narration supporting a "deny" response shall be held in a confidential record with the court and only accessible to court staff, the individual seeking the return of firearms, and his or her designated legal counsel.
(d) Should the court receive a “deny” response from the department of safety, the individual seeking the return of firearms property shall be promptly notified and may, within 10 business days of receiving notice, request that the court hold a hearing on the matter. Any such hearing shall be scheduled within 10 business days of the court’s receiving such a request. At the hearing, the department of safety shall attend and shall hold the burden to demonstrate, by clear and convincing evidence, that the individual seeking the return of firearms property is prohibited from receiving said property under state or federal law. Should the department of safety fail to attend or to meet its burden, the court shall order that the firearms property at issue be returned.

(e) Should any person seeking the return of firearms be aggrieved by an order made by the trial court pursuant to the department of safety’s determination pursuant to subparagraph II(c), or the court’s determination after conducting a hearing as set forth in subparagraph II(d), such person shall be entitled to appeal the court’s decision within 30 days, and have his or her case heard by the New Hampshire supreme court. In any such case, a transcript of the proceedings and the trial court’s record shall be transmitted to the supreme court in full, without any fee charged to the petitioner.

2 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to background checks during motions to return firearms and ammunition.

FISCAL IMPACT:  [X] State  [ ] County  [ ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures?  [X] No
- Does this bill authorize new positions to implement this bill?  [X] No

METHODOLOGY:

This bill, effective January 1, 2025, provides for conducting a discretionary background check prior to the court ordered return of firearms. The bill seeks to set time parameters by which the court must hold hearings on the return of firearms that have been seized pursuant to RSA 173-B and 633:3, (bail order, CBPO) or any other order as issued by the court. Furthermore, the bill specifies how the Department of Safety shall operate relative to conducting checks and providing the court with responses to those checks and what information shall be contained in those responses. The bill also allows for an appeals process. The Department states this bill’s exact impact on increased workflow is unknown. At present, the New Hampshire State Police Gun Line staff perform “NICS” checks for court-ordered return of firearms for most of all civil cases throughout the State. Additionally, and often, the staff is called upon to assist local law enforcement with return-of-firearms issues, supplementing the local law enforcement effort. This bill speaks to a specific process and certainly allows the courts in every instance to seek assistance from the Department in all return-of-firearms proceedings potentially bypassing the local police effort and potentially funneling all workflow through the Department. As a result, the Department states it is assumed the workload will increase, the extent of which is currently unknown and unpredictable.
Given the time constraints placed upon the process defined in the bill, the Department states it is unlikely that the workload can be absorbed within its current staffing and states one (1) additional staff member (program assistant II, LG 15) would need to be added. Assuming a start date of September 1, 2024, the estimated cost for this position is $58,000 in FY 2025, $71,000 in FY 2026, and $73,000 in FY 2027. The Department also states it would need approximately $10,000 in FY 2025 to outfit the new position (equipment, supplies, etc.). This bill provides neither authorization nor appropriation for new personnel.

The Judicial Branch states it is not known how many cases will require hearings or the complexity of arguments that will be raised in those hearings under this bill. The Branch states this will result in an indeterminable increase in litigation.

AGENCIES CONTACTED:
Department of Safety and Judicial Branch
Amendment to HB 1339-FN

Amend RSA 159-D:4, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The department of safety shall initiate a NICS check and shall provide a conclusive response to the court within 10 business days of receiving the court’s request stating either “proceed” or “deny.” A “deny” response shall only be provided if the NICS check depicts that the individual is clearly prohibited from possessing a firearm pursuant to state or federal law. If the NICS check is inconclusive and the department of safety cannot explicitly demonstrate that the individual is prohibited from possessing a firearm within 10 business days of the court’s request, the department of safety shall provide a “proceed” response to the requesting court.
<table>
<thead>
<tr>
<th>Date</th>
<th>Type</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Criminal Justice and Public Safety HJ 1</td>
</tr>
<tr>
<td>01/30/2024</td>
<td>H</td>
<td>Public Hearing: 02/07/2024 10:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/08/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/09/2024 02:00 pm LOB 202-204</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Executive Session: 02/12/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/13/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-605h (NT) 02/12/2024 (Vote 19-0; RC)</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0605h: AA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0605h: MA VV 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/05/2024 01:50 pm LOB 209</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>H</td>
<td>Executive Session: 03/19/2024 10:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/25/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/22/2024 (Vote 25-0; RC) HC 14 P. 10</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Judiciary; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/23/2024, Room 100, SH, 02:15 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1874s, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1339-FN, relative to background checks during motions to return firearms and ammunition.

Hearing Date: April 23, 2024

Time Opened: 2:47 p.m.       Time Closed: 3:13 p.m.

Members of the Committee Present: Senators Carson, Gannon, Whitley and Chandley

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill provides a procedure for conducting a discretionary background check prior to the return of firearms and/or ammunition in a court proceeding.

Sponsors:


Who is neutral on the bill: Captain Victor Muzzey, and Lieutenant Mary Bonille.

Summary of testimony presented in support:

Representative Tim McGough introduced the bill on behalf of Rep. Stone. This bill seeks to define and provide due process for property that has been surrendered as part of a domestic protection order. The bill provides for the courts to conduct a NICS check. This bill clarifies the due process provisions to return a person’s property following a temporary holding of firearms or ammunition. After hearing from stakeholders, the bill was amended to meet their concerns with the process. This bill would establish certain timelines to return firearms and ammunition to their owners.
He believed it was in the best interest of the government to return property to citizens in an expeditious manner when there are no further legal prohibitions.

**Senator Gannon** asked why there was a discretionary background check instead of an automatic return.

**Rep. McGough** said they had consulted all interested parties to refine the language of the bill. Over the years, it has been unclear as to how and when to return an individual’s property following its surrender.

**Sen. Gannon** said the word “discretionary” bothered him.

**Rep. McGough** said the background check does not have to be ordered, but the State Police wanted to be able to say the court ordered it.

**Robert Tanguay** said he supported HB 1339-FN.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:**

**Captain Victor Muzzey**, NH State Police, said they were neutral on the bill. The theory is that the guns were relinquished to a department via a court order, and it has been the practice of returning those items by court orders, so there are no discrepancies. He said they had concerns with Section 2(b). Often times, a gun check is referred to as a NICS check. The FBI does not always have accessibility to all databases, so they rely heavily on NICS Indices to determine someone’s suitability for the purchase or return of a firearm. He said it may be called a NICS check, but they check other things like state criminal history records. Not every disqualified person or event will show up in the NICS Indices. He said they are reliant upon other agencies that provide documents to determine if someone should be approved or denied.

He said page 1, lines 19-25 contradicts what the State Police can do. Their concern is that any judge would rely on a letter from the Department that says a person may proceed; however, they might not have the supporting documentation to read the narrative of a police report or criminal complaints. They were asking for clearer language to inform and educate judges at whatever timeframe has been dictated. He said the Department was neutral on the timeframe and the mandated days. He said it is unknown how much traffic would increase, but they would need one additional officer to maintain their services. He said the intent of the legislation made sense because an individual could call the gun line the next day despite not being able to get their own guns back.

**Senator Carson** asked if this does away with the court process. She said someone comes to make a complaint, an order is issued, and guns are confiscated. They could request an expedited hearing, and the judge could sign off on a domestic violence restraining order for a year. If there are no findings, a judge could issue an order to return the guns to an individual. She asked if this was another step someone would
have to go through. She is concerned that the court can request a NICS check, but there is nothing in the bill that would prompt it. She said they were told the NICS line was private, and this bill would open it up to a judge’s discretion. She asked if someone was found not guilty, why do they have to worry about NICS checks.

**Captain Muzzey** said certain people have issues with the timeframes of courts in returning guns back to their rightful owners. He believed this was why the NICS check was discretionary, and he said maybe it needs to be better defined. He said if an order has been vacated, a judge could order guns to be returned. This could have an opposite effect where the court is relying on the Department of Safety.

**Sen. Carson** said if this bill were to go forward, they would need to name the circumstances as to when they are going to do a NICS check. She said if someone has been adjudicated, they should get their guns back immediately. A few years ago, they gave police departments 10 days to process paperwork.
HB 1350-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1350-FN

AN ACT relative to therapeutic cannabis possession limits.


COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill increases qualifying patients' limit on possession of therapeutic cannabis from 2 to 4 ounces, and increases the amount they may obtain in a 10-day period from 2 to 4 ounces.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to therapeutic cannabis possession limits.

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

1 Therapeutic Use of Cannabis Protections. Amend RSA 126-X:2, I-II to read as follows:

   I. A qualifying patient shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if the qualifying patient possesses an amount of cannabis that does not exceed the following:

   (a) [Two] Four ounces of usable cannabis; and

   (b) Any amount of unusable cannabis.

   II. A designated caregiver shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter on behalf of a qualifying patient if the designated caregiver possesses an amount of cannabis that does not exceed the following:

   (a) [Two] Four ounces of usable cannabis, or the total amount allowable for the number of qualifying patients for which he or she is a designated caregiver; and

   (b) Any amount of unusable cannabis.

2 Prohibitions and Limitations on the Therapeutic Use of Cannabis. Amend RSA 126-X:3, VII 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] 4 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.

3 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, XIII(b) to read as follows:

   (b) Except as provided in subparagraph (c), a qualifying patient shall not obtain more than [2] 4 ounces of usable cannabis directly or through the qualifying patient’s designated caregiver during a 10-day period.

4 Effective Date. This act shall take effect January 1, 2025.
AN ACT relative to therapeutic cannabis possession limits.

**FISCAL IMPACT:**  [ X ] State    [ X ] County    [ X ] Local    [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

**METHODOLOGY:**

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Department of Health and Human Services states the bill will have no fiscal impact on that department.

**AGENCIES CONTACTED:**
Department of Health and Human Services, Judicial Branch, Judicial Council, Department of
Justice, Department of Corrections, New Hampshire Association of Counties, and New
Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs  HJ 1</td>
</tr>
<tr>
<td>01/05/2024</td>
<td>H</td>
<td>Public Hearing: 01/18/2024 01:00 pm LOB 210-211</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>Executive Session: 02/21/2024 11:00 am LOB 203</td>
</tr>
<tr>
<td>02/27/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 02/21/2024 (Vote 19-0; CC) HC 9 P. 9</td>
</tr>
<tr>
<td>03/07/2024</td>
<td>H</td>
<td>Ought to Pass: MA VV 03/07/2024 HJ 7</td>
</tr>
<tr>
<td>03/13/2024</td>
<td>S</td>
<td>Introduced 03/07/2024 and Referred to Judiciary; SJ 7</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 100, SH, 01:15 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1350-FN, relative to therapeutic cannabis possession limits.

Hearing Date: April 25, 2024

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill increases qualifying patients' limit on possession of therapeutic cannabis from 2 to 4 ounces, and increases the amount they may obtain in a 10-day period from 2 to 4 ounces.

Sponsors:

Who supports the bill: 36 People signed in support of the bill. Full sign in sheets are available upon request to the committee aide (Matthew.Schelzi@leg.state.nh.us).

Who opposes the bill: 16 People signed in opposition to the bill. Full sign in sheets are available upon request to the committee aide (Matthew.Schelzi@leg.state.nh.us).

Summary of testimony presented in support:

Representative Heath Howard

- Representative Heath Howard introduced HB 1350, explaining that the bill aims to align the purchase limits for therapeutic cannabis with the proposed limits for recreational cannabis in HB 1633.

- Representative Howard highlighted the current two-ounce possession limit for therapeutic cannabis and pointed out that the proposed recreational purchase limit is four ounces.

- Representative Howard emphasized that therapeutic patients often require higher dosages than recreational users and need the ability to buy in larger quantities.

- Representative Howard argued that patients should not have to make frequent dispensary trips, especially given limited dispensary availability and transportation challenges.
- Senator Abbas asked Representative Howard if the potency of therapeutic cannabis products justifies a lower possession limit than recreational cannabis.

- Representative Howard responded that though some therapeutic cannabis products are more potent than recreational cannabis, patients often require larger quantities to accommodate their individual needs.

- Senator Whitley asked if any patients testified in the House about the amounts of cannabis they typically purchase and also asked about limits in other states.

- Representative Howard responded that several patients have requested higher limits due to their need for higher dosages, and that possession limits vary across different states.

Heather Marie Brown (Therapeutic Cannabis Patient)

- Heather Marie Brown testified in support of HB 1350, stating that many patients have different therapeutic needs and require different forms of cannabis consumption.

- Ms. Brown explained that the high costs of dispensary products and the limited number of dispensaries make it difficult for some patients to access adequate supplies.

- Ms. Brown argued that increasing possession limits would help patients make therapeutic products at home that suit their needs and could be consumed in various ways (such as making large batch baked goods containing THC).

- Ms. Brown emphasized the importance of higher possession limits for patients who live far from dispensaries or have transportation challenges.
HB 1539-FN - AS INTRODUCED

2024 SESSION

HOUSE BILL 1539-FN

AN ACT relative to annulling, resentencing, or discontinuing prosecution of certain cannabis offenses.


COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill allows for additional annulments, resentencings, or discontinuations of prosecutions for certain cannabis offenses.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1539-FN - AS INTRODUCED
24-2532
09/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to annulling, resentencing, or discontinuing prosecution of certain cannabis offenses.

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

1. Criminal Code; Sentences; General Provisions; Annulment of Arrests and Convictions for Marijuana Possession. Amend RSA 651:5-b to read as follows:

   651:5-b Annulment of Arrests and Convictions for Marijuana Possession.

   I. In this section:

      (a) “Cannabis” means “marijuana” as defined in RSA 318-B:2-c.

      (b) “Possession limit” means whichever of the following quantities is greater:

         (1) Two ounces of cannabis and 5 grams of hashish, or

         (2) An amount of cannabis that is legal under New Hampshire law for adults 21 and older to possess.

      (c) “Cannabis-related offense” means any of the following:

         (1) Any offense under RSA 318-B involving cannabis or paraphernalia intended for cannabis; and

         (2) Any other offense that would not have been an offense were it not for the illegality of cannabis.

   II. Any person who was arrested or convicted for knowingly or purposely obtaining, purchasing, transporting, or possessing, actually or constructively, or having under his or her control, [3/4 of an ounce] no more than the possession limit of marijuana [or less] where the offense occurred before [September 16, 2017] July 1, 2024 may, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both. The petition shall state that the amount of marijuana was [3/4 of an ounce or less] no more than the possession limit. The petitioner shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing on the petition for annulment, the prosecutor shall be required to prove beyond a reasonable doubt that the petitioner knowingly or purposely obtained, purchased, transported, or possessed, actually or constructively, or had under his or her control, marijuana in an amount exceeding [3/4 of an ounce] the possession limit. At the close of the hearing, the court shall grant the petition unless the prosecutor has proven that the amount of marijuana exceeded [3/4 of an ounce] the possession limit.
limit. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

III.(a) Any person who was arrested or convicted for any cannabis-related offense may, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both, when the petitioner has completed the sentence. The petition shall state that the arrest or conviction was for a cannabis-related offense.

(b) The court shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 14 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 14 days, the court shall grant the petition for annulment.

(c) If the prosecutor timely objects, the court shall hold a hearing. In a hearing on the petition for annulment, the prosecutor shall be required to prove by clear and convincing evidence that:

   (1) The offense is not eligible for annulment under this section because it was not a cannabis-related offense;

   (2) The offense is not eligible for annulment under this section because the petitioner has not completed the sentence; or

   (3) Annulment would not be in the interests of justice.

(d) The court shall grant the petition unless the prosecutor has proven that:

   (1) The offense is not eligible for annulment under this section because it was not a cannabis-related offense;

   (2) The offense is not eligible for annulment under this section because the petitioner has not completed the sentence; or

   (3) Annulment would not be in the interests of justice.

(e) There shall be a presumption that granting the petition would be in the interests of justice due to the decriminalization or legalization of cannabis for adults and the unequal enforcement of cannabis laws. The presumption may be overcome by evidence that the annulment would not be in the interests of justice, including in instances where the offense was recent and involved:

   (1) An adult distributing cannabis to a minor or using a minor to sell cannabis; or

   (2) A conviction under RSA 318-B:2-e for negligently storing marijuana-infused products, causing a minor to access them.

IV. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

V. All fees shall be waived.
2 New Sections; Criminal Code; Sentences; General Provisions; Cannabis Convictions and Sentences. Amend RSA 651 by inserting after section 5-b the following new sections:

651:5-c Annulment of Certain Arrests and Convictions for Cannabis.

I. All convictions and arrests for misdemeanor or violation level offenses for possession of cannabis shall be automatically annulled. Within 6 months of the effective date of this section, the department of safety shall remove any such qualified convictions from its records and notify the court from which the case originated, which shall place an order of annulment in the court file and thereafter process the file in the same manner as any other annulled case. Any person who believes that he or she is eligible for automatic annulment may request that the department of safety examine his or her conviction to determine whether it should be annulled. Should the department of safety fail to annul a qualified conviction, any person so aggrieved may petition the court without fee for further review of eligibility.

II. Eligible annulments of convictions and civil adjudications pursuant to this section shall be granted notwithstanding the existence of outstanding court-imposed or court-related fees, fines, costs, assessments, or charges.

651:5-d Re-Sentencing for Cannabis Sentences.

I. As used in this section:

(a) “Cannabis” means “marijuana” as defined in RSA 318-B:2-c.

(b) “Cannabis-related offense” means any of the following:

(1) Any offense under RSA 318-B involving cannabis or paraphernalia intended for cannabis; and

(2) Any other offense that would not have been an offense were it not for the illegality of cannabis.

II.(a) No later than 90 days after the effective date of this section, the department of corrections and the superintendent of each county house of correction shall conduct a search to determine all individuals serving a period of incarceration or supervision for a violation of RSA 318-B involving cannabis or paraphernalia intended for cannabis, or any other cannabis-related offense and notify the court in which each person was convicted and the judicial branch, administrative office of the courts.

(b) Any person who was convicted of any cannabis-related offense who has not completed the sentence may, at any time, petition the court in which the person was convicted for re-sentencing.

(c) The court in which the person was convicted shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 14 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 14 days, the court shall grant the petition and re-sentence the person to the portion of the sentence the individual has already completed.
(d) If the prosecutor timely objects, the court shall hold a hearing. In a hearing on the petition for re-sentencing, the prosecutor shall be required to prove by clear and convincing evidence that:

(1) The offense is not eligible for re-sentencing under this section because it was not a cannabis-related offense;

(2) Re-sentencing would not be in the interests of justice; or

(3) Re-sentencing would be in the interests of justice, but that the appropriate sentence is something other than the portion of the sentence the individual has already completed.

(e) The court shall grant the petition and re-sentence the individual to any sentence he or she has already completed unless the prosecutor has proven that:

(1) The offense is not eligible for re-sentencing under this section because it was not a cannabis-related offense;

(2) Re-sentencing would not be in the interests of justice; or

(3) Re-sentencing would be in the interests of justice, but that the appropriate sentence is something other than the portion of the sentence the individual has already completed.

(f) There shall be a presumption that granting the petition would be in the interests of justice due to the decriminalization or legalization of cannabis for adults and the unequal enforcement of cannabis laws. The presumption may be overcome, including in instances where the prosecutor proves by clear and convincing evidence that re-sentencing would not be in the interests of justice because:

(1) Additional, more serious charges unrelated to cannabis were dismissed as part of a plea deal; or

(2) The offense involved distribution of marijuana to a minor, using a minor to distribute marijuana, or a violation of RSA 318-B:2-e for negligently storing marijuana-infused products, causing a minor to access them.

(g) The court may find that re-sentencing is in the interests of justice, but that a complete reduction in the sentence is not in the interests of justice. In those instances, the court shall re-sentence the individual to the lowest sentence that is in the interests of justice, in light of the decriminalization or legalization of cannabis and disparities in arrests and sentencing.

(h) A court may not increase any aspect of a sentence in response to a re-sentencing petition filed pursuant to this section.

(i) Any person eligible for re-sentencing for cannabis sentences pursuant to this section may file a petition for the assistance of counsel without charge; however, if such person was found to be indigent at his original sentencing, that person shall be entitled to assistance of counsel without charge for the hearing on modification of his sentence without the filing of such petition. No fee shall be charged for filing a petition under this section.

651:5-e Certain Crimes Not to be Pursued; Dismissal.
I. As used in this section:
   (a) “Cannabis” means “cannabis” as defined in RSA 651:5-b, I(a).
   (b) “Possession limit” means “possession limit” as defined in RSA 651:5-b, I(b).

II.(a) Except to the extent required to dismiss, withdraw, or terminate the charge, no prosecutor shall pursue any charge based on crimes or offenses pending with a court that occurred prior to July 1, 2024, involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis where the offense occurred before July 1, 2024.
   (b) The existence of convictions in other counts within the same case that are not eligible for dismissal pursuant to this section or other applicable laws shall not prevent any conviction otherwise eligible for dismissal under this section from being dismissed pursuant to this section.

III. On November 15, 2024, any guilty verdict, plea, placement in a diversionary program, or other entry of guilt on a matter that was entered prior to that effective date, but the judgment of conviction or final disposition on the matter was not entered prior to that date, and the guilty verdict, plea, placement in a diversionary program, or other entry of guilt solely involved one or more crimes or offenses involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, manufacturing or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis, shall be vacated by operation of law. The judicial branch, in consultation with the attorney general, may take any administrative action as may be necessary to vacate the guilty verdict, plea, placement in a diversionary program, or other entry of guilt.

3 Effective Date. This act shall take effect upon its passage.
AN ACT relative to annulling, resentencing, or discontinuing prosecution of certain cannabis offenses.

**FISCAL IMPACT:** [X] State [X] County [ ] Local [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
</tbody>
</table>

**METHODOLOGY:**

This bill allows for additional annulments, resentencings, or discontinuations of prosecutions for certain cannabis offenses.

The Department of Corrections states the fiscal impact of this bill is indeterminable as it cannot predict the number of individuals that would be affected by the bill. Currently, the Department collects $100 for annulment investigations. This bill would waive any fees for such investigations. The Department estimates it could take thirty minutes on average per annulment investigation, although time will vary based on the case. The hourly cost for staff completing the investigation would be $63.52 (LG 28 step 5 is @ $47.78 plus benefits of $15.74).
Staff will likely have to conduct these on overtime which would increase the hourly cost to $95.28.

The Department of Safety indicates the fiscal impact of this bill is indeterminable, however it anticipates the financial impact will be significant. The bill calls for additional hearings to determine if it is appropriate to annul or resentence previously prosecuted offenses. These hearings would require a significant amount of research and preparation for Department of Safety prosecutors, troopers, and other staff. The number of hours that the Department's employees would spend on the additional hearings is impossible to predict.

The Judicial Branch states it is not possible to estimate how this change in law would impact the number of filings in the courts. It is possible that there would be an increase in petitioners for the proposed relief.

The New Hampshire Association of Counties states county attorney offices would likely see an increase in expenditure to address the petitions and prosecutor objections to an annulment or resentencing. County correctional facilities would also incur additional costs in evaluating who would be eligible.

It is assumed that any fiscal impact would occur after FY 2024.

AGENCIES CONTACTED:

Departments of Corrections and Safety, and Judicial Branch
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Criminal Justice and Public Safety  HJ 1</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>==CANCELLED== Public Hearing: 01/26/2024 11:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Public Hearing: 02/21/2024 11:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 02/23/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass  03/13/2024 (Vote 14-6; RC)  HC 12  P. 21</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass: MA RC 283-80 03/28/2024  HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Judiciary;  SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 100, SH, 01:30 pm;  SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-2;  SC 19</td>
</tr>
</tbody>
</table>
HB 1539-FN, relative to annulling, resentencing, or discontinuing prosecution of certain cannabis offenses.

Hearing Date: April 25, 2024

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill allows for additional annulments, resentencings, or discontinuations of prosecutions for certain cannabis offenses.

Sponsors:
Rep. Monteil

Who supports the bill: 38 People signed in support of this bill. Sign in sheets are available upon request to the committee aide (Matthew.Schelzi@leg.state.nh.us).

Who opposes the bill: 17 People signed in opposition to the bill. Sign in sheets are available upon request to the committee aide (Matthew.Schelzi@leg.state.nh.us).

Who is neutral on the bill: 1 Person signed in neutrality to this bill. Sign in sheets are available upon request to the committee aide (Matthew.Schelzi@leg.state.nh.us).

Summary of testimony presented in support:

Representative Jonah Wheeler
- Representative Jonah Wheeler introduced HB 1539, explaining that the bill aims to update the existing annulment statutes for cannabis-related offenses.
- Representative Wheeler emphasized that the bill seeks to streamline the annulment process and reduce collateral consequences for individuals with certain cannabis convictions, enabling them to reintegrate into society.
- Representative Wheeler argued that the process is intended to cover cases where individuals have only cannabis-related offenses and have rehabilitated themselves.
- Senator Gannon asked Representative Wheeler if the 14-day limit for prosecutors to object to annulments would be a burden on courts with tight dockets.
- Representative Wheeler responded that because the number of eligible cases is relatively low, the 14-day limit shouldn't burden the courts.

- Senator Abbas asked if the bill’s coverage of "any offense under RSA 318-B involving cannabis" would include more than just possession offenses.

- Representative Wheeler confirmed that the bill is intended for possession offenses and stated confidence in the courts to distinguish between possession and distribution cases.

- Senator Gannon also asked about the standard of evidence required for the prosecution to object to annulments, raising concerns about the burden on prosecutors.

- Representative Wheeler acknowledged that there might be complexities in applying the standards but reiterated that the intent is to streamline the annulment process.

Devon Chaffee (ACLU) – Support

- Devon Chaffee supported HB 1539, highlighting the importance of streamlining the annulment process due to the significant consequences faced by those with cannabis-related offenses.

- Ms. Chaffee explained that the deviations from the existing annulment process are intentional to reduce the burden on individuals seeking annulment.

- Ms. Chaffee argued that simplifying the annulment process is critical since most New Hampshire residents believe that cannabis should no longer be criminalized.

- Ms. Chaffee emphasized that the intention behind the bill is to streamline the process and alleviate the burden on individuals who face severe collateral consequences.

Heather Marie Brown (Therapeutic Cannabis Patient)

- Heather Marie Brown testified as an individual directly affected by cannabis-related convictions, detailing how the current annulment process is a significant financial and administrative burden.

- Ms. Brown shared personal challenges, such as struggling to support her family due to a cannabis conviction that hampers her ability to find better employment.

- Ms. Brown urged the committee to pass the bill, stating that it would provide much-needed relief to individuals like her and allow them to move forward in their lives.

- Ms. Brown emphasized that she still feels punished for her past conviction, despite using therapeutic cannabis legally for health reasons.
Summary of testimony presented in opposition:

Officer Victor Muzzey (NH State Police)

- Officer Victor Muzzey, representing the New Hampshire State Police, testified on HB 1539 to express concerns regarding the feasibility of automatically annulling misdemeanor and violation-level offenses related to cannabis.

- Officer Muzzey explained that the proposed requirement to annul these offenses would place a significant burden on the State Police's criminal records unit. He noted that it would be especially challenging to process older cases due to the need for manual research and vague records from before marijuana was decriminalized.

- Officer Muzzey pointed out that prior to marijuana's decriminalization, records often used general terms like "acts prohibited" without specifying the offense. This lack of specificity would necessitate extensive manual research to determine if a record was eligible for annulment.

- Officer Muzzey emphasized that the six-month window specified in the bill is likely insufficient given the extensive workload and research required. He underscored that identifying and annulling these cases would be a labor-intensive process, making it virtually impossible to meet the proposed time frame.

- Officer Muzzey encouraged the committee to consider extending the timeframe for automatic annulments, recognizing the significant challenges of processing large volumes of records accurately within such a limited period.

- Officer Muzzey highlighted the complexities of the proposed process and requested that the committee reconsider the automatic annulment requirements to ensure they are achievable.

Chief Pat Sullivan (NH Association of Chiefs of Police)

- Chief Pat Sullivan opposed HB 1539, arguing that the current annulment process is sufficient and that the new processes outlined in the bill are unnecessary.

- Chief Sullivan raised concerns about the bill's language, which could be interpreted to include offenses beyond simple possession, potentially expanding the scope of offenses eligible for annulment.

- Chief Sullivan warned of potential cost implications for both prosecutors and courts due to the increase in annulment requests that could arise from the bill.
Neutral Information Presented:

Myles Matteson (NH Attorney General's Office) – Neutral

- Myles Matteson, representing the New Hampshire Attorney General's Office, provided technical feedback on HB 1539, emphasizing how it deviates from the current annulment framework.

- Mr. Matteson explained that the existing annulment process is governed by RSA 651:5 and Criminal Procedure Rule 31, which already provides guidelines and mechanisms for annulments. These rules allow individuals to petition for annulment if they meet the established criteria.

- Mr. Matteson highlighted that HB 1539 introduces an additional regime for cannabis-related offenses that is inconsistent with the existing annulment process. This inconsistency could create legal and procedural complications.

- Mr. Matteson raised concerns about the lack of judicial discretion in the bill. If a prosecutor does not object to an annulment, a judge is obligated to grant the request, potentially resulting in annulments being improperly granted.

- Mr. Matteson further noted that the bill assumes the Department of Safety will have the authority to direct courts to issue annulments automatically. This provision could raise constitutional concerns, specifically around separation of powers.

- Mr. Matteson also pointed out that HB 1539 does not clearly outline how existing sentences should be handled if there are other concurrent or consecutive charges. He mentioned that the bill does not specify the appropriate way to reduce sentences for cannabis-related offenses while considering other convictions.

- Mr. Matteson emphasized that the proposed automatic annulments outlined in the bill could lead to confusion, as the current annulment process relies on individual petitions and judicial discretion.
HOUSE BILL 1633-FN-A

AN ACT relative to the legalization and regulation of cannabis and making appropriations therefor.


COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the legalization and regulation of cannabis and making appropriations therefor.

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

1 Purpose and Findings.

I. The general court hereby finds that: the people of the state of New Hampshire find and declare that cannabis should be regulated so that:

(a) Individuals will have to show proof of age or qualifying patient status before entering a cannabis retail outlet or purchasing cannabis.

(b) Safe access to therapeutic cannabis is preserved and expanded in a manner that allows costs to come down, not increase, though integration of participants in the existing therapeutic cannabis program competing on an even footing with other applicants of similar qualifications.

(c) Selling, distributing, or transferring cannabis to minors and other individuals under the age of 21 shall remain illegal, except in the case of qualifying patients enrolled in the therapeutic cannabis program.

(d) Driving under the influence of cannabis shall remain illegal, and funds shall be allocated for increased training of drug recognition experts to spot driving under the influence of substances including cannabis.

(e) Moving cannabis production and sales from the underground, sometimes dangerous, illicit market to legal businesses allows for appropriate regulations and control.

(f) Cannabis sold in this state will be tested, labeled, and subject to additional regulations to ensure that consumers are informed and protected.

(g) Some of the revenue generated from legal cannabis shall be used to support programs for education, prevention, treatment, and recovery related to the use of both legal and illegal drugs.

(h) Marketing and advertising to minors is prohibited.

(i) Advertising to the general public is prohibited.

II. Many years of work have led to this effort which addresses the following goals to put the state of New Hampshire in the driver’s seat to focus on harm reduction, not profits, and:

(a) Allows the state to control distribution and access through state laws, administrative rules, and local control.
(b) Keeps cannabis away from children and schools by establishing 1,000 foot distance requirements for stores, limiting access to retail outlets to people 21 and older or qualified patients, and imposing limits on product design and packaging.

(c) Controls the marketing and messaging by prohibiting advertising which targets the general public, especially minors.

(d) Prohibits “marijuana miles” by restricting cannabis retail outlets to one per municipality or one for every 15,000 residents in larger municipalities, as well as empowering local zoning control for these businesses.

(e) Empowers towns to keep cannabis out through required ballot measures to allow cannabis retail outlets.

(f) Reduces access to poly-drugs by:

(1) Introducing 15 stores at first and allowing expanded licenses to reflect demand and allow retail outlets to reach Granite Staters who may still face a prohibitively long drive to reach licensed New Hampshire cannabis retail outlets or out of state options and may continue to turn to the illicit market if the placement of stores does not respond to market demands;

(2) Prohibiting beverages that combine alcohol and cannabis; and

(3) Prohibiting the inclusion of nicotine or other additives to products which are designed to make the product more addictive.

(g) Undercuts the cartels by:

(1) Imposing an agency fee of 10 percent on monthly gross total revenue of cannabis sales which is in line with the state excise tax in Massachusetts but well below the total tax burden of approximately 20 percent in that state.

(2) Keeping costs low by not requiring a particular store layout, construction, or building contractor to meet appearance guidelines for the exterior of state licensed cannabis retail outlets.

(3) Recognizing the need for expanded licenses in the future in order to accommodate locations in more rural areas of the state which are not well positioned to compete for limited licenses.

(h) Limiting initial cannabis retail outlet licenses to 15:

(1) While prohibiting a controlling interest in more than 3 cannabis retail outlets; and

(2) Providing a pathway for expanded licenses as the state establishes a successful long-term sustainable solution to cannabis legalization, while prioritizing harm reduction over profits.

(i) Reducing influence of lobbying and donations by:

(1) Ensuring that licensing will increase responsibly to balance the need for more cannabis retail outlets in underserved communities; and
(2) Ensuring that laws and administrative rules do not pick favorites, but rather create a transparent administrative process for applications and selection criteria; and

(3) Directing the secretary of state to promulgate rules restricting lobbying by cannabis retail outlets.

2 New Subparagraph; Application of Receipts; Cannabis Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 394 the following new subparagraph:


3 Alcoholic Beverages; Enforcement, Requirements and Penalties; Statement from Purchaser as to Age. Amend RSA 179:8, I(d) to read as follows:

(d) A valid passport [from issued by the United States or by a country with whom the United States maintains diplomatic relations.

4 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, the possession, use, harvesting, cultivating, manufacture, sale, or transportation of which is not otherwise authorized by law.

5 New Chapter; Regulation of Cannabis. Amend RSA by inserting after chapter 318-E the following new chapter:

CHAPTER 318-F
REGULATION OF CANNABIS

318-F:1 Definitions. In this chapter:

I. “Alternative treatment center” means an entity as defined in RSA 126-X:1, I.

II. "Cannabis" or “marijuana” means all parts of the plant of the genus cannabis containing over 0.3 percent THC on a dry weight basis, whether growing or not, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, or its resin, including cannabis concentrate. "Cannabis" shall not include seeds of plants from the genus cannabis, hemp as defined by RSA 439-A, fiber produced from the stalks, oil, or cake made from the seeds of the plant seeds of the plant or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

III. "Cannabis accessories" or “cannabis paraphernalia” means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body. "Cannabis accessories" and "cannabis paraphernalia" does not include products that are not designed or marketed for use related to cannabis, or products designed or intended for cannabis, but used for non-cannabis purposes.
IV. “Cannabis concentrate” or "concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin, including, but not limited to, hashish. Cannabis concentrate shall not include cannabis products made from cannabis concentrate such as, but not limited to, edible products, topical products, and tinctures.

V. "Cannabis cultivation facility" or “cultivation facility” means a person licensed by the state of New Hampshire to cultivate, prepare, and package cannabis, and sell cannabis to cannabis retail outlets, to cannabis product manufacturing facilities, to limited manufacturers, to alternative treatment centers, and to other cannabis cultivation facilities, but not to consumers unless the facility also holds another type of license allowing for direct sales. A cannabis cultivation facility shall not produce cannabis concentrates, tinctures, extracts, or other cannabis products through the use of any chemical extraction process, unless the facility also holds another type of license allowing for production of cannabis concentrates, tinctures, extracts, or other cannabis products.

VI. "Cannabis distributor" means any person licensed to receive, warehouse, and distribute cannabis products between cannabis establishments. A license as a cannabis distributor shall not be required for entities otherwise licensed under this chapter to receive, warehouse, or distribute cannabis.

VII. “Cannabis establishment” means any licensed New Hampshire cannabis cultivation facility, a cannabis testing facility, a cannabis distributor, cannabis limited product manufacturing facility, a cannabis product manufacturing facility, a cannabis retail outlet, a cannabis transporter, or any other type of cannabis business authorized and licensed by the commission.

VIII. “Cannabis flower” or “flower” means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. “Cannabis flower” does not include non-flower portions of the plant or whole mature cannabis plants.

IX. “Cannabis limited product manufacturing facility,” “limited product manufacturing facility,” or “limited manufacturer” means a person licensed to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other limited manufacturers, to cannabis product manufacturing facilities, to alternative treatment centers, and to cannabis retail outlets, but not to consumers. A limited product manufacturing facility may not perform volatile extractions.

X. "Cannabis product manufacturing facility," “product manufacturing facility,” or “cannabis product manufacturer” means a person licensed to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis product manufacturing facilities, to limited manufacturers, to alternative treatment centers, and to cannabis retail outlets, but not to consumers.

XI. “Cannabis products” means any product that contains cannabis, including cannabis concentrate and products that contain cannabis and other ingredients and are intended for use or
consumption, such as, but not limited to, edible products, topical products, and tinctures. This term shall not include cannabis in its plant or flower form.

XII. “Cannabis retail outlet” or “cannabis outlet” means a person licensed to purchase cannabis from cannabis cultivation facilities, to purchase cannabis products from cannabis product manufacturing facilities and limited manufacturers, and to sell, transfer, and deliver cannabis and cannabis products to consumers, qualifying patients, and designated caregivers. Online pre-ordering is allowed, but consumers must purchase and pick up cannabis and cannabis products at the cannabis retail outlet’s licensed premise.

XIII. "Cannabis testing facility" or “testing facility” means a person licensed to test cannabis and cannabis products for potency and contaminants.

XIV. “Cannabis transporter” means a person licensed to transport cannabis and cannabis products between cannabis establishments.

XV. “Canopy” or “canopy space” means the surface area utilized to produce mature plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants, including all the space within the boundaries. The square footage of canopy space is measured horizontally starting from the outermost point of the furthest mature flowering plant in a designated growing space and continuing around the outside of all mature flowering plants located within the designated growing space. If growing spaces are stacked vertically, each level of space shall be measured and included as part of the total canopy space measurement.

XVI. "Commission" means the New Hampshire liquor commission.

XVII. "Consumer" means a person 21 years of age or older who purchases cannabis or cannabis products for personal use by a person 21 years of age or older, but not for resale. "Consumer" does not include:

(a) A qualifying patient, designated caregiver, or visiting qualifying patient purchasing cannabis from an alternative treatment center pursuant to RSA 126-X; or
(b) A qualifying patient or designated caregiver purchasing cannabis from a cannabis retail outlet in his or her capacity as a qualifying patient or designated caregiver, and without paying the agency fee pursuant to RSA 318-F:25, (I)(a).

XVIII. “Controlling interest” means, any of the following:

(a) A direct or indirect financial or voting interest of 10 percent or greater in the applicant, licensee, or cannabis retail outlet;
(b) A direct or indirect financial or voting interest of 10 percent or greater in any business with managerial control over the applicant, licensee, or cannabis retail outlet; and
(c) Managerial control over the applicant, licensee, or cannabis retail outlet.
XIX. "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing, or cannabis extraction.

XX. "Department" means the department of health and human services.

XXI. “Designated caregiver” means “designated caregiver” as defined in RSA 126-X:1, VI.

XXII. "Documentation" means all records, in any form, including electronic records.

XXIII. “Flowering” means, with respect to a cannabis plant, the gametophytic or reproductive state of a female cannabis plant during which the plant is in a light cycle intended to produce flowers, trichomes, and cannabinoids characteristic of cannabis.

XXIV. “Hemp” means the plant Cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.

XXV. “Immature cannabis plant” means a cannabis plant that is not a mature cannabis plant or a seedling.

XXVI. “Manufacturing” or "manufacture" means the production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

XXVII. “Mature cannabis plant” or “mature plant” means a cannabis plant that has flowered and has buds that may be observed by visual examination.

XXVIII. “Municipality” means a city, town, or an unincorporated place.

XXVIII-a. “Operational control model” means the operational control exercised by the state as designated in this chapter such as:

(a) “State run stores” wherein the state operates retail outlets for direct purchase and sale of cannabis and cannabis products;

(b) “Franchise model” wherein the state adopts a franchisor-franchisee relationship with private businesses licensed by the liquor commission;

(c) “Agency store model” wherein the state requires agreement and compliance from private businesses granted limited licensed by the liquor commission beyond the traditional health and safety regulatory role of government; or

(d) “Free market operation” wherein the liquor commission exercises traditional health and safety regulatory role of government with private businesses licensed by the liquor commission.

XXIX. “Person” means a natural person or a business entity.

XXX. “Possession limit” means:

(a) Four ounces of cannabis in plant form;
(b) Ten grams of cannabis concentrate, which includes, but is not limited to, pre-filled cartridges of cannabis extracts intended for vaporization, but excludes products, such as edible products, topical products, and tinctures; and

(c) Cannabis products other than cannabis concentrate containing no more than 2,000 milligrams of THC.

XXXI. “Premises” means and includes all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest and which the licensee uses in the operation of the licensed business, and which have been approved by the commission as proper places in which to exercise the licensee's privilege.

XXXII. "Public place" means a place to which the general public has access, and does not include private land, including land in current use, where cannabis use is allowed by the property owner or tenant pursuant to 318-F:21, IV(d).

XXXIII. “Qualifying patient” means “qualifying patient” as defined in RSA 126-X:1, X.

XXXIV. "Resident" means a natural person who:

(a) Is domiciled in New Hampshire; and

(b) Maintains a place of abode in New Hampshire, unless the individual was homeless and residing in New Hampshire for at least 51 percent of the time.

XXXV. “Seedling” means a cannabis plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter.

XXXVI. “THC” means tetrahydrocannabinol.

XXXVII. “Therapeutic grade cannabis product” means a cannabis product that exceeds any potency or serving size limitations created by this chapter and is manufactured by a licensed alternative treatment center. Therapeutic grade cannabis products sold by an alternative treatment center to a cannabis retail outlet shall meet the requirements of RSA 126-X and rules issued pursuant to RSA 126-X. Cannabis retail outlets may only sell therapeutic grade cannabis products to qualifying patients and designated caregivers. The commission has jurisdiction over therapeutic grade cannabis products after they are transferred to a cannabis establishment licensed under this chapter.

XXXVIII. “Volatile extraction” means:

(a) Extractions using any solvent identified as volatile or hazardous by the commission; and

(b) Any method of extraction identified as potentially hazardous by the commission.

318-F:2 Personal Use of Cannabis.

I. Except as otherwise provided in this chapter, the following acts, if undertaken by a person 21 years of age or older, shall not be illegal under New Hampshire law or the law of any political subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:
(a) Possessing, consuming, using, displaying, obtaining, purchasing, processing, producing, or transporting an amount of cannabis that does not exceed the possession limit, except that no adult other than one who is acting in his or her capacity as a staffer of a cannabis product manufacturer licensed pursuant to RSA 318-F or an alternative treatment center licensed pursuant to RSA 126-X may perform volatile extractions.

(b) Transferring an amount of cannabis that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this section, a transfer is for remuneration if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods, services, or admission to an event, or if the gift of cannabis is contingent upon a separate transaction for goods, services, or the price of admission to an event.

(c) Transferring cannabis, including cannabis products, to a cannabis testing facility.

(d) Controlling property where the acts described under this section occur.

(e) Assisting another person who is 21 years of age or older in any of the acts described under this section.

II. No law enforcement officer employed by an agency that receives state or local government funds shall expend any state or local resources, including the officer’s time, to effect any arrest or seizure of cannabis, or conduct any investigation on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with this chapter.

318-F:3 Smoking Cannabis in Public Prohibited; Penalty.

No person shall smoke or vaporize cannabis in any public place.

I. First offense: Any person who violates this section shall be guilty of a violation for the first offense and shall be fined not more than $100, and shall forfeit all cannabis and cannabis products on their person.

II. Second offense: Any person who violates this section a second time within 5 years of the first conviction under section I shall be guilty of a violation and shall be fined not more than $500, and shall forfeit all cannabis and cannabis products on their person.

III. Subsequent offense: Any person who violates this section a third or more times, when having 2 prior convictions within 5 years of the third or subsequent offense, shall be guilty of a class B misdemeanor.

318-F:4 Consuming Cannabis While Operating a Moving Vehicle Prohibited; Penalty.

I. No person shall consume, smoke, or vaporize cannabis while driving or attempting to drive a motor vehicle on a way, or while operating or attempting to operate an off-highway recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation.
II. Any person who violates this section shall be guilty of a violation and shall be subject to a
 fine not to exceed $150. In addition, any person who violates paragraph I of this section while
driving or attempting to drive a motor vehicle on a way may have his or her driver's license, if a
resident, or driving privilege, if a nonresident, suspended for up to 60 days for a first offense and up
to one year for a subsequent offense.

III. In this section, “way” shall have the same meaning as in RSA 265-A:44.

IV. In this section, “driving or attempting to drive” or “operating or attempting to operate”
shall not include the physical presence of a person or persons in a vehicle when it is parked, docked,
or otherwise in a stationary position that does not create a hazard to others. Idling to provide heat,
cooling, power generation, or other stationary use does not constitute “driving or attempting to
drive” or “operating or attempting to operate” for the purposes of this section.

V. A person may not be convicted of both a violation of this section and a violation of RSA
265-A based on the same incident.

318-F:5 Cannabis Accessories Authorized.

I. Except as provided by this section, it shall not be illegal under New Hampshire law or be a
basis for seizure or forfeiture of assets under New Hampshire law for a person 21 years of age or
older to manufacture, possess, or purchase cannabis accessories, or to distribute or sell cannabis
accessories to a person who is 21 years of age or older.

II. Except as provided by this section, a person who is 21 years of age or older, or a business
entity, may manufacture, possess, obtain, and purchase cannabis paraphernalia, and may distribute,
deliver, or sell cannabis paraphernalia to a person who is 21 years of age or older.

III. No person or entity shall manufacture, distribute, or sell cannabis accessories that
violate rules enacted by the commission. Any person or entity that violates this paragraph shall be
 guilty of a violation for a first offense and subject to a fine of up to $1,000 and forfeiture of the
cannabis accessories. A person shall be guilty of a class A misdemeanor for a second or subsequent
offense and shall forfeit the cannabis accessories.


I. Except as provided in paragraph II, the odor of cannabis or burnt cannabis, or the
possession of a quantity of cannabis that the officer does not have probable cause to believe exceeds
the possession limit of cannabis, shall not constitute in part or in whole probable cause or reasonable
suspicion and shall not be used as a basis to support any stop or search of a person or motor vehicle.

II. Nothing in this section prevents a law enforcement official from conducting a test for
impairment based in part on the odor of recently burnt cannabis if the law enforcement official
would otherwise be permitted to do so under New Hampshire law.

318-F:7 Enforcement Authority.

I. The commission shall have the primary responsibility for enforcing this chapter.

Enforcement of chapter 318-B shall not be included in the responsibilities of the commission. Local,
county, and state law enforcement officers shall also have jurisdiction to enforce this chapter. Such
authority may be delegated to agents working under their authority.

II. The commission shall appoint liquor investigators whose primary function shall be the
proper prosecution of this chapter. The liquor investigators shall have statewide jurisdiction, with
reference to enforcement of all laws either in cooperation with, or independently of, the officers of
any county or town. The commission shall have the primary responsibility for the enforcement of all
cannabis laws upon premises where cannabis and cannabis products are lawfully sold, stored,
distributed, or manufactured. Any person violating the provisions of any law may be prosecuted by
the commission or any of its investigators as provided in this section, or by county or city attorneys,
or by sheriffs or their deputies, or by police officials of towns or New Hampshire state police.

III. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its
proceedings and to regulate the mode and manner of all investigations and hearings before it. All
hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such
investigation or hearing, the commission shall not be bound by the technical rules of evidence. The
commission may subpoena witnesses and administer oaths in any proceeding or examination
instituted before or conducted by it, and may compel, by subpoena, the production of any accounts,
books, contracts, records, documents, memoranda, and papers of any kind whatever. A summons
issued by any justice of the peace shall have the same effect as though issued for appearance before
such court.

IV. If any false statement is knowingly made in any statement under oath which may be
required by the provisions of this title or by the commission, the person making the same shall be
deemed guilty of perjury. The making of any such false statement in any such application or in any
such accompanying statements, whether made with or without the knowledge or consent of the
applicant, shall, in the discretion of the commission, constitute sufficient cause for the revocation of
the license.

V. The commission shall adopt by rule under RSA 541-A a formal enforcement policy for
licensees under its jurisdiction. This policy shall specify the disciplinary action, to include, but not
limited to, a schedule of fines as are authorized by this chapter for violations of statutory
requirements, which the commission shall take for violations of various laws under its jurisdiction.
The enforcement policy shall also specify mitigating and aggravating factors which the commission
shall consider in determining penalties for specific actions. Such enforcement policy shall authorize:

(a) Cannabis cultivation facilities to continue to cultivate, prepare, and package, but not
purchase, transfer, or sell cannabis and cannabis products during a suspension or a license
revocation, until such time as there is a final determination that the license be revoked for which no
appeal is available; and

(b) Authorize cannabis product manufacturing facilities, limited manufacturers,
cannabis testing facilities, and cannabis retail outlets to possess existing cannabis inventory, but not
acquire additional cannabis, or dispense, transfer, or sell cannabis during a suspension or a license revocation until such time as there is a final determination that the license be revoked for which no appeal is available.

VI.(a) In applying its enforcement policy, the liquor commission shall establish and enforce specific determinate penalties for specific offenses. The commission shall not apply penalties such as license suspensions for indefinite periods of time.

(b) In addition to RSA 541-A:30, III, the commission may suspend, for a period designated in rules, without a hearing, any license issued under the provisions of this title, if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension. Any such suspension shall notify such persons designated in rules within 24 hours.

318-F:8 Cannabis Advisory Board.

I. There shall be a cannabis advisory board to study and make recommendations to the liquor commission consistent with the purpose and findings of this chapter on the regulation of cannabis and cannabis products in New Hampshire. The cannabis advisory board shall also consider educational and financing opportunities for participants in the New Hampshire cannabis market.

II. No later than 90 days after the effective date of this chapter, the advisory board shall be appointed. The board shall consist of 21 members, and shall consist of: the chair of the commission or designee; a certified public health official appointed by the chair of the governor’s commission on alcohol and drug abuse prevention, treatment, and recovery in RSA 12-J; a medical provider with cannabis experience or a medical professional as nominated by the president of the New Hampshire Medical Society, the New Hampshire Board of Nursing, or the American Nurses Association; the commissioner of the department of health and human services or designee; a member of the Higher Education Council who represents an institution of higher learning, appointed by that council; a mental health professional appointed by the executive director of NAMI (National Alliance on Mental Illness) New Hampshire; one expert in cannabis cultivation; one expert in cannabis retailing; one expert in cannabis product manufacturing; one expert in cannabis testing; one board member or officer of an alternative treatment center; 2 registered therapeutic cannabis patients; one individual who represents cannabis consumers; the president of the New Hampshire association of chiefs of police or designee; a prevention specialist who is currently certified by the New Hampshire prevention certification board; a state senator, appointed by the senate president; 2 state representatives, appointed by the speaker of the house, one cannabis financial services expert; and one attorney with primary focus on cannabis industry practice. Except as otherwise specified, members shall be appointed by the governor.

III. Members of the board shall serve terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties, including mileage at the state employee rate for attendance
to meetings and other official functions. Members forfeit their position on the cannabis advisory board and shall be removed if:

(a) They fail to attend any 2 consecutive meetings; or

(b) They fail to attend more than one out of every 3 meetings during a year with 4 or more meetings. A member may continue to serve after the expiration of his or her term until a replacement is appointed unless he or she was removed due to misconduct or inadequate attendance.

IV. The board shall meet at its discretion, provided it shall meet no less frequently than once every 2 months for the first 9 months after the effective date of this section, and that it shall meet no less frequently than once every 6 months thereafter. The chair of the board may appoint subcommittees.

V.(a) A majority of the appointed members of the board shall constitute a quorum of the cannabis advisory board.

(b) A quorum is only required for voting matters.

VI. The cannabis advisory board shall:

(a) Advise the commission on rules to ensure the thorough and efficient implementation of this chapter.

(b) Advise the commission on whether additional cannabis retail outlets and cannabis cultivation canopy should be licensed, and, if so, how many.

(c) Advise the commission on what additional types of cannabis establishments, if any, the commission should license along with recommendations on their licensure and regulation.

(d) Advise the commission and legislature on issues relating to maintaining and expanding affordable access to a diversity of cannabis and cannabis products for qualifying patients registered under RSA 126-X and the integration of the therapeutic cannabis program and the regulatory system created by this chapter.

(e) Advise the commission on whether it should establish a state reference laboratory, or whether an agreement with another state’s reference laboratory is possible.

(f) Consider all matters submitted to it by the commission.

(g) Hold a hearing to solicit public input no less frequently than once every 6 months, including input on the availability of reasonably priced therapeutic cannabis.

(h) Review any new science-based evidence of public health issues on the use of cannabis.

(i) Advise the commission on spending and recommend any modifications to ensure the thorough and efficient implementation of this chapter.

318-F:9 Regulation of Cannabis.

I. Not later than 12 months after the effective date of this section, the commission shall develop draft legislation and adopt rules subject to the rulemaking process pursuant to RSA 541-A
for agency stores which keeps all operational control distinct from regulatory control. The rules shall include the following:

(a) Procedures including:

(1) Procedures for issuance, transfer, denial, approval, renewal, suspension, and revocation of a license for an agency retail cannabis outlet. The rules shall require an approved agency agreement for a retail cannabis outlet prior to applying for a license.

(2) Procedures for the application, issuance, transfer, denial, approval, renewal, suspension, and revocation of a license for cannabis establishments other than agency retail outlets.

(b) A schedule of reasonable application, licensing, and annual renewal fees, provided:

(1) That the non-refundable portion of application fees shall not exceed $1,000, with this upper limit adjusted annually for inflation;

(2) The application, licensing, and annual renewal fees for the smallest tier of cultivation facilities may not exceed $250;

(3) The non-refundable portion of application fees for a limited manufacturer may not exceed $100;

(4) All licensing and annual renewal fees, other than cultivation facilities, shall not exceed $10,000;

(5) That cultivation facility licensing fees be tiered based on the size of the facilities, with a maximum fee of $7,500; and

(6) That the licensing and annual renewal fees for a limited manufacturer may not exceed $2,500.

(c) Qualifications and disqualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment, and which may not disqualify applicants solely for having a prior history of criminal convictions for cannabis offenses prior to the effective date of this chapter.

(d) Procedures to revoke the license of any cannabis retail outlet that is not operational within the latter of 20 months of receiving its license or 2 months after the commissioner authorizes retail sales to begin. However, the cannabis retail outlet shall be granted one or more 6-month extensions if:

(1) The cannabis retail outlet demonstrates it is making substantial progress towards becoming operational and the delay is not due to its failure to act in good faith and with reasonable diligence; or

(2) The delay is due to a lack of sufficient cannabis or cannabis products because of delays in cultivation facilities becoming operational.

(e) Regulations governing the selection and licensure of cultivation facilities, including:

(1) A cap on the total licensed canopy and a cap on the number of cultivation facilities based on anticipated demand. The cap must be reassessed at least once every year. It must
be high enough to ensure a competitive market, and it must account for some facilities having crop failures, cannabis that fails testing, and demand from visiting states;

(2) Providing that each alternative treatment center will be issued at least one cultivation facility license, provided it applies and meets all qualifications and requirements of licensure;

(3) Procedures to revoke the license for any cultivation facility that is not operational within 20 months of receiving its license, and to accept applications for a new licensee. However, the licensee shall be granted one or more 6-month extensions if the cultivation facility demonstrates it is making substantial progress towards becoming operational and the delay is not due to its failure to act in good faith and with reasonable diligence;

(4) Procedures to accept applications for cultivation facilities within 3 months of a license being revoked, surrendered, or not renewed; and

(5) Regulations creating at least 2 tiers of cultivation facilities, based on the size of the facility or the number of plants cultivated and providing:

(A) That outdoor cultivation facilities must be allowed to cultivate 3 times the square footage of canopy as indoor cultivation facilities of the same tier;

(B) The largest tier must be no larger than 5,000 square feet of canopy for indoor cultivation, or no larger than 15,000 square feet of canopy for outdoor cultivation; provided that the square footage of each level of vertical shelving or other levels shall count toward the total canopy;

(C) That security regulations and licensing fees shall vary based on the size of the cultivation facility and that regulatory burdens shall be no more onerous than is reasonably necessary; and

(D) That cultivation facilities may move up to a higher tier at least once per year if they meet the security requirements and pay the associated fee, except that the commission may suspend this provision in the event of an oversupply.

(f) Record keeping requirements for cannabis establishments, including requirements for implementation and compliance with the distribution tracking system required by this chapter.

(g) Requirements for the transportation and distribution of cannabis and cannabis products between cannabis establishments, including approved packaging and documentation that shall accompany any cannabis and cannabis products being transported, warehoused, or distributed by cannabis establishments.

(h) A schedule of civil fines as are authorized in this chapter for violations of chapter requirements, provided that, not later than 18 months after the effective date of this chapter the commission shall report to the chairpersons of the house and senate ways and means committees its proposal for a fine schedule and for legislation needed to implement the schedule.

(i) Procedures for hearings on penalties, including civil fines and suspensions and revocations of a cannabis establishment license.
(j) Reasonable security requirements for each type of cannabis establishment, which may be varied based on the size of the cannabis establishment.

(k) Health and safety rules, including but not limited to the packaging and preparing of cannabis and cannabis products, restricting the use of pesticides and other chemicals used during cultivation and processing that may be dangerous to cannabis consumers, and sanitation requirements.

(l) Restrictions on the logos, signage, marketing, and display of cannabis and cannabis products, including but not limited to:

1. A prohibition on mass-market campaigns that have a high likelihood of reaching minors;
2. A prohibition on marketing to minors, including marketing specifically related to social media;
3. Restrictions to prevent cannabis from being marketed to minors, and
4. A prohibition on cannabis products that are named, packaged, marketed, or designed in a way that mimics or is likely to cause confusion with commercially available, trademarked non-cannabis products, including relating to their logos, the sound of the product or brand, packaging, taste, appearance, and commercial impression.

(m) Restrictions on where a cannabis cultivation facility may be located, consistent with the provisions of this chapter, provided that nothing shall prohibit a cannabis cultivation facility from being located at a facility that, at the time of application, is a location licensed to engage in cultivation as alternative treatment center under RSA 126-X.

(n) Establishing a voluntary process whereby a cannabis establishment may request approval of packaging, labeling, signage, a logo, marketing, or advertising to confirm it conforms with the commission’s interpretation of its rules. The commission shall respond within 30 days with approval or denial, with an explanation accompanying any denial. A fee of no greater than $250 may be charged for each review.

(o) Packaging, product manufacturing, and labeling requirements for cannabis and cannabis products, including:

1. Mandating the disclosure of the THC content of each product;
2. Requirements to ensure cannabis products and cannabis and cannabis products' packaging are not designed to appeal to or be attractive to minors, including providing that they cannot be in the shape of cartoons, toys, animals, or people;
3. Establishing the maximum amount of THC that may be included in each serving of edible or drinkable cannabis product as 5 milligrams; and the maximum amount of THC that may be included in each package of edible or drinkable cannabis product as 100 milligrams;
4. Prohibiting flavors and designs of cannabis-infused beverages, oils, and edibles that closely resemble or imitate candy flavors that are marketed specifically to minors;
(5) Prohibiting statements on the label or packaging that are false or misleading;
(6) Prohibiting any written statements on the label or packaging that are illegible;
(7) Prohibiting packaging or labeling that contains subliminal or similarly deceptive advertising techniques;
(8) Prohibiting packaging or labeling that features a depiction of athletes that is deceptive and misleading in that it implies that consuming cannabis or cannabis products is conducive to athletic skill or physical prowess, or that consuming cannabis does not hinder the athlete’s performance;
(9) Prohibiting packaging or labeling that features illustrations, subject matter, or other attributes that are consistent with products marketed toward children and youths;
(10) Prohibiting packaging or labeling that features a depiction of consumption of cannabis or cannabis products while seated in, about to enter, operating, or about to operate an automobile or other machinery;
(11) Prohibiting packaging or labeling that encourages excessive consumption;
(12) Prohibiting packaging or labeling that does not indicate in a manner that is sufficiently clear that the product contains cannabis or cannabis products or that might result in confusion regarding whether the product is a cannabis or cannabis products;
(13) Prohibiting packaging or labeling that is offered for sale under the name, identity, or characteristics of another food or beverage or mimics another food or beverage or the characteristics of another food or beverage;
(14) Requiring packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open, and not difficult for adults to use properly; and
(15) Require packaging include warnings, including but not limited to, those described in RSA 318-F:17.

(p) Health and safety rules and standards for the cultivation of cannabis and the manufacture of cannabis products, including:
   (1) Prohibitions on additives to products that are toxic, misleading to consumers, or designed to make the product more appealing to children;
   (2) Safety standards regulating the manufacture of cannabis extracts and concentrated cannabis products; and
   (3) A prohibition on the inclusion of nicotine, alcohol, and other additives to products that are designed to make the product more addictive or more intoxicating.

(q) Standards for the operation of testing laboratories, including requirements for equipment and qualifications for personnel.

(r) Requirements for the testing of cannabis and cannabis products, including but not limited to:
(1) Requirements to ensure at a minimum that cannabis and cannabis products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling;

(2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous pesticides and fungicides; heavy metals; and harmful microbials, such as E. coli or salmonella;

(3) Threshold levels for each contaminant listed in subparagraph (2);

(4) Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such cannabis and cannabis products shall be immediately quarantined and immediate notification to the commission shall be made. The contaminated product shall be documented and properly destroyed;

(5) That testing shall also verify THC and other cannabinoid potency representations for correct labeling;

(6) That the commission shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations;

(7) Potency limits for cannabis products, after consultation with and approval of the cannabis advisory board including a public hearing specifically related to the topic of potency;

(8) Allowances for remediation of cannabis and cannabis products whose test results are in excess of established thresholds;

(9) Minimum testing requirements for an effective cannabis and cannabis product quality assurance program for cannabis cultivation facilities, limited manufacturers, and cannabis product manufacturing facilities; and

(10) That the commission shall determine the protocols and frequency of cannabis testing by a cannabis testing facility.

(s) Reasonable health and safety restrictions on cannabis accessories that may be manufactured or sold in New Hampshire, including a prohibition on any vaporization device that includes toxic or addictive additives. The commission may prohibit types of vaporizers that are particularly likely to be utilized by minors without detection, but may not completely ban or unreasonably restrict the manufacture or sale of vaporization devices.

(t) Restrictions on where a cannabis establishment may be located, consistent with the provisions of this chapter; provided that nothing shall prohibit a cannabis establishment from being located at a facility that, at the time of application, is a location licensed to engage in activity as alternative treatment center under RSA 126-X.

(u) Rules governing changes in ownership and changes in location for cannabis establishments, provided that until a cannabis establishment has been fully operational for at least 12 months, no more than 35 percent of the original ownership interest can be transferred. The commission may grant exceptions for good cause, such as the death of an individual owner.
(v) Procedures and notices relating to all recalls of any products.

(w) A requirement that any label, and for certain products where appropriate, include a standard, recognizable symbol that a product contains cannabis or THC.

(x) A prohibition on the manufacture and sale of cannabis infused alcoholic beverages.

II. Privacy Protections.

(a) In order to ensure that individual privacy is protected, the commission shall not require a consumer to provide a cannabis retail outlet or any other cannabis establishment that sells direct to consumers with personal information other than government-issued identification to determine the consumer’s age, and a cannabis establishment shall not be required to acquire and record personal information about consumers.

(b) In order to ensure that individual privacy is protected, no cannabis establishment may record or store a consumer’s name, address, purchases, or contact information unless the consumer consents in writing. No cannabis establishment may make granting permission for the collection or storage of the above information a condition of a consumer purchasing cannabis from the establishment.

III. Not later than 18 months after the effective date of this chapter, the commission, in consultation with the department, shall develop an informational handout, which cannabis retail outlets shall make available to all consumers, and which shall include information detailed in RSA 318-F:17.

IV. The commission shall require all cannabis establishments to utilize an electronic inventory tracking system, including use of a universal product code, for tracking the transfer of cannabis and cannabis products between licensed cannabis establishments and the sale of cannabis and cannabis products to consumers. The system shall ensure an accurate accounting of the production, processing, and sale of cannabis and cannabis products and shall enable separate tracking of cannabis flowers, immature plants, and other parts of cannabis sold from cannabis cultivation facilities. The system must allow for the tracking of lab testing results for all cannabis and must be capable of swiftly identifying all products involved in a product recall. The commission may develop and maintain a system that satisfies the requirements of this section, or it may select a vendor to develop and maintain a system.

V. No later than 3 months after the after the effective date of this chapter and quarterly thereafter, the commission shall report to the house commerce and consumer affairs committee and the joint fiscal committee on the commission’s progress in establishing procedures for the legalization, regulation, and taxation of cannabis, and the licensing and regulation of cannabis establishments.

VI. No later than 15 months after the effective date of this chapter, and every year thereafter, the commission shall reevaluate the fines and penalties established in RSA 318-F, and
shall report in writing on its findings and recommendations to the chairpersons of the house of representatives and senate ways and means committees.

VII. The commission shall also have the authority to regulate synthetic cannabinoids and intoxicating products derived from hemp.

VIII. No later than 36 months after the effective date of this section, after receiving input from the cannabis advisory board, the commission shall make written recommendations to the general court regarding the regulation of hemp including:

(a) What hemp products the commission would regulate;
(b) How the products would be regulated, including whether licensure would be required and whether hemp processors and manufacturers should be licensed and regulated by the commission;
(c) Any license fees or other charges that would be assessed on hemp products and license fees assessed on hemp processors and manufacturers;
(d) The resources required to regulate hemp processors, product manufacturers, hemp products, and the retail sale of intoxicating hemp products; and
(e) The regulations governing the production and the sale of intoxicating ingestible or smokable products containing hemp-derived cannabinoids may not be less restrictive than the provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A. For purposes of this section, "intoxicating ingestible or smokable products containing hemp-derived cannabinoids" means any product that is intended to be consumed by humans or animals through inhalation or ingestion containing tetrahydrocannabinol and tetrahydrocannabinolic acids that are artificially or natural derived from hemp where inhalation or ingestion is reasonably likely to result in alternations of perception, cognition, or behavior.

IX. No later than December 1, 2024, the commission, jointly with the department, shall develop draft legislation to:

(a) Transfer regulatory authority of the therapeutic cannabis program authorized under RSA 126-X, in whole or in part, to the commission; and
(b) Regulate cannabis retail outlets' sale of cannabis and cannabis products to qualifying patients and designated caregivers.

318-F:9-a Operational Control of Cannabis.

I. Not later than 12 months after the effective date of this section, the commission shall develop draft legislation and adopt rules subject to the rulemaking process pursuant to RSA 541-A for franchising cannabis retail outlets which keeps all operational control distinct from regulatory control. The rules shall include the following:

(a) Procedures for the application, issuance, transfer, approval, denial, renewal, suspension, and revocation of an agency store agreement for cannabis retail outlets.
(1) The commission shall decide within 60 days of receipt of a complete application and provide the decision to the agency store. The commission shall extend the time period for the decision upon written agreement of the applicant.

(2) Notwithstanding any rules created by the commission, any transfer or sale of cannabis agency store is subject to approval of the commission.

(3) No vendor that provides cannabis inventory tracking in New Hampshire and no individual with a threshold financial interest in a vendor that provides cannabis inventory tracking in New Hampshire may hold a threshold financial interest in a cannabis agency store.

(b) Rules governing the selection of cannabis retail outlets to include, but not limited to:

(1) Prohibiting the licensure of more than 15 cannabis retail outlets.

(2) Providing that a major criteria in assessing the relative merits of each application will incorporate the successful operation of an alternative treatment center registered under RSA 126-X and may convert to a cannabis retail outlet for sales permitted under this chapter and RSA 126-X.

(3) Determining whether to increase the number of cannabis agency stores no less than every 2 years, and, if so, by how many.

(4) Ensuring an equitable distribution of cannabis retail outlets based on geography and population, including:

(A) Providing for no more than the greater of one cannabis agency store per municipality or no more than one cannabis agency store per 15,000 residents of a municipality.

(B) Increasing access to legal cannabis in New Hampshire for people throughout the state.

(5) Providing that no cannabis agency store may be located within 1,000 feet of a pre-existing cannabis agency store unless the municipality where the establishment seeks to operate has established a smaller distance limitation or waived the restriction.

(6) Procedures to revoke the agency agreement of any agency store which has not applied for a license within a designated timeframe, or an agency store operator who is not compliant with the license application process.

(7) Procedures to accept applications for agency stores within 3 months of an agency store being revoked, surrendered, or not renewed.

(c) Restrictions on the logos, signage, marketing, and display of cannabis and cannabis products, including but not limited to:

(1) A prohibition on mass-market campaigns that have a high likelihood of reaching minors;

(2) A prohibition on marketing to minors, including marketing specifically related to social media;

(3) Restrictions to prevent cannabis from being marketed to minors;
(4) A prohibition on the sale of cannabis products that are named, packaged, marketed, or designed in a way that mimics or is likely to cause confusion with commercially available, trademarked non-cannabis products, including relating to their logos, the sound of the product or brand, packaging, taste, appearance, and commercial impression;

(5) A prohibition on giveaways of cannabis, cannabis products, or cannabis accessories, including samples;

(6) A prohibition on neon signs;

(7) A prohibition on signage, cannabis retail outlet logos, and advertisements that include slang for cannabis, images of cannabis or cannabis paraphernalia, or images that encourage over-consumption;

(8) A requirement that each cannabis retail outlet include in its name “[City or Town] Cannabis Outlet” or “New Hampshire Cannabis Outlet.” The commission may require approval of any retail outlet name to ensure it does not encourage overconsumption, appeal to minors, or otherwise violate reasonable restrictions on naming; and

(9) The commission may develop rules around the finish and quality of exterior of buildings and lot, which may include limits on colors and fonts for signage and logos. The commission may design a standard logo all outlets must use, with the only variation being their outlet name.

(d) Restrictions on the hours of sale when a cannabis retail outlet may sell cannabis and cannabis products, provided the regulations shall not allow cannabis retail outlets to begin sales before 6:00 a.m. or to sell cannabis or cannabis products after 11:45 p.m.

(e) Annual mandatory training and continuing education required or recommended for licensees, which shall include, but not be limited to, training on checking photo identification and for false identification.

II. Privacy Protections.

(a) In order to ensure that individual privacy is protected, an agency store shall not require a consumer to provide a cannabis retail outlet with personal information other than government-issued identification to determine the consumer’s age, and a cannabis establishment shall not be required to acquire and record personal information about consumers.

(b) In order to ensure that individual privacy is protected, no agency store may record or store a consumer’s name, address, purchases, or contact information unless the consumer consents in writing. No agency store may make granting permission for the collection or storage of the above information a condition of a consumer purchasing cannabis from the outlet.

III. The agency agreement may prohibit or restrict lobbying in a manner consistent with the First Amendment.

IV. As conditions of the agency store agreement, the commission shall:

(a) Restrict lobbying by agency stores.
(b) Maintain an accessible website for the public to identify the location, status, and online presence of agency stores.

318-F:10  Prohibitions: Advertising Cannabis Sales.

I. Except as provided in this section, no person may advertise cannabis sales.

(a) The prohibition includes, but is not limited to advertising by radio, television, billboard advertising, sound trucks, outdoor internally illuminated screen displays, in print, broadcast, and in-person solicitation of customers outside of the premises of the cannabis retail outlet or alternative treatment center.

(b) This does not prohibit appropriate signs on the property of the cannabis retail outlet or alternative treatment center, listings in business directories including online business listings, advertising on platforms or publications that are solely focused on cannabis, listings in trade or medical publications, the sponsorship of health or not-for-profit charity or advocacy events, or communications with previous customers of the retail outlet or alternative treatment center.

(c) This does not prohibit cannabis establishments from directly soliciting other cannabis establishments.

II. A violation of this section is punishable by a civil fine of up to $1,000 for a first offense. A subsequent violation is punishable by a civil fine of up to $5,000. These penalties are in addition to possible suspension or revocation of a cannabis establishment license.

318-F:11  Entry to Cannabis Retail Outlets Limited.

Entry to cannabis retail outlets shall be restricted to people:

I. Twenty-one years of age or older;

II. Qualifying patients; and

III. First responders and other government employees in performance of their official duties.

318-F:12  Licensing Procedures for Cannabis Establishments.

I. Each application for a license to operate a cannabis establishment shall be submitted to the commission.

II. Each application shall include the fee established by the commission and a $500 fee for the municipality to review the application, except that the municipal fee shall be $75 in the case of the smallest tier of cultivation facilities and limited manufacturers.

III. The commission shall:

(a) Accept and process applications beginning no later than 2 months after the issuance of rules governing the category of cannabis establishment for which the rules were adopted.

(b) Immediately forward a copy of each application and the municipal fee to the municipality in which the applicant desires to operate the cannabis establishment; and

(c) Issue a license to the applicant within 120 days after receipt of an application unless:

(1) The commission finds the applicant is not in compliance with the requirements of this chapter or rules adopted under this chapter;
(2) The commission has not been notified by the relevant municipality that the applicant is in compliance with an ordinance adopted pursuant to this chapter and in effect at the time of application; or

(3) More qualified applicants have applied than the number of licenses available for that category of cannabis establishment, and the applicant was not selected.

(d) Accept and process applications on an ongoing basis.

IV. Each license applies to a single parcel of real property, and multiple licenses per property are permitted. Any additional address which is not contiguous with the licensed property requires a separate application and license.

V. A renewal application may be submitted up to 90 days prior to the expiration of the cannabis establishment’s license. The renewal application shall be granted within 30 days of its submission unless the applicant has not paid the fee, the cannabis establishment’s license is suspended or revoked, or the cannabis establishment has a pattern of violations of this law, the rules issued pursuant to it, or municipal regulations.

VI. Conditional approval pending securing property.

(a) An applicant may not be rejected on the basis that the applicant has not purchased or leased the property where the cannabis establishment would be located. However, the applicant may be required to specify the municipality in which it intends to operate.

(b) The commission shall provide conditional approval for applicants that have not yet purchased or leased the property where the cannabis establishment would be located, or who require additional work on the business.

(c) Once the applicant provides the commission with a completed, supplemental application that identifies the property where the cannabis establishment is to be located, the commission shall forward the information to the local regulatory authority and approve or reject the final application within 45 days.

VII. Except as provided in RSA 318-F:14, nothing in this chapter prevents a person or entity from holding multiple types of cannabis licenses and from co-locating the businesses.

318-F:13 Enactment of Municipal Ordinances.

I. The voters of every municipality shall vote on whether to allow cannabis retail outlets in their municipality at the first municipal election after July 1, 2024, unless the municipality elects to include this question at the November 2024 biennial election. The wording of the question shall be substantially as follows: “Shall we allow the operation of cannabis retail outlets within this city or town?” The recount of any local option vote, the procedures for holding such a recount, the declaration of the results of such a recount, and the procedure for an appeal from such a recount shall be as provided in RSA 660:13-15. A municipality may not prohibit transportation through the municipality by cannabis establishments located in other jurisdictions.
II. A municipality where a vote to allow cannabis retail outlets fails shall propose the
question to voters again in a subsequent municipal or other election upon a petition. The petition
shall be of not less than 5 percent of the legal voters within the city or town filed with the secretary
of state within the timeframe regulating other ballot measures for municipal elections. The same
requirements established in paragraph I shall apply to that subsequent municipal election.

III. A municipality may enact an ordinance limiting the number of each type of cannabis
establishment that may be permitted within the municipality and regulating the time, place, and
manner of operation of a cannabis establishment, which is permitted within the municipality.

IV. A municipality may enact an ordinance specifying the entity within the municipality
that shall be responsible for reviewing applications submitted for a license to operate a cannabis
establishment within the municipality. The entity designated by the municipality, or the
municipality if no such entity is designated, shall be responsible for indicating whether the
application is in compliance with municipal ordinances and notifying the applicant and the
commission within 90 days.

V. A municipality may not negotiate or enter into an agreement with a cannabis
establishment or a cannabis establishment applicant requiring that the cannabis establishment or
applicant provide money, donations, in-kind contributions, services, or anything of value to the
locality.

VI. If a municipality has passed an innovative land use control relative to cannabis
establishments, it shall notify the liquor commission within 90 days of passage. Municipalities
without zoning ordinances or which have failed to pass an innovative land use control relative to
cannabis establishments will be governed by the provisions of RSA 318-F and administrative rules
relating to cannabis establishments enacted pursuant to RSA 541-A. No local ordinance may be less
restrictive than the provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A.

318-F:14 Financial Interests Prohibited.

I. No cannabis testing facility or individual with a controlling interest in a cannabis testing
facility shall have a direct or indirect financial interest in an alternative treatment center, a
cannabis retail outlet, a cannabis cultivation facility, a limited manufacturer, or a cannabis product
manufacturing facility.

II. Prior to 2 years after the effective date of this chapter, no person or business entity may
have a controlling interest in more than 3 cannabis establishments of any single category.

III. Beginning 2 years after the effective date of this chapter, no person or business entity
may have a controlling interest in more than 20 percent of operational cultivation facilities, limited
manufacturers, product manufacturing facilities, or cannabis retail outlets, unless the person or
business entity has a controlling interest in no more than 3 cannabis establishments of a single
category.
IV. Beginning 2 years after the effective date of this chapter, no person or business entity may have a controlling interest in more than 50 percent of cannabis testing facilities, unless the person or entity has a controlling interest in no more than 3 cannabis testing facilities.

V. No cannabis establishment or individual with a controlling interest in a cannabis establishment may hold a controlling interest in a vendor that provides cannabis inventory tracking in New Hampshire.

VI. No vendor that provides cannabis inventory tracking in New Hampshire and no individual with a controlling interest in a vendor that provides cannabis inventory tracking in New Hampshire may hold a controlling interest in a cannabis establishment.

318-F:15 Residency Required.

I. Except as provided in this section, any person applying for a cannabis establishment license shall have been a resident, or shall have at least one director, officer, or partner who has been a New Hampshire resident, for at least 3 years immediately preceding the date of application.

II. This section shall not apply to an applicant for a testing facility license.

III. Each cannabis establishment must be registered with the secretary of state’s office with its principal place of business located in New Hampshire.

318-F:16 Restrictions on Location Near Schools. No cannabis establishment shall operate, nor shall a prospective cannabis establishment apply for a license, if the establishment would be located within 1,000 feet of the property line of a pre-existing public or private elementary or secondary school.

318-F:17 Informational Materials, Warning Labels, and Medical Lock Boxes.

I. The commission, in consultation with the department, shall design at least 2 versions of informational handout, one of which is specific to high potency products.

II. A cannabis retail outlet and any other cannabis establishment selling directly to consumers shall include an informational handout designed by the commission in consultation with the department and the cannabis advisory board with all cannabis and cannabis products sold to consumers, and shall include the high potency version in all cannabis concentrates and other high potency sales. The informational handouts shall include scientifically accurate information, including:

(a) Advice about the potential risks of cannabis, and, in the case of the high potency handout, risks specific to high potency products, including:

(1) The risks of driving under the influence of cannabis, and the fact that doing so is illegal;

(2) Any adverse effects unique to adolescents or young adults, including effects related to the developing mind;

(3) Potential adverse events and other risks, including related to mental health; and
(4) Risks of using cannabis during pregnancy or breastfeeding. This may be identical to that required under RSA 126-X:8, XVI(c)(7).

(b) Information about methods for administering cannabis;

c) How long cannabis may impair a person after it is ingested in each manner;

d) How to recognize cannabis use disorder and how to obtain appropriate services or treatment;

e) Information regarding safe storage and disposal of cannabis and paraphernalia to prevent accidental poisonings, including the contact information for the Northern New England Poison Control Center. This may be identical to that required under RSA 126-X:8, XVI(c)(8); and

(f) Subject to federal statutory law or case law, a disclosure that:

1) Cannabis is illegal under U.S. federal law, and

2) The ability of users of cannabis to purchase or own a gun under federal law is currently in the federal courts, and the ultimate resolution is uncertain.

III. The commission shall require cannabis retail outlets to display informational posters in conspicuous locations about the risks of cannabis use, including regarding risks during pregnancy and breastfeeding and risks of cannabis use in adolescents or by younger adults. The posters shall be scientifically accurate.

IV. All cannabis and cannabis products sold by a cannabis retail outlet shall include warning labels that provide the following information: “Warning: This product has intoxicating effects. For use by adults 21 and older. Keep out of reach of children.” The commission may require a standard, recognizable symbol on all cannabis packaging to signify that THC or other cannabinoids are included in the product.

V. All cannabis products sold by cannabis retail outlets shall include:

(a) A warning label that provides, “Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed,” unless the commission determines that a specific time frame should be specified.

(b) A disclosure of ingredients and possible allergens.

(c) A nutritional fact panel, if the cannabis product is a food-based product.

(d) Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. section 1700.20.

VI. All cannabis retail outlets shall include in their inventory medical lock boxes for sale to help keep cannabis and cannabis products away from children.

318-F:18 Lawful Operation of Cannabis-Related Facilities.

I. Except as provided in this section, if undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:
(a) Possessing, displaying, warehousing, transporting, or distributing cannabis or cannabis products; obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility or limited manufacturer; or sale, delivery, or distribution of cannabis or cannabis products to an adult who is 21 years of age or older, a qualifying patient, a designated caregiver or to cannabis retail outlets or alternative treatment centers, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis retail outlet or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis retail outlet.

(b) Cultivating, harvesting, processing, packaging, transporting, distributing, displaying, or possessing cannabis; obtaining or purchasing cannabis seeds from any adult 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility; selling or transferring cannabis that has not been processed into extracts, concentrates, or other preparations to a cannabis cultivation facility, a cannabis product manufacturing facility, a limited manufacturer, or a cannabis retail outlet or alternative treatment center; or obtaining or purchasing cannabis from a cannabis cultivation facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis cultivation facility.

(c) Packaging, processing, transporting, manufacturing, displaying, or possessing cannabis or cannabis products; delivering or transferring cannabis or cannabis products to a cannabis testing facility; selling cannabis or cannabis products to a cannabis retail outlet, alternative treatment center, limited manufacturer, or a cannabis product manufacturing facility; purchasing or obtaining cannabis from a cannabis cultivation facility; or purchasing or obtaining cannabis or cannabis products from a cannabis product manufacturing facility or limited manufacturer, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis product manufacturing facility.

(d) Packaging, processing, transporting, displaying, or possessing cannabis or cannabis products; manufacturing cannabis products without performing volatile extractions; delivering or transferring cannabis or cannabis products to a cannabis testing facility; selling cannabis or cannabis products to a cannabis retail outlet, alternative treatment center, limited manufacturer, or a cannabis product manufacturing facility; purchasing or obtaining cannabis from a cannabis cultivation facility; or purchasing or obtaining cannabis or cannabis products from a cannabis product manufacturing facility or limited manufacturer, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a limited
HB 1633-FN-A - AS AMENDED BY THE HOUSE
- Page 28 -

manufacturer or is acting in his or her capacity as an owner, employee, or agent of a licensed limited
manufacturer.

(e) Possessing, obtaining, cultivating, processing, storing, transporting, receiving, or
displaying cannabis or cannabis products if the person or business entity has obtained a current,
valid license to operate a cannabis testing facility or is acting in his or her capacity as an owner,
employee, or agent of a licensed cannabis testing facility.

(f) Engaging in any activities involving cannabis or cannabis products if the person or
business entity conducting the activities has obtained a current, valid license to operate a cannabis
establishment or is acting in his or her capacity as an owner, employee, or agent of a licensed
cannabis establishment, and the activities are within the scope of activities allowed by the
commission for that type of cannabis establishment.

(g) Possessing, obtaining, cultivating, processing, storing, distributing transporting, or
receiving cannabis obtained from a cannabis establishment or transporting, delivering, or
transferring cannabis to a cannabis establishment if the person or business entity has obtained a
current, valid license to operate a cannabis transporter or cannabis distributor is acting in his or her
capacity as an owner, employee, or agent of a licensed cannabis transporter.

(h) Obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or
transferring cannabis to a cannabis testing facility; selling or distributing therapeutic grade
cannabis products to a cannabis retail outlet; or obtaining or purchasing cannabis or cannabis
products from a cannabis product manufacturing facility or limited manufacturer if the person or
business entity conducting the activities described in this paragraph possesses a valid license to
operate an alternative treatment center or is acting in his or her capacity as an owner, employee, or
agent of a licensed alternative treatment center.

(i) Leasing or otherwise allowing the use of property owned, occupied, or controlled by
any person, corporation, or other entity for any of the activities conducted lawfully in accordance
with this chapter.

(j) Selling, offering for sale, transferring, transporting, or delivering cannabis to
establishments licensed to process or sell cannabis under the laws of other states if the person or
business entity has obtained a current, valid license to operate a cannabis transporter, cannabis
product manufacturing facility, limited manufacturer, or cannabis cultivation facility or is acting in
his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis product
manufacturing facility, or cannabis cultivation facility.

II. No sales to consumers may begin until the liquor commissioner certifies there is a
sufficient supply of cannabis and cannabis products to begin sales.

318-F:19 Proof of Purchaser's Identity.

I. For the purposes of this chapter, any person or entity making the sale of cannabis,
cannabis products, or cannabis accessories to any purchaser whose age is in question shall require
and may accept any official documentation listed in RSA 179:8 as proof that the purchaser is 21 years of age or older.

II. Photographic identification presented under this section shall be consistent with the appearance of the person and shall not be expired and shall be correct and free of alteration, erasure, blemish, or other impairment.

III. The establishment of all of the following facts by a cannabis retail outlet or an agent or employee of a cannabis retail outlet making a sale of cannabis or cannabis accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

(a) That the person presented what an ordinary and prudent person would believe to be valid documentation of a type listed in RSA 179:8.

(b) That the sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was 21 years of age or older.

318-F:20 Enforcement Activity Verifying Noncompliance.

I. Except as provided in this section, it shall be a violation to sell any cannabis, cannabis product, cannabis accessories or cannabis paraphernalia to a minor during enforcement activity initiated solely for the purpose of verifying noncompliance with RSA 318-F:19. It shall be a misdemeanor to knowingly sell cannabis, cannabis product, or cannabis paraphernalia to a minor at the time of any such enforcement activity. The commission shall retain the right to require the licensee in such a circumstance to initiate additional training of its staff or individual employee. This section shall not apply to law enforcement initiatives involving surveillance, investigations, or criminal complaints of violations of RSA 318-F:19.

II. This section does not apply if the minor:

(a) Presented what an ordinary and prudent person would believe to be valid documentation showing the minor was a qualifying patient or designated patient who is allowed to purchase cannabis pursuant to RSA 126-X; and

(b) The sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was allowed to purchase cannabis pursuant to RSA 126-X.

318-F:21 Driving; Minors; Control of Property.

I. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.

II. Nothing in this chapter shall be construed to permit the transfer of cannabis, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, or consume cannabis except in the case of qualifying patients.

III. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in the correctional facility's property.
IV. Control of Property.

(a) Except as provided in this section, this chapter does not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of cannabis on or in that property.

(b) In the case of the rental of a residential dwelling, a landlord shall not prohibit the possession of cannabis or the consumption of cannabis by non-smoked means unless:

(1) The tenant is a roomer who is not leasing the entire residential dwelling;

(2) The residence is incidental to the provision of educational, counseling, religious, or similar service;

(3) The residence is a transitional housing facility; or

(4) Failing to prohibit cannabis possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(c) This chapter shall not prevent a landlord from prohibiting cannabis smoking.

(d) An adult who is 21 or older may use cannabis on privately owned real property only with permission of the property owner or, in the case of leased or rented property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a person to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant may permit an adult who is 21 or older to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

318-F:22 Enforcement of Contracts. Contracts related to the operation of a cannabis establishment licensed pursuant to this chapter shall be enforceable. No contract entered into by a licensed cannabis establishment or its employees or agents as permitted pursuant to a valid license, or by those who allow property to be used by an establishment, its employees, or its agents as permitted pursuant to a valid license, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is prohibited by federal law.


I. Except as provided in this section, a holder of a professional or occupational license may not be subject to professional discipline for:

(a) Providing advice or services related to cannabis establishments or applications to operate cannabis establishments on the basis that cannabis is illegal under federal law; or

(b) Engaging in activities allowed by this chapter.

II. An applicant for a professional or occupational license may not be denied a license based on:
(a) Previous employment related to cannabis establishments operating in accordance
with state law;
(b) A prior conviction for a non-violent cannabis offense that does not involve
distribution, or
(c) Engaging in activities allowed by this chapter.

III. Except as provided in this section, neither the state nor any of its political subdivisions
may impose any penalty or deny any benefit or entitlement for conduct permitted under this chapter
or for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath,
hair, or other tissue or fluid of a person who is 21 years of age or older.

IV. Except as provided in this section, neither the state nor any of its political subdivisions
may deny a driver’s license, a professional license, housing assistance, social services, or other
benefits based on cannabis use or for the presence of cannabinoids or cannabinoid metabolites in the
urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is 21 years of age or older.

V. A person shall not be denied custody of or visitation with a minor for acting in accordance
with this act, unless the person’s behavior is such that it creates an unreasonable danger to the
minor that can be clearly articulated and substantiated.

VI. Except as provided in this section, neither the state nor any of its political subdivisions
may discriminate against a person in hiring, termination, or any term or condition of employment, or
otherwise penalize a person in employment or contracting, if the discrimination is based upon either
of the following:
(a) Engaging in activities allowed by this chapter;
(b) A prior conviction for a non-violent cannabis offense that does not involve
distribution; or
(c) Testing positive for the presence of cannabinoids or cannabinoid metabolites in the
urine, blood, saliva, breath, hair, or other tissue or fluid of the individual’s body.

VII. Employer and employee protections.
(a) This section does not prevent an employer from disciplining an employee or
contractor for ingesting cannabis in the workplace or for working while impaired by cannabis.
(b) The protections provided by this section do not apply to the extent that they conflict
with a governmental employer’s obligations under federal law or regulations or to the extent that
they would disqualify the entity from a monetary or licensing-related benefit under federal law or
regulations.
(c) This section does not authorize any person to engage in, and does not prevent the
imposition of any civil, criminal, disciplinary, or other penalties, including discipline or termination
by a governmental employer, any task while under the influence of cannabis, when doing so would
constitute negligence or professional misconduct.
VIII. For the purposes of medical care, including organ and tissue transplants, the use of cannabis does not constitute the use of an illicit substance or otherwise disqualify a person from needed medical care and may only be considered with respect to evidence-based clinical criteria.

IX. Notwithstanding any other provision of law, unless there is a specific finding that the individual's use, cultivation, or possession of cannabis could create a danger to the individual or another person, it shall not be a violation of conditions of parole, probation, or pre-trial release to:

(a) Engage in conduct allowed by this chapter; or
(b) Test positive for cannabis, tetrahydrocannabinol, or any other cannabinoid or metabolite of cannabis.

X. This section does not authorize any person to engage in, and does not prevent the imposition of any penalties for engaging in, the following conduct:

(a) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional misconduct.
(b) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis.

318-F:24 Data Collection Related to Cannabis Legalization and Regulation. No later than 2 years after the effective date of this chapter, and every 2 years thereafter, the department of health and human services shall, where appropriate, enter into memorandums of understanding with the department of safety, the department of justice, the department of education, the commission, and any other agency determined by the department of health and human services to possess relevant data, to collect data, and produce and publish a report that includes baseline data and the most current data regarding health and welfare outcomes before and after cannabis legalization and regulation for adult use. All data in the report shall be non-identifiable and respectful of personal privacy.

318-F:25 Agency Fee Imposed.

I. An agency fee of 10 percent shall be levied on the monthly total gross revenue derived from the sale of cannabis and cannabis products from a cannabis retail outlets, provided:

(a) The agency fee shall not apply to sales to qualifying patients, directly or via their designated caregivers.
(b) The agency fee shall not apply to the sale of cannabis accessories, or any product other than cannabis and cannabis product.

II. The commission shall adopt rules under RSA 541-A relative to the agency fee procedures needed to implement the provisions of this section.

318-F:26 Cannabis Fund Established.

I. There is established a nonlapsing fund to be known as the cannabis fund. The fund shall be kept distinct and separate from all other funds in the state treasury, and the moneys credited to the fund shall be held distinct and separate from all other funds over which the state treasurer has
control. Moneys in the fund shall be deposited with any financial institution as defined in RSA 383-A:2-201(a)(27-a), with a branch in the state. Moneys credited to the fund shall include deposits into the fund by the commission pursuant to this chapter and deposits into the fund by the commissioner of the department of revenue administration pursuant to RSA 77-H.

II. For the biennium ending June 30, 2025, and every biennium thereafter, the commission shall include the cost of administration of this chapter in the commission’s efficiency expenditure request pursuant to RSA 9:4.

III. For the biennium ending June 30, 2025, the sum of $8,000,000 is hereby appropriated to the commission for the cost of administration of this chapter. Said sum shall be a charge against the fund.

IV. The commission shall credit all fees and civil penalties imposed under this chapter, including agency fees levied pursuant to 318-F:25, and all other related moneys received from public or private sources to the fund.

V. After deducting appropriations charged to the fund for the cost of administration of this chapter and RSA 77-H, the remaining funds shall be appropriated and distributed by the commission on a quarterly basis as follows:

(a) The sum of $100,000 annually to the department of health and human services, for data collection and reporting related to the health impacts of cannabis legalization and regulation under RSA 318-F:24; and

(b) The remaining funds shall be deposited in the general fund.

6 Controlled Drug Act; Definitions. Amend the introductory paragraph in RSA 318-B:1, X-a(k) to read as follows:

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing [marijuana] cocaine[,- hashish, or hashish oil] into the human body, such as:

7 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, I to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter or as otherwise authorized by law; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he or she represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he or she represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

8 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II to read as follows:
II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his or her control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter or as otherwise authorized by law, shall be sentenced as follows, except as otherwise provided in this section:

9 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(e) to read as follows:

   (c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish, including any adulterants or dilutants is possessed by a person who is under 21 years of age, or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1, possessed by a person who is 21 years of age or older, the person shall be guilty of a misdemeanor. [In the case of marijuana infused products possessed by persons under the age of 21 or marijuana infused products as defined in RSA 318-B:2 c, other than a personal use amount of a regulated marijuana infused product as defined in RSA 318-B:2 c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.]

   (d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, that is possessed by a person who is under 21 years of age, the person shall be guilty of a violation pursuant to RSA 318-B:2 c. [In the case of a person 21 years of age or older who possesses a personal use amount of a regulated marijuana infused product as defined in RSA 318-B:2 c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2 c.]

   (e) In the case of a residual amount of a controlled substance, drug, other than marijuana, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

10 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

   (a) Except as provided in RSA 318-B:2 c, Controls any premises or vehicle where he or she knows a controlled drug or its analog, other than marijuana, is illegally kept or deposited;

11 Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B:2 c to read as follows:

   318-B:2 c [Personal] Possession of Marijuana by a Person Under 21 Years of Age.

   [L] In this section:

   I. [In this section:]

   (a) "Marijuana" means "cannabis" as defined in RSA 318-F:1, II. [includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks,
fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not include hemp grown, processed, marketed, or sold under RSA 439-A.

(b) “Personal use amount of a regulated marijuana infused product” means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.

II. Except as provided in RSA 126-X, any person under 21 years of age who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

III. Except as provided in RSA 126-X, any person under 21 years of age who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

IV. Except as provided in RSA 126-X, any person [21 years of age or older possessing a personal use amount of a regulated marijuana infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons] 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a [misdemeanor] violation, and subject to the penalties provided in paragraph V.

V. (a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[, or any person 21 years of age or older who is convicted of violating paragraph IV] shall be subject to a fine of $100 for a first or second offense under this paragraph, or a fine of up to $300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II[; or III [or IV], or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana[, regulated marijuana infused products,] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.
VI.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph II[,] or III[,] and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II[,] or III[,] or IV[.]

(d) Any person under 21 years of age who is in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana[. a personal-use amount of a regulated marijuana-infused product,] or 5 grams or less of hashish, may be arrested for a violation of paragraph II[,] or III[,] or IV[.]

VII. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.

VIII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph II[,] or III[, or IV]. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

12 Alcohol or Drug Impairment; Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of marijuana or hashish [as provided in RSA 318-B:2 c., or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2 c., I(b)].

13 Sentences; General Provisions; Annulment of Criminal Records; Annulment of Arrests and Convictions for Cannabis Offenses. Amend RSA 651:5-b to read as follows:

651:5-b Annulment of Arrests and Convictions for [Marijuana Possession.] Cannabis Offenses.
I. As used in this section:

(a) “Cannabis” or “marijuana” means “cannabis” as defined in RSA 318-F:1, II.

(b) “Possession limit” means the current “possession limit” as defined in RSA 318-F:1.

II. Any person who was arrested or convicted for knowingly or purposely obtaining, purchasing, transporting, or possessing, actually or constructively, or having under his or her control, no more than the possession limit [3/4 of an ounce of] marijuana [or less] where the offense occurred before the effective date of RSA chapter 318-F [September 16, 2017] may, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both. The petition shall state that the amount of marijuana was no more than the possession limit [3/4 of an ounce or less]. The petitioner shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing on the petition for annulment, the prosecutor shall be required to prove beyond a reasonable doubt that the petitioner knowingly or purposely obtained, purchased, transported, or possessed, actually or constructively, or had under his or her control, marijuana in an amount exceeding the possession limit [3/4 of an ounce]. At the close of the hearing, the court shall grant the petition unless the prosecutor has proven that the amount of marijuana exceeded the possession limit [3/4 of an ounce]. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

14 New Section; Certain Crimes Not to be Pursued; Dismissal. Amend RSA 651 by inserting after section 5-b the following new section:

I. As used in this section:

(a) “Cannabis” means “cannabis” as defined in RSA 318-F:1, II.

(b) “Possession limit” means “possession limit” as defined in RSA 318-F:1, XVIII.

II.(a) Except to the extent required to dismiss, withdraw, or terminate the charge, no prosecutor shall pursue any charge based on crimes or offenses pending with a court that occurred prior to the effective date of RSA 318-F, involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, manufacturing or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis where the offense occurred before the effective date of RSA 318-F.

(b) The existence of convictions in other counts within the same case that are not eligible for dismissal pursuant to this section or other applicable laws shall not prevent any conviction otherwise eligible for dismissal under this section from being dismissed pursuant to this section.
III. On the first day of the fifth month next following the effective date of RSA 318-F, any guilty verdict, plea, placement in a diversionary program, or other entry of guilt on a matter that was entered prior to that effective date, but the judgment of conviction or final disposition on the matter was not entered prior to that date, and the guilty verdict, plea, placement in a diversionary program, or other entry of guilt solely involved one or more crimes or offenses involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, manufacturing or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis, shall be vacated by operation of law. The judicial branch, in consultation with the attorney general, may take any administrative action as may be necessary to vacate the guilty verdict, plea, placement in a diversionary program, or other entry of guilt.

15 New Paragraph; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4 by inserting after paragraph XX the following new paragraph:

XXI. A deduction from gross business profits of an amount equal to all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business as a cannabis establishment as defined by RSA 318-F:1 or an alternative treatment center as defined by RSA 126-X:1, including reasonable allowance for salaries or other compensation for personal services actually rendered, notwithstanding any federal tax law to the contrary.

16 Apportionment, Assessment and Abatement of Taxes; Assessment; Education Tax. Amend RSA 76:3 to read as follows:

76:3 Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education tax rate at a level sufficient to generate revenue of $363,000,000, less any amount credited to the education trust fund pursuant to RSA 318-F:26, when imposed on all persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the following fiscal year. The rate shall be set to the nearest 1/2 cent necessary to generate the revenue required in this section.

17 Public Health; Use of Cannabis for Therapeutic Purposes; Definitions; Alternative Treatment Center. Amend RSA 126-X:1, I to read as follows:

I. "Alternative treatment center" means a domestic business corporation organized under RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a not-for-profit voluntary corporation organized under RSA 292 that is registered under RSA 126-X:7 and that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients, designated caregivers, other alternative treatment centers, and visiting qualifying patients.

18 Public Health; Use of Cannabis for Therapeutic Purposes; Departmental Administration; Alternative Treatment Centers; Application Form. Amend RSA 126-X:7, IV(a)(4) to read as follows:
(4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center. The board of directors or board of managers, as applicable, for the [nonprofit] alternative treatment center shall include at least one physician, advance practice registered nurse, or pharmacist licensed to practice in New Hampshire and at least one patient qualified to register as a qualifying patient. The majority of board members or managers, as applicable, shall be New Hampshire residents. A medical professional listed in this subparagraph may be a member of the alternative treatment center board of directors or managers, as applicable, but shall not maintain an ownership interest in the center.

19 Public Health; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, I to read as follows:

I. An alternative treatment center [shall] may be operated on a for-profit or not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

20 New Paragraphs; Public Health; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new paragraphs:

XIX. Except as otherwise provided in this chapter, an alternative treatment center shall be subject to RSA 293-A if organized as a domestic business corporation, RSA 304-C if organized as a domestic limited liability company, and RSA 292 if organized as a voluntary corporation.

XX. An alternative treatment center organized as a voluntary corporation under RSA 292 may convert from a voluntary corporation under RSA 292 to either a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C in any of the following ways:

(a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C, as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

(b) By adopting a plan of merger in accordance with RSA 293-A that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic business corporation shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors of the alternative treatment center at a meeting duly called for the purpose or by unanimous written consent.

(c) By adopting a plan of merger in accordance with RSA 304-C that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic limited liability company shall be the surviving entity, provided that, such
merger shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly
called for the purpose or by unanimous written consent.

XXI. Articles of entity conversion or articles of merger, as applicable, shall be signed and
submitted to the secretary of state pursuant to RSA 293-A or RSA 304-C, as applicable, and the
secretary of state shall approve all such filings submitted pursuant to this section.

XXII. The secretary of state shall certify such articles of entity conversion or articles of
merger and shall provide them to the department. Upon receipt, the department shall update the
existing licenses held by the converted or merged alternative treatment center.

XXIII. For the purposes of converting or merging an alternative treatment center pursuant
to this section, notwithstanding any provision in the articles of agreement or alternative treatment
center license applications to the contrary, the members of an alternative treatment center's board of
directors may determine that a plan of entity conversion or merger is consistent with its corporate
charter, and such voluntary corporation may surrender its articles of agreement in connection with
the plan of entity conversion or merger.

XXIV. Conversion and merger requirements:

(a) Any alternative treatment center choosing to convert or merge pursuant to this
section shall obtain an independent fair market valuation of its total assets as of 180 days prior to
the conversion or merger. The valuation of the total assets of such alternative treatment center, if
positive, shall be distributed to one or more charitable organizations solely for charitable purposes.
The director of charitable trusts shall receive a copy of the valuation and may file any objection
relating thereto with the court within 60 days. Except as set forth in this section and
notwithstanding any other law to the contrary, no portion of the assets of such alternative treatment
center after the conversion or merger, as applicable, shall be deemed to be charitable assets.

(b) Any alternative treatment center choosing to convert or merge pursuant to this
section shall submit a copy of the plan of conversion or merger to the director of charitable trusts.
The director may file an objection relating to the plan with the court within 60 days.

(c) Any alternative treatment center that has converted or merged pursuant to this
section shall, within 2 months and thereafter for 2 years, annually file a letter with the director of
charitable trusts certifying compliance with the requirements of RSA 126-X:8, XX.

21 Voluntary Corporations and Associations; Powers of Corporations; Change of Name;
Amending Articles; Conversion and Merger. Amend RSA 292:7 to read as follows:

292:7 Change of Name; Amending Articles.

I. Any corporation now or hereafter organized or registered in accordance with the
provisions of this chapter, and any existing corporation which may have been so organized or
registered, may change its name, increase or decrease its capital stock or membership certificates,
merge with or acquire any other corporation formed pursuant to this chapter, or amend its articles of
agreement, by a majority vote of such corporation's board of directors or trustees, at a meeting duly
called for that purpose, and by recording a certified copy of such vote in the office of the secretary of
state and in the office of the clerk of the town or city in this state which is its principal place of
business. In the case of a foreign nonprofit corporation registered in New Hampshire, a copy of the
amendment or plan of merger, certified by the proper officer of the state of incorporation, shall be
filed with the secretary of state, together with the fee provided in RSA 292:5. The surviving
corporation in a merger shall continue to have all the authority and powers vested in the merging
corporations, including any powers previously conferred upon them by the legislature.

II. An alternative treatment center registered pursuant to RSA 126-X and organized
under this chapter may, pursuant to RSA 126-X:8, XX, convert to either a domestic
corporation organized under RSA 293-A or a limited liability company organized under to
RSA 304-C, and may merge with a domestic business corporation organized under RSA 293-
A or a limited liability company organized under RSA 304-C.

22 New SubParagraph; New Hampshire Business Corporation Act; Domestication and
Conversion; Entity Conversion Authorized. Amend RSA 293-A:9.50 by inserting after paragraph (f)
the following new subparagraph:

(g) Alternative treatment centers registered pursuant to RSA 126-X and organized
pursuant to RSA 292 may become a domestic corporation pursuant to a plan of conversion in
accordance with RSA 126-X:8, XX and this subdivision. The alternative treatment center shall be
deemed to be a domestic unincorporated entity for purposes of applying RSA 293-A:9.50 through
RSA 293-A:9.56, except that approval of the conversion shall be as outlined in RSA 126-X:8, XX.

23 Limited Liability Companies; Statutory Conversions; Statutory Conversions of Other
Business Entities to Limited Liability Companies. Amend RSA 304-C:149, I to read as follows:

I. Any other business entity, including alternative treatment centers pursuant to RSA
126-X:8, XX, may make a statutory conversion of its business organization form to the limited
liability company business organization form under this act by complying with the requirements of
this section and with applicable law governing the other business entity. Approval of a
conversion of an alternative treatment center pursuant to this paragraph shall be as
outlined in RSA 126-X:8, XX.

24 New Paragraph; Limited Liability Companies; Statutory Conversions; Statutory Conversions
of Other Business Entities to Limited Liability Companies; Approvals of Statutory Conversion.
Amend RSA 304-C:149 by inserting after paragraph VIII the following new paragraph:

IX. In the case of the conversion of an alternative treatment center registered under RSA
126-X and organized pursuant to RSA 292, such conversion shall be approved by the board of
directors in accordance with RSA 126-X:8, XX.

25 The Liquor Commission; Liquor Investigator; Training. Amend RSA 176:9 to read as follows:

176:9 Liquor Investigator; Training.
I. The commission may, subject to rules adopted by the director of personnel, employ and dismiss liquor investigators. Liquor investigators shall, under the direction of the commission, investigate any or all matters arising under this title and under RSA 318-F.

II. Any new liquor investigator employed by the commission under this section after August 13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training program as provided by RSA 106-L:6, unless he or she has already completed such a program.

III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter any place where liquor, beverages, tobacco products, e-cigarettes, or cannabis are sold, manufactured, or cultivated at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

26 Enforcement Proceedings and Penalties; Prosecutions. Amend RSA 179:59 to read as follows:

179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this title and RSA 318-F. The liquor investigators shall have statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The commission shall have the primary responsibility for the enforcement of all liquor and beverage laws and cannabis laws upon premises where liquor, and beverages, and cannabis are lawfully sold, stored, distributed, or manufactured or cultivated. Any person violating the provisions of any law may be prosecuted by the commission or any of its investigators as provided in this section, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

27 New Paragraph; Retail Tobacco License. Amend RSA 178:19-a by inserting after paragraph V the following new paragraph:

VI. A retail tobacco license is authorized to sell cannabis accessories and cannabis paraphernalia as defined in RSA 318-F.

28 New Paragraph; Rulemaking; Liquor Commission. Amend RSA 176:14 by inserting after paragraph IX the following new paragraph:

IX-a. Cannabis licenses, including:

(a) Procedures for the application for, issuance, transfer, approval, denial, renewal, suspension, and revocation of a license for cannabis establishments.

(b) License operations for each cannabis establishment license type.

(c) Collection of additional fees as required by statute.

29 Appropriations.

I.(a) The following classified position is established in the department of health and human services to support the department in completing the new responsibilities relative to collecting, analyzing, and reporting of data required by RSA 318-F:24: one operations research analyst position (labor grade 30, step 1).
(b) The sum of $109,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the department of health and human services for the purpose of funding the position established in paragraph I(a). The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of $8,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the liquor and cannabis commission for deposit into the cannabis fund established in RSA 318-F:26 for the administration of RSA 318-F. Said appropriation shall be a charge against the liquor fund.

30 Contingent Severability of Operational Control. If the operational control in RSA 318-F:9-a is not implemented by June 30, 2026, operational control provided in that section shall become null and void and all references to operational control requirements shall be waived.

31 Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use with cannabis, is repealed.

32 Effective Date. This act shall take effect upon its passage.
AN ACT relative to the legalization and regulation of cannabis and making appropriations therefor.

**FISCAL IMPACT:** [X] State [X] County [X] Local [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td><strong>Revenue Fund(s)</strong></td>
<td>General Fund</td>
<td>Education Trust Fund, Cannabis Fund, Substance Use Prevention, Treatment, and Recovery Fund, Community Reinvestment Fund and Various Government Funds.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
<td>General Fund</td>
<td>Education Trust Fund, Cannabis Fund, Substance Use Prevention, Treatment, and Recovery Fund, Community Reinvestment Fund and Various Government Funds.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$8,600,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Funding Source(s)</strong></td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>$0</td>
<td>Indeterminable Increase</td>
<td>Indeterminable Increase</td>
</tr>
</tbody>
</table>

### METHODOLOGY:

This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional
systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Liquor Commission states this bill proposes an extensive regulatory framework to be administered by the Liquor Commission which is renamed in the bill to be the Liquor and Cannabis Commission. Primary enforcement and licensing authority would be the responsibility of the Commission. Regarding these responsibilities the Commission provides the following information concerning the required timeline:

- The Liquor Commission shall develop or contract for an inventory tracking system for the growth and tracking of cannabis products. Due to the anticipated cost of this system the Commission would need to bid the contract and establish a training and implementation period.

- The bill provides that 15 months after the effective date of this chapter, and every year thereafter, the commission shall reevaluate the fines and penalties established in RSA 318-F, and shall report, in writing, on its findings and recommendations to the Chairpersons of the House of Representatives and Senate Ways and Means Committees.

- 18 months after the effective date of this section, and every 2 years thereafter, the Commissioner of the Department of Health and Human Services shall submit an annual report to the Governor and Fiscal Committee of the General Court detailing the activities of the administration of the Substance Use Prevention, Treatment, and Recovery fund, the amount distributed in the past year, the amount remaining in the fund, a summary of how funds were used in the past year, and any recommendations for future legislation.

- The Commission shall report to the general court within 18 months after the effective date of this act and by January 1 of each year thereafter on distribution of funds to the Community Reinvestment Fund.

- The Commission is required to adopt administrative rules for cultivation licenses, and a schedule of civil fines 18 months after the effective date of the bill the Commission shall report to the Chairpersons of the House and Senate Ways and Means Committees its proposal for a fine schedule and for legislation needed to implement the schedule.

- Not later than 18 months after the effective date of this chapter, the Commission, in consultation with the Department, shall develop an informational handout, which cannabis retail outlets shall make available to all consumers.

- 20 months after the effective date the Commission shall adopt administrative rules for licensing for all cannabis establishments and shall accept and process applications beginning no later than 2 months after the issuance of rules governing the category of cannabis establishment for which the rules were adopted.

- 36 months after the effective date of this section, after receiving input from the Cannabis Advisory Board, the Commission shall make written recommendations to the General Court regarding the regulation of hemp.

- The bill would authorize the Commission to transfer funds within and among all accounting units within the Commission’s operating budget and to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in
federal law, regulations, or programs, and otherwise as necessary for the efficient management of the liquor commission and cannabis funds.

The Liquor Commission indicates it will require the following additional positions to administer its responsibilities under this bill:

- Two senior management positions would be needed to support the cannabis program: an Administrator IV within in the Division of Administration and a Deputy Director for Cannabis in the Division of Enforcement and Licensing.

- The Division of Enforcement and Licensing to oversee development and implementation of the processes as outlined in the bill. The Division would need a minimum of 10 new law enforcement and administrative personnel to effectively carry out the implementation of program in the timetable laid out in the bill. These positions include:
  - 1 Lieutenant position
  - 2 Examiner II positions
  - 6 Investigators
  - 1 Licensing specialist

- In addition to the enforcement and licensing personnel, the Division will require equipment adequate to fully outfit sworn members of the Division and non-sworn personnel hired to license and audit the businesses manufacturing and selling cannabis.

- The Division of Administration and Finance would track and record all transactions, purchases and fiscal matters associated with the program. Seven new positions would be added to the division to discretely and separately track fiscal and legal matters associated with the cannabis program and prepare the reports required by the bill. These positions include:
  - 1 Attorney IV
  - 1 Financial Reporting Administrator I
  - 2 Accountant III positions
  - 2 Internal Auditor II positions
  - 1 Human Resources Coordinator

- Marketing Positions. The Commission would ensure a safe and responsible message to promoted to consumers which would be clear and beneficial to a state-run model and the franchisees.
  - 1 Advertising Specialist – Marketing Cannabis
  - 1 Administrative Assistant – Marketing Cannabis
  - 1 Marketing Specialist – Marketing Cannabis

- The Commission indicates it would need legislative authority to pay staff members working on both liquor and cannabis matters increased wages until such time as the program is well established and all necessary new staff have been hired for program administration. The Commission assumes a 10% stipend would be necessary to compensate existing staff engaged in the development and all administrative aspects of the program. The bill does not currently include a provision for this stipend.

The Commission provided the following cost estimates to implement the bill:

<table>
<thead>
<tr>
<th>Cannabis Start-up Costs</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 New Positions - Identified above</td>
<td>$2,215,503</td>
<td>$2,787,350</td>
<td>$2,891,371</td>
</tr>
<tr>
<td>Consultant - with cannabis expertise.</td>
<td>$250,000</td>
<td>$250,000</td>
<td>$250,000</td>
</tr>
<tr>
<td>Rent office space (10,000 sq ft @ $24/sq.ft)</td>
<td>$240,000</td>
<td>$247,200</td>
<td>$254,616</td>
</tr>
<tr>
<td>Description</td>
<td>Year 1</td>
<td>Year 2</td>
<td>Total</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>----------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>Initial office space until space can be constructed at the Commission Headquarters.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction to build out / fit up office in new rental space.</td>
<td>$50,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Equipment for 22 people · laptops, printers, phones, etc. ($5k per person · 10 people in year 1 and 12 people in year 2)</td>
<td>$50,000</td>
<td>$60,000</td>
<td>$0</td>
</tr>
<tr>
<td>Office furniture 22 people ($10k per person · 10 people in year 1 and 12 people in year 2)</td>
<td>$100,000</td>
<td>$120,000</td>
<td>$0</td>
</tr>
<tr>
<td>10 Cars for Investigators, Examiners &amp; Auditors ($30k per vehicle · 5 in year 1 and 5 in year 2)</td>
<td>$150,000</td>
<td>$150,000</td>
<td>$0</td>
</tr>
<tr>
<td>Operating Expenses (overhead costs, utilities, supplies, contracts, etc.)</td>
<td>$400,000</td>
<td>$412,000</td>
<td>$424,360</td>
</tr>
<tr>
<td>Sub-Total Office Start up</td>
<td>$3,455,503</td>
<td>$4,026,550</td>
<td>$3,820,347</td>
</tr>
<tr>
<td>Stand Alone Government Traceability Solution Licensing &amp; Auditing and ERP financial system (Developed in consultation with the Department of Information Technology)</td>
<td>$5,000,000</td>
<td>$2,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Office construction at HQ building · To allow cannabis operations to eventually be housed within the headquarters building.</td>
<td>$500,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>$8,955,503</td>
<td>$6,026,550</td>
<td>$4,820,347</td>
</tr>
<tr>
<td>Salary stipend (for existing senior staff dedicated to developing the new program, estimated amount and will depend on the overall scope of the project)</td>
<td>$200,000</td>
<td>$250,000</td>
<td>$275,000</td>
</tr>
</tbody>
</table>

The Department of Revenue Administration indicates section 16 of the bill amends the Business Profits Tax (BPT), specifically RSA 77-A:4, to allow a deduction from gross business profits for the ordinary and necessary expenses paid or incurred on a trade or business as a cannabis establishment as defined by RSA 318-F:1 or an alternative treatment center as defined by RSA 126-X:1, including reasonable allowance for salaries or other compensation for personal services actually rendered. The Department states this change would result in an indeterminable increase in BPT and BET revenue to the State general fund and education trust fund. The Department is not able to estimate what the taxable income of the cannabis businesses will be. Regarding section 17 of the bill and the proposed amendment to RSA 76:3. The Department is unable to calculate the available funds that will remain after deducting the cost as outlined in RSA 318-F:26, V(a). However, any amount remaining that is deposited into the ETF would reduce the amount of Statewide Education Property Tax (SWEPT) to be collected by the municipalities to generate revenue of $363 million. Proposed RSA 318-F:26 establishes the cannabis fund into which fees are deposited. The Department notes the proposed RSA 318-F:26, I and V reference RSA 77-H which does not currently exist and is not established by the bill. It is assumed that this require further clarification/amendment. The Department would be responsible for updating all necessary tax forms and electronic management systems which
would not result in additional administrative costs that could not be absorbed in the Department's operating budget.

The Department of Health and Human Services, Bureau of Drug and Alcohol Services states there is considerable uncertainty about the impact that legalizing cannabis in New Hampshire would have on public budgets including unknowns around potential increases in consumption, treatment utilization, prevention needs, and associated costs. The Department indicates the science is currently unsettled on the causal effects of cannabis on psychoses, schizophrenia, and impaired driving, and therefore, the Department is unable to determine if these areas would be impacted and lead to additional costs. Evidence supporting the treatment needs for cannabis use disorder is documented, and the Department assumes treatment costs would increase with cannabis legalization, although such costs are indeterminable.

The Department expects the bill would have an impact on State revenues and expenditures due to the potential sales revenue and unknowns cost related to increases in consumption, treatment utilization and prevention needs. Assuming revenue and expenditure values would correlate with the current Alcohol Abuse Prevention and Treatment Fund activity, the Bureau estimates annual revenue and expenditures would increase by between $10 million and $12 million. To provide the Department with capacity for coordination and management of new the Substance Use Prevention and Recovery Fund, the Department states a Program Specialist IV position would be needed. This position would be responsible for planning the development and modification of programs, policies and procedures and managing and evaluating the work product of state and local programs providing services. The estimated cost of the position is $93,000 in FY 2025, $96,000 in FY 2026 and $99,000 in FY 2027. Since there is no appropriation for this position, it is assumed the cost would be funded by the “Substance Use Prevention and Recovery Fund” established by the bill. In addition, the Department assumes the $500,000 appropriation for the cost of developing and implementing a public education campaign would be from the State general fund.

The Department assumes in order to complete the data collection and reporting requirements in the bill, a Business Systems Analyst II would be needed. The cost of this position would be $109,000 in FY 2025, $113,000 in FY 2026 and $117,000 in FY 2027. There is an annual allocation of $100,000 to the Department from the Cannabis Fund for the data collection and reporting requirements that would partially cover the cost of the position, in addition to a $100,000 general fund appropriation the fiscal year ending June 30, 2025 to collect baseline data to be used in the reports required by RSA 318-F:24.
The Department of Safety indicates this bill would create a law to regulate the manufacture, possession, and sale of cannabis. The Department states the fiscal impact of this bill is indeterminable as it is impossible to predict criminal activities related to cannabis legalization. Based on information from states that have legalized cannabis the Department makes the following assumptions concerning the potential fiscal impact of this bill:

- Determining impairment in drivers under the influence of marijuana remains a challenge as there is no standardized test to determine levels of impairment.

- Marijuana use will increase including among minors. Despite legalization, marijuana trafficking and black-market marijuana continue to be enforcement challenges in states that have legalized marijuana. Traffic deaths involving drivers who tested positive for marijuana and incidents of driving under the influence have increased in states that have legalized. Suicide incidents in which toxicology results were positive for marijuana have increased in states that have legalized.

- While the Department cannot predict the financial impact, it assumes, based on the experiences from states that have legalized, the financial impact due to the increased enforcement issues could be significant. Enforcement costs may increase in crimes such as robbery, burglary, and theft. These enforcement issues will impact local and state law enforcement and may lead to a need for increases in manpower and training.

The New Hampshire Municipal Association estimates, based on information available, 219,169 persons 18 years old and older in New Hampshire used cannabis in the past year and approximately, 149,007 NH residents 18+ used cannabis in the past month. Based on information from Maine's Office of Cannabis Policy's on marijuana use, the Association estimates that NH residents alone would consume the following range of legal cannabis per year:

<table>
<thead>
<tr>
<th>Lower Volume</th>
<th>Middle Volume</th>
<th>Upper Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,087,921 grams</td>
<td>5,185,444 grams</td>
<td>6,517,622 grams</td>
</tr>
</tbody>
</table>

Assuming a market price of $7.83 per gram and a 10% tax rate, the Association estimated the following potential revenue range for sales to New Hampshire residents after 3 years of sales based on traditional sales volume and Maine's sales volume:

<table>
<thead>
<tr>
<th></th>
<th>Lower Volume</th>
<th>Middle Volume</th>
<th>Upper Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>30% Legal Sales</td>
<td>$960,253</td>
<td>$1,218,061</td>
<td>$1,530,989</td>
</tr>
<tr>
<td>48% Legal Sales (ME)</td>
<td>$1,536,404</td>
<td>$1,948,897</td>
<td>$2,449,583</td>
</tr>
</tbody>
</table>

The Association notes that the bill does not appear to restrict sales to New Hampshire residents and it is likely that sales will also come from non-residents. It is uncertain whether other market forces may affect tax revenue. If New Hampshire’s revenues come in at the same rate as Maine’s, then the following revenue estimates may apply: Year 1: $5.8 million, Year 2: $8.2
million, and Year 3: $15.9 million. The Association indicates it has no reason to believe that revenues will exceed those produced in Maine.

Given the time lines in the bill for rulemaking, the Association anticipates it is not likely that the rules would be complete for retail cannabis establishments until the end of 2025. After rulemaking, retail cannabis establishments will have to be sited and built, meaning sales will not likely occur prior to mid-2026. It is not known what additional administrative costs may result from this bill, however, a deduction of $8.1 million is expected in the year following passage. Unless the NH sales volume approaches Maine's, it is unlikely that municipalities will see any revenue until after FY 2030. Municipalities that vote in November 2024 to allow cannabis establishments may undergo their own ordinance creation process, resulting in costs associated with research and development of those ordinances and regulations that must complement any state rules. This will require additional staff time, but not likely before draft rules are announced by the state agency. These costs are indeterminable.

Given the difficulty obtaining information relative to effects of legalization on crime statistics, ambulance deployment statistics, and the existing status of New Hampshire as a small state surrounded by states where cannabis is legal in some form, and the existing gray and black markets for cannabis, it is likely that New Hampshire municipalities will see some indeterminable increase in costs associated with legalization of cannabis and cannabis products. New rules relative to possession, cultivation, and gifts, will likely see a shift in law enforcement focus, leading to new and different costs which are indeterminable.

The New Hampshire Association of Counties does not anticipate a significant fiscal impact to the County Corrections Departments or the County Attorney’s Offices.

LBA Notes:
Proposed RSA 318-F:26 establishes the Cannabis Fund. Moneys credited to the fund shall include deposits into the fund by the Commission pursuant to this chapter and deposits into the fund by the Commissioner of the Department of Revenue Administration pursuant to RSA 77-H. This section includes an appropriation of $8 million for the biennium ending June 30, 2025 to the Commission for the cost of administration and additional appropriations for purposes identified in the section.

- *Due to the time line for administrative rules established by the bill (up to 20 months), there may not be sufficient funds available in the cannabis fund available for such appropriations until FY 2027.*

Proposed RSA 318-F:26 refers to RSA 77-H.
• This statute does not exist and is not created by the bill. It is unclear which entity would collect the 10% agency fee, the Liquor and Cannabis Commission or the Department of Revenue Administration.

The bill authorizes the Commission to establish Investigator Positions.

• The Liquor Commission has identified other position classifications needed to operate the cannabis program. These are not authorized by the bill.

Proposed RSA 318-F:18 establishes the Cannabis Advisory Board.

• The bill does not address administrative support for the Advisory Board or payment/reimbursement of the Advisory Board’s costs.

Section 32 of the bill makes an appropriation of $500,000 to the Substance Use Prevention, Treatment, and Recovery Fund established by the bill for the fiscal year ending June 30, 2025.

• The source of funds for this appropriation in not stated.

AGENCIES CONTACTED:

Departments of Corrections, Justice, Health and Human Services, Revenue Administration, Safety, Liquor Commission, Judicial Branch, Judicial Council, New Hampshire Association of Counties, and New Hampshire Municipal Association
Amendment to HB 1633-FN-A

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

1 Purpose and Findings. The general court hereby finds that: the people of the state of New Hampshire find and declare that cannabis should be regulated in a manner similar to alcohol so that:

I. Individuals will have to show proof of age before purchasing cannabis.

II. Selling, distributing, or transferring cannabis to minors and other individuals under the age of 21 shall remain illegal.

III. Driving under the influence of cannabis shall remain illegal.

IV. Moving cannabis production and sales from the underground, sometimes dangerous, illicit market to legal businesses allows for appropriate regulations and control.

V. Cannabis sold in this state will be tested, labeled, and subject to additional regulations to ensure that consumers are informed and protected and to protect the environment.

VI. Some of the revenue generated from legal cannabis shall be used to support programs for education, prevention, treatment, and recovery related to the use of both legal and illegal drugs.

VII. Marketing and advertising to minors shall be prohibited.

2 New Subparagraphs; Application of Receipts; Cannabis Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 394 the following new subparagraphs:


3 Alcoholic Beverages; Statement From Purchaser as to Age. Amend RSA 179:8, I(d) to read as follows:

(d) A valid passport [from] issued by the United States or by a country with whom the United States maintains diplomatic relations.

4 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, the possession, use, harvesting, cultivating, manufacture, sale, or transportation of which is not otherwise authorized by law.

5 New Chapter; Regulation of Cannabis. Amend RSA by inserting after chapter 318-E the following new chapter:

CHAPTER 318-F

REGULATION OF CANNABIS
318-F:1 Definitions.

I. “Affiliate” means a person or entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another person.

II. “Alternative treatment center” means an entity as defined in RSA 126-X:1, I.

III. “Cannabis” means all parts of the plant of the genus cannabis whether growing or not, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, or its resin, including cannabis concentrate. “Cannabis” shall not include hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, foods, drinks, or other products.

IV. “Cannabis accessories” or “cannabis paraphernalia” means any equipment, products, or materials of any kind that are intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

V. “Cannabis concentrate” means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" shall not include cannabis products made from cannabis concentrate such as, but not limited to, edible products, topical products, and tinctures.

VI. “Cannabis cultivation facility” or “cultivation facility” means a person registered and licensed by the state of New Hampshire to cultivate, prepare, package, transport, and sell cannabis to cannabis retail stores, cannabis product manufacturing facilities, cannabis production facilities, and other cannabis cultivation facilities, but not to consumers. A cannabis cultivation facility shall not produce cannabis concentrates, tinctures, or other cannabis products that contain ingredients other than cannabis flower and/or cannabis trim.

VII. “Cannabis distributor” means any entity licensed to receive, warehouse, and distribute cannabis products between cannabis establishments, including cannabis products manufactured by others, but does not include cannabis cultivation, manufacturing, or retail sales to customers.

VIII. “Cannabis flower” means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. “Cannabis flower” does not include cannabis trim, the non-flower portions of the cannabis plant, or whole mature cannabis plants, but does include kief.

IX. “Cannabis establishment” means any licensed or franchised New Hampshire cannabis cultivation facility, cannabis testing facility, cannabis product manufacturing facility, cannabis production facility, franchise cannabis retail store, cannabis distributor, cannabis transporter, or any other type of cannabis business authorized and licensed by the commission.
X. “Cannabis product manufacturing facility” or “product manufacturing facility” means a person registered with the secretary of state’s office with its principal place of business located in New Hampshire and licensed by the state of New Hampshire to purchase cannabis and cannabis products, manufacture, prepare, and package cannabis products, and transport and sell cannabis and cannabis products to other cannabis product manufacturing facilities, cannabis production facilities, and to cannabis retail stores, but not to consumers.

XI. “Cannabis product” means any product that contains cannabis, including cannabis concentrate and products that contain cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. This term shall not include cannabis flower or cannabis trim.

XII. “Cannabis production facility” means a person registered with the secretary of state’s office with its principal place of business located in New Hampshire to cultivate, prepare, and package cannabis, manufacture, prepare, and package cannabis products within the same premises, transport and sell cannabis to other cannabis production facilities, cannabis cultivation facilities, cannabis product manufacturing facilities, and cannabis retail stores, but not to consumers, and transport and sell cannabis products to other cannabis production facilities, cannabis product manufacturing facilities, and cannabis retail stores, but not to consumers.

XIII. “Cannabis retail store” means a person or entity granted a franchise by the state of New Hampshire to purchase cannabis from cannabis cultivation facilities, cannabis and cannabis products from cannabis product manufacturing facilities and cannabis production facilities, and therapeutic grade cannabis products from alternative treatment centers, and to sell cannabis and cannabis products, or cannabis accessories or cannabis paraphernalia to consumers and therapeutic grade cannabis products to qualified patients or designated caregivers. Online pre-ordering is allowed, but consumers must purchase and pick up cannabis and cannabis products at the cannabis retail store’s premise. Alternative treatment centers cannot be licensed at the same location as a cannabis retail store.

XIV. “Cannabis testing facility” or “testing facility” means a person licensed in the state of New Hampshire to test cannabis for potency and contaminants.

XV. “Cannabis transporter” means a person licensed in the state of New Hampshire to transport cannabis between cannabis establishments.

XVI. “Cannabis trim” means any part of a cannabis plant, whether processed or unprocessed, that is not cannabis flower or a cannabis seed.

XVII. “Canopy” means the surface area utilized to produce mature plants calculated in square feet and measured using the outside boundaries of any area that includes mature marijuana plants, including all the space within the boundaries. The square footage of canopy space is measured horizontally starting from the outermost point of the furthest mature flowering plant in a
designated growing space and continuing around the outside of all mature flowering plants located
within the designated growing space. If growing spaces are stacked vertically, each level of space
shall be measured and included as part of the total canopy space measurement.

XVIII. “Clone" means a clipping from a cannabis plant that has not taken root. Clone
includes tissue cultures.

XIX. "Commission" means the liquor commission.

XX. “Consumer” means a person 21 years of age or older who purchases cannabis or
cannabis products for personal use by a person 21 years of age or older from a cannabis retail store
that is not a qualifying patient or designated caregiver purchasing a therapeutic grade product from
a cannabis retail store or cannabis from an alternative treatment center pursuant to RSA 126-X.

XXI. “Cultivation” or “cultivate” means the planting, propagation, growing, harvesting,
drying, curing, grading, trimming or other processing of cannabis for use or sale. “Cultivation” or
“cultivate” does not include manufacturing, testing, or cannabis extraction.

XXII. “Department” means the department of health and human services.

XXIII. “Documentation” means all records, in any form, including electronic records.

XXIV. “Exit packaging” means an opaque bag, pouch, or other container that cannabis
and/or cannabis products are placed in by a licensee or franchisee after a retail sale to a consumer.

XXV. “Flowering” means, with respect to a cannabis plant, the gametophytic or reproductive
state of a female cannabis plant during which the plant is in a light cycle intended to produce
flowers, trichomes, and cannabinoids characteristic of cannabis.

XXVI. “Hemp” means the plant Cannabis sativa L. and any part of the plant, whether
growing or not, with a delta-9 tetrahydrocannabinol or delta-8 tetrahydrocannabinol concentration
(THC) or any other tetrahydrocannabinol of not more than 0.3 percent on a dry weight basis or if in
an edible or beverage, not more than 0.25 milligrams per serving or milligram per package of THC.

XXVII. “Immature cannabis plant” means a cannabis plant that is not a mature cannabis
plant or a seedling.

XXVIII. “Kief” means the dried or drying resinous trichomes of cannabis plant that have
separated from cannabis flower or have been separated from cannabis flower by processes other than
extraction.

XXIX. “Manufacturing” or “manufacture” means the production, blending, infusing,
compounding or other preparation of cannabis and cannabis products, including, but not limited to,
cannabis extraction or preparation by means of chemical synthesis. “Manufacturing” or
“manufacture” does not include cultivation or testing.

XXX. “Mature cannabis plant” means a plant that is flowering.

XXXI. “Municipality” means a city, town, or an unincorporated place.

XXXII. “Outdoor cultivation” means the seasonal cultivation of cannabis in an expanse of
open or cleared ground without the use of artificial lighting.
XXXIII. “Ownership interest” means a right to ownership or equity interest.

XXXIV. “Person” means a natural person or a business entity.

XXXV.(a) “Possession limit” means:
(1) Four ounces of cannabis flower or cannabis trim or any combination thereof;
(2) Ten grams of cannabis concentrate, which includes, but is not limited to, pre-filled cartridges of cannabis extracts intended for vaporization; and
(3) Cannabis products other than cannabis concentrate containing no more than 2,000 milligrams of THC.

(b) This paragraph shall not apply to the possession limits set forth in RSA 126-X:2.

XXXVI. “Public place” means any place to which the general public has access and does not include private land not used for commercial purposes, where cannabis use is allowed by the property owner or tenant pursuant to 318-F:5, IV(b).

XXXVII. “Premises” means and includes all parts of the contiguous real estate occupied by a licensee or franchisee over which the licensee or franchisee has direct or indirect control or interest and which the licensee or franchisee uses in the operation of the business, and which have been approved by the commission as proper places in which to exercise the licensee’s privilege.

XXXVIII. “Resident” means a natural person who:
(a) Is domiciled in New Hampshire; and
(b) Maintains a place of abode in New Hampshire.

XXXIX. “Seedling” means a cannabis plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter.

XL. “THC” means tetrahydrocannabinol.

XLI. “Therapeutic grade cannabis product” means a cannabis product that exceeds any potency or serving size limitations created by this chapter that is manufactured by a licensed alternative treatment center. Therapeutic grade cannabis products sold by an alternative treatment center to a cannabis retail store shall meet the requirements of RSA 126-X and rules issued pursuant to RSA 126-X. Cannabis retail stores may only sell therapeutic grade cannabis products to qualified patients or designated caregivers as defined in RSA 126-X:1. The commission has jurisdiction over therapeutic grade cannabis products after they are transferred to a cannabis establishment licensed under this chapter.

XLII. “Threshold financial interest” means a majority ownership interest in the applicant, licensee, or franchisee.

XLIII. “Vertically integrated cannabis establishment” means a person who is a cannabis retail store franchisee in addition to a cannabis cultivation facility licensee and a cannabis product manufacturing facility licensee, or who is a cannabis retail store franchisee and a cannabis production facility licensee, either through direct ownership or through an affiliate.

XLIV. “Volatile extraction” means:
(a) Extractions using any solvent identified as volatile or hazardous by the commission; and

(b) Any method of extraction identified as potentially hazardous by the commission.

318-F:2 Personal Use of Cannabis. Except as otherwise provided in this chapter, the following acts, if undertaken by a person 21 years of age or older, shall not be illegal under New Hampshire law or the law of any political subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:

I. Possessing, consuming, using, displaying, obtaining, purchasing, processing, manufacturing, or transporting an amount of cannabis that does not exceed the possession limit, except that no adult other than one who is acting in his or her capacity as a staffer of a cannabis product manufacturer licensed pursuant to RSA 318-F or an alternative treatment center licensed pursuant to RSA 126-X may perform volatile extractions using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.

II. Transferring an amount of cannabis that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this paragraph, a transfer is for remuneration if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods, services, or admission to an event, or if the gift of cannabis is contingent upon a separate transaction for goods, services, or the price of admission to an event.

III. Transferring cannabis, including cannabis products, to a cannabis testing facility.

IV. Controlling property where the acts described under this section occur.

V. Assisting another person who is 21 years of age or older in any of the acts described under this section.

VI. Personal cultivation is prohibited. No person shall cultivate cannabis plants for personal use unless otherwise authorized by New Hampshire law.

318-F:3 Smoking or Vaping Cannabis in Public Prohibited; Penalty.

No person shall smoke or vaporize cannabis in an area accessible to the public.

I. First offense: Any person who violates this section shall be guilty of a violation for the first offense and shall forfeit all cannabis and cannabis products.

II. Second offense: Any person who violates this section a second time within 5 years of the first conviction under this section shall be guilty of a misdemeanor and shall forfeit all cannabis and cannabis products.

318-F:4 Consuming Cannabis While Operating a Moving Vehicle Prohibited; Penalty.

I. No person shall consume, smoke, or vaporize cannabis while driving or attempting to drive a motor vehicle on a way, or while operating or attempting to operate an off-highway recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation.
II. No person shall consume, smoke, or vaporize cannabis while the person is a passenger in a motor vehicle that is being driven on a way.

III. Any person who violates this section shall be guilty of a misdemeanor and shall be subject to a fine not to exceed $1,000.00. In addition, any person who violates paragraph I of this section may have his or her driver’s license, if a resident, or driving privilege, if a nonresident, suspended for up to 60 days for a first offense and up to one year for a subsequent offense.

IV. In this section, “way” shall have the same meaning as in RSA 265-A:44.

318-F:5 Driving; Minors; Control of Property.

I. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.

II. Nothing in this chapter shall be construed to permit the transfer of cannabis, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume cannabis except as provided for by RSA 126-X.

III. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in the correctional facility’s property.

IV. Except as provided in this section, this chapter does not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of cannabis on or in that property.

   (a) This chapter shall not prevent a landlord from prohibiting cannabis smoking, vaping, cannabis cultivation, harvesting, or manufacturing.

   (b) An adult who is 21 or older may use cannabis on privately owned real property only with permission of the property owner or, in the case of leased or rented property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a person to smoke or vape cannabis on rented property if smoking or vaping on the property violates the lease or the lessor’s rental policies that apply to all tenants at the property. However, a tenant may permit an adult who is 21 or older to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

318-F:6 Tracking System.

The commission shall require all cannabis establishments to utilize an electronic inventory tracking system, including use of a universal product code, for tracking the transfer of cannabis and cannabis products between licensed or franchised cannabis establishments and the sale of cannabis and cannabis products to consumers. The system shall ensure an accurate accounting from seedling to sale of the production, processing, and sale of cannabis and cannabis products and shall enable
separate tracking of cannabis flower immature cannabis plants, and other parts of cannabis sold
from cannabis cultivation facilities and cannabis production facilities. The system shall allow for the
tracking of lab testing results for all cannabis and shall be capable of swiftly identifying all products
involved in a product recall. The commission may develop and maintain a system that satisfies the
requirements of this section, or it may select a vendor to develop and maintain a system.


I. Except as provided in this section, a holder of a professional or occupational license may
not be subject to professional discipline for:

(a) Providing advice or services related to cannabis establishments or applications to
operate cannabis establishments on the basis that cannabis is illegal under federal law; or

(b) Engaging in activities allowed by this chapter.

II. An applicant for a professional or occupational license may not be denied a license based
on:

(a) Previous employment related to cannabis establishments operating in accordance
with state law;

(b) A prior conviction for a non-violent cannabis offense that does not involve
distribution, or

(c) Engaging in activities allowed by this chapter.

III. A person shall not be denied custody of or visitation with a minor for acting in
accordance with this act, unless the person’s behavior is such that it creates an unreasonable danger
to the minor that can be clearly articulated and substantiated.

IV. For the purposes of medical care, including organ and tissue transplants, the use of
cannabis does not constitute the use of an illicit substance or otherwise disqualify a person from
needed medical care and may only be considered with respect to evidence-based clinical criteria.

318-F:8 Enforcement of Contracts.

Contracts related to the operation of a cannabis establishment licensed or franchised pursuant to
this chapter shall be enforceable. No contract entered into by a licensed or franchised cannabis
establishment or its employees or agents as permitted pursuant to a valid license or franchise, or by
those who allow property to be used by an establishment, its employees, or its agents as permitted
pursuant to a valid license, shall be unenforceable on the basis that cultivating, obtaining,
manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is
prohibited by federal law.

318-F:9 Lawful Operation of Cannabis-Related Facilities.

I. If undertaken by a person 21 years of age or older, the following acts shall not be illegal
under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire
law:
(a) Possessing, displaying, warehousing, transporting, distributing cannabis or cannabis products; obtaining or purchasing cannabis from a cannabis cultivation facility or a cannabis production facility; delivering or transferring cannabis to a cannabis testing facility; obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility or cannabis production facility; obtaining or purchasing therapeutic grade cannabis products from an alternative treatment center, or sale of cannabis or cannabis products to an adult who is 21 years of age or older or the sale of therapeutic grade cannabis products to qualified patients and designated caregivers as defined in RSA 126-X:1, or distribution of cannabis and cannabis products to other cannabis retail stores or therapeutic grade cannabis to alternative treatment centers, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis retail store or is acting in his or her capacity as an owner, employee, or agent of a franchised cannabis retail store.

(b) Cultivating, harvesting, processing, packaging, transporting, distributing displaying, or possessing cannabis; obtaining or purchasing cannabis seeds, clones, or seedlings from any adult 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility; selling or transferring cannabis that has not been processed into cannabis concentrate or other cannabis product to a cannabis cultivation facility, a cannabis product manufacturing facility, or a cannabis retail store; or obtaining or purchasing cannabis from a cannabis cultivation facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis cultivation facility.

(c) Packaging, processing, transporting, manufacturing, displaying, or possessing cannabis or cannabis products; delivering or transferring cannabis or cannabis products to a cannabis testing facility; selling cannabis or cannabis products to a cannabis retail store, or a cannabis product manufacturing facility; purchasing or obtaining cannabis from a cannabis cultivation facility or cannabis production facility; or purchasing or obtaining cannabis or cannabis products from a cannabis product manufacturing facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis product manufacturing facility.

(d) Possessing, obtaining, testing, storing, transporting, receiving, or displaying cannabis or cannabis products if the person or business entity has obtained a current, valid license to operate a cannabis testing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis testing facility.

(e) Engaging in any activities involving cannabis or cannabis products if the person or business entity conducting the activities has obtained a current, valid license or franchise to operate a cannabis establishment or is acting in his or her capacity as an owner, employee, or agent of a
licensed or franchised cannabis establishment, and the activities are within the scope of activities
allowed by the commission for that type of cannabis establishment.

(f) Possessing, obtaining, cultivating, processing, storing, transporting, and distributing, or receiving cannabis obtained from a cannabis establishment or transporting, distributing, delivering, or transferring cannabis to a cannabis establishment if the person or business entity has obtained a current, valid license to operate a cannabis transporter or cannabis distributor or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis transporter or cannabis distributor.

(g) Selling, offering for sale, transferring, transporting, or delivering therapeutic grade cannabis products to cannabis establishments if the person or business entity conducting the activities described in this paragraph possesses a valid license to operate an alternative treatment center or is acting in his or her capacity as an owner, employee, or agent of a licensed alternative treatment center.

(h) Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this chapter.

(i) Selling, offering for sale, transferring, transporting, or delivering cannabis to establishments licensed to process or sell cannabis under the laws of other states if the person or business entity has obtained a current, valid license to operate a cannabis transporter, cannabis distributor, cannabis product manufacturing facility, cannabis production facility or cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis distributor, cannabis product manufacturing facility, cannabis production facility, or cannabis cultivation facility, and marijuana is no longer scheduled as a controlled substance as defined under the Federal Controlled Substances Act, 21 U.S.C. section 801, et. seq.

318-F:10 Data Collection Related to Cannabis Legalization and Regulation.

No later than 6 months after the effective date of this chapter and every 2 years thereafter, the department of health and human services shall produce and publish a report that includes non-identifiable personal/individual or baseline data and the most current data regarding health and welfare outcomes since cannabis became legal and regulated for adults’ use, including, but not limited to, high school graduation rates; youth and adult rates of alcohol, cannabis, and illegal drug use; rates of maladaptive use of cannabis; rates of alcohol abuse; opiate use and abuse rates; the number and type of youth and adult convictions for cannabis offenses; and the rates of individuals needing but not receiving cannabis use disorder treatment.

318-F:11 Enforcement Authority.

I. The commission shall have the primary responsibility for enforcing this chapter. Local, county, and state law enforcement officers shall also have jurisdiction to enforce this chapter. Such authority may be delegated to agents working under their authority.
II. The commission may appoint liquor investigators whose primary function shall be the proper prosecution of this chapter. The liquor investigators shall have statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The commission shall have the primary responsibility for the enforcement of all cannabis laws including any illegal trafficking, distributions, harvesting, cultivating, and manufacturing cannabis and upon premises where cannabis, cannabis products, and cannabis accessories are lawfully sold, stored, distributed, cultivated, or manufactured. Any person violating the provisions of any law may be prosecuted by the commission or any of its investigators as provided in this section, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns or the New Hampshire department of safety, division of state police.

III. The commission shall have the authority to interpret statutes and administrative rules as they relate to this chapter.

IV. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it. All hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such investigation or hearing the commission shall not be bound by the technical rules of evidence. The commission may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda, and papers of any kind whatever. A summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

V. If any false statement is knowingly made in any statement under oath which may be required by the provisions of this title or by the commission, the person making the same shall be deemed guilty of perjury. The making of any such false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the commission, constitute sufficient cause for the revocation of the license or franchise.

VI. The commission shall adopt by rule under RSA 541-A a formal enforcement policy for licensees and franchisees under its jurisdiction. This policy shall specify the disciplinary action, to include, but not limited to, a schedule of fines as are authorized by this chapter for violations of statutory requirements, which the commission shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the commission shall consider in determining penalties for specific actions. Such enforcement policy shall authorize:

(a) Cannabis cultivation facilities and cannabis production facilities to continue to cultivate, prepare, and package, but not purchase, transfer, or sell cannabis and cannabis products,
during a suspension or a license or franchise revocation until such time as there is a final
determination that the license or franchise be revoked for which no appeal is available; and

(b) Cannabis product manufacturing facilities, cannabis testing facilities, and
cannabis retail stores to possess existing cannabis inventory, but not acquire additional
cannabis, or dispense, transfer, or sell cannabis during a suspension or a license or franchise
revocation until such time as there is a final determination that the license or franchise be revoked
for which no appeal is available.

VII. In applying its enforcement policy, the liquor commission shall establish and enforce
specific determinate penalties for specific offenses. The commission shall not apply penalties such as
license or franchise suspensions for indefinite periods of time. In addition to RSA 541-A:30, III, the
commission may suspend, for a period of not more than 72 hours without a hearing, any license or
franchise issued under the provisions of this title, if a risk to public health, safety, or welfare
constitutes an emergency requiring such suspension. Any such suspension shall be subject to
paragraph VI and approved directly by at least one member of the commission before taking effect.

VIII. The commission may transfer funds within and among all accounting units within the
commission’s operating budget and to create accounting units and expenditure classes as required
and as the commissioner deems necessary and appropriate to address present or projected budget
deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as
necessary for the efficient management of the liquor commission and cannabis funds. The provisions
of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c; however, the
provisions of RSA 176:16, V shall apply.

IX. The commission may pay staff members working on both liquor and cannabis matters
increased wages until 18 months after the first cannabis retail store franchise is issued. A 10
percent stipend shall be established for commission staff based on their salary, when engaged in the
development and all administrative aspects of the program.

318-F:12 Enforcement Activity Verifying Noncompliance.

It shall be a violation to sell any cannabis, cannabis product, cannabis accessories or cannabis
paraphernalia to a minor during enforcement activity initiated solely for the purpose of verifying
noncompliance with RSA 318-F:5. It shall be a misdemeanor to knowingly sell cannabis, cannabis
product, or cannabis paraphernalia to a minor at the time of any such enforcement activity. The
commission shall retain the right to require the licensee or franchisee in such a circumstance to
initiate additional training of its staff or individual employees. This section shall not apply to law
enforcement initiatives involving surveillance, investigations, or criminal complaints of RSA 318-F:5.


I. Not later than 24 months after the effective date of this section, the commission shall
submit statutory language and approve rules subject to the rulemaking process pursuant to RSA
541-A for the licensing and regulation of cannabis cultivation facilities and testing facilities as outlined in paragraph II.

II. Not later than 30 months after the effective date of this section, the commission shall submit statutory language and approve rules subject to the rulemaking process pursuant to RSA 541-A for the franchising, licensing, and regulation of all other cannabis establishments. The rules shall include the following:

(a) Procedures for the application, issuance, transfer, approval, denial, renewal, suspension, and revocation of a license or franchise for cannabis establishments. Rules shall include provisions for cannabis retail store, cannabis cultivation facility, and cannabis production facility licensees or franchisees to be selected through a request for application process.

(1) The commission shall decide within 120 days of receipt of a complete application and provide the decision to the licensee or franchisee. The commission shall extend the time period for the decision upon written agreement of the applicant.

(2) Notwithstanding any rules created by the commission, any transfer or sale of cannabis establishment is subject to approval of the commission.

(b) Criteria for qualifying for a cannabis establishment license or franchise including, but not limited to, the following:

(1) Except as provided in this section, any person applying for a cannabis establishment license or franchise shall be a resident, or shall have at least one director, officer, manager, or partner who is a New Hampshire resident. This restriction shall not apply to an applicant for a testing facility registration.

(2) No cannabis testing facility or individual with an ownership interest in a cannabis testing facility shall have an ownership interest in an alternative treatment center, a cannabis retail store, a cannabis cultivation facility, a cannabis production facility, or a cannabis product manufacturing facility.

(3) No person or business entity may have a threshold financial interest in more than 3 cannabis establishments of any single category.

(4) Other than a cannabis retail store, cannabis establishments may be sited within the same building or property. Other than a cannabis retail store, cannabis establishments in the same category that are owned by the same person or the person’s affiliate may be sited within the same premises.

(5) No vendor that provides cannabis inventory tracking in New Hampshire and no individual with a threshold financial interest in a vendor that provides cannabis inventory tracking in New Hampshire may hold a threshold financial interest in a cannabis establishment.

(c) Procedures and criteria for the selection cannabis retail store, cannabis cultivation facility, and cannabis production facility licenses or franchises to include but not be limited to:
(1) Location of the cannabis retail store, cannabis cultivation facility, or cannabis production facility.

(2) Standard operating procedures for, but not limited to, storing, tracking, manufacturing, cultivation, packaging, labeling, testing, transporting, employee training, discounting and promotions, record keeping, and the sale of cannabis and cannabis products.

(3) Security measures including, but not limited to, storage facilities for cannabis and cannabis products.

(4) Hours of operation.

(5) The size and nature of the facilities, including the layout of the cannabis establishment.

(6) Prior experience of the applicant in operating an alternative treatment center or other facility that cultivates, manufactures, or sells cannabis and/or cannabis products pursuant to and in accordance with the laws of the state of New Hampshire or another state.

(7) Financial capacity.

(d) Timelines by which licensees and franchisees must commence operations and procedures for revoking and reissuing licenses and franchises where such timeline is not met.

(e) Advertising and promotion which, for cannabis retail stores, shall be controlled and managed by the commission.

(f) Employees, including any registration/licensing requirements for employees as determined by the commission.

(g) Requirements that cannabis retail stores stock cannabis products, including flower, with low and moderate amounts of THC and that they be at least as prominently displayed as high potency products or therapeutic grade cannabis products.

(h) Annual mandatory training and continuing education required for licensees, franchisees, and all cannabis retail store employees, which shall include, but not be limited to, training on checking photo identification and for false identification. The rules set forth shall be specific as to the amount of annual training is required and the specific subject matters the licensees, franchisees, and retail store employees are trained on each year, including but not limited to training on cannabis use disorder.

(i) Requirements for cannabis cultivation facilities, cannabis production facilities, and cannabis product manufacturing facilities to be operated and located in the state of New Hampshire so long as there is a federal prohibition.

(j) A fee schedule of reasonable application, license, franchise, and annual renewal fees, provided:

(1) That cultivation and production facility licensing fees be tiered based on the size of the facilities.
(2) That the non-refundable portion of application fees shall not exceed $1,000, with this upper limit adjusted annually for inflation.

(3) Licensing, franchises, and annual renewal fees shall not exceed $10,000 per license.

(k) Qualifications and disqualifications for licensure and franchisees that are directly and demonstrably related to the operation of a cannabis establishment, and which may not disqualify applicants solely for having a prior history of criminal convictions for possession of cannabis prior to the effective date of this chapter.

(l) Criteria for selection among applicants when there are more qualified applicants than there are number of licenses or franchises available in a particular municipality.

(m) Record keeping requirements for cannabis establishments, including requirements for implementation and compliance with the distribution tracking system.

(n) Requirements for the transportation and distribution of cannabis and cannabis products between cannabis establishments, including approved packaging and documentation that shall accompany any cannabis being transported, warehoused, or distributed.

(o) Reasonable security requirements for each type of cannabis establishment, which may be varied based on the size of the cannabis establishment.

(p) Restrictions on where a cannabis establishment may be located, consistent with the provisions of this chapter.

(q) Standards for the operation of testing laboratories, including requirements for equipment and qualifications.

(r) Requirements for the testing of cannabis and cannabis products, including, but not limited to, the following:

(1) Requirements to ensure at a minimum that cannabis and cannabis products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling;

(2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous herbicides, pesticides, and fungicides, heavy metals, and harmful microbials, such as E. coli or salmonella;

(3) Threshold levels for each contaminant listed in subparagraph (2);

(4) Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such cannabis or cannabis products shall be immediately quarantined and immediate notification to the commission shall be made. The contaminated product shall be documented and properly destroyed, subject to the appeals process as outlined in this chapter and rules promulgated by the commission;

(5) That testing shall also verify THC and other cannabinoid potency representations for correct labeling;
(6) That the commission shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations;

(7) That the commission shall determine the protocols and frequency of cannabis testing by a cannabis testing facility; and

(8) Minimum testing requirements for an effective cannabis and cannabis product quality assurance program for cannabis cultivation facilities, cannabis production facilities, and cannabis product manufacturing facilities.

(s) Change in ownership, franchise, licenses, and changes in location for cannabis establishments.

(t) No more than one cannabis retail store per municipality except that municipalities with more than 50,000 residents may have up to 2 cannabis retail stores.

III. Not later than 30 months after the effective date of this section, the commission shall initiate the rulemaking process pursuant to RSA 541-A for regulation on the cultivation, advertising, manufacture, and sale of cannabis, cannabis products, and cannabis accessories. The rules shall include, but shall not be limited to, the following:

(a) Health and safety rules, including, but not limited to, the packaging and preparing of cannabis and cannabis products, restricting the use of pesticides and other chemicals during cultivation and processing that may be dangerous to cannabis consumers, and sanitation requirements.

(b) Health and safety rules and standards for the cultivation of cannabis and manufacture of cannabis products, including:

(1) Prohibitions on additives to products that are toxic, misleading to consumers, or designed to make the product more appealing to children;

(2) Safety standards regulating the manufacture of cannabis extracts and cannabis concentrate; and

(3) A prohibition on the inclusion of nicotine and other additives to cannabis products that are designed to make the product more addictive or more intoxicating.

(c) Establishing the maximum amount of THC that may be included in each cannabis product serving as 10 milligrams and no more than 200 milligrams per package.

(d) Reasonable health and safety restrictions on cannabis accessories that may be manufactured or sold in New Hampshire, including a prohibition on any vaporization device that includes toxic or addictive additives. The commission may prohibit types of vaporizers that are particularly likely to be utilized by minors without detection but may not completely ban or unreasonably restrict the manufacture or sale of vaporization devices.

(e) Restrictions on the advertising, signage, marketing, and display of cannabis and cannabis products, including, but not limited to, the following:
(1) A prohibition on mass-market campaigns that have a likelihood of reaching minors;

(2) A prohibition on marketing to minors, including marketing specifically related to social media;

(3) A prohibition on cannabis products that are named, packaged, marketed, or designed in a way that mimics or is likely to cause confusion with commercially available, trademarked non-cannabis products, including relating to their logos, the sound of the product or brand, packaging, taste, appearance, and commercial impression;

(4) A prohibition on giveaways of cannabis, cannabis products, or cannabis accessories, including samples, except the commission may establish rules governing the authorized distribution of trade samples;

(5) A prohibition on billboard advertising, sound trucks, or outdoor internally illuminated screen displays consistent with alcohol advertising prohibitions in RSA 179:31; and

(6) A requirement for any advertising to include a standard, recognizable symbol that a product contains cannabis or THC.

(f) Packaging, product manufacturing, and labeling requirements for cannabis and cannabis products, including, but not limited to, the following:

(1) Packaging and labeling approval process prohibiting, but not limited to, the following:

   (A) Statements on the label or packaging that are false or misleading.

   (B) Any written statements on the label or packaging are illegible.

   (C) Packaging or labeling that contains subliminal or similarly deceptive advertising techniques.

   (D) Packaging or labeling that features a depiction of athletes that is deceptive and misleading in that it implies that consuming cannabis or cannabis products is conducive to athletic skill or physical prowess, or that consuming cannabis does not hinder the athlete’s performance.

   (E) Packaging or labeling that features illustrations, subject matter, or other attributes that are consistent with products marketed toward children and youths.

   (F) Packaging or labeling that features a depiction of consumption of cannabis or cannabis products while seated in, about to enter, operating, or about to operate an automobile or other machinery.

   (G) An aspect of the packaging or labeling that normalizes or encourages excessive consumption.

   (H) Packaging or labeling that does not indicate in manner that is sufficiently clear that the product contains cannabis or cannabis products.
Amendment to HB 1633-FN-A  
- Page 18 -  

(I) Packaging or labeling that might result in confusion regarding whether the product is a cannabis or cannabis products.  

(J) Packaging or labeling pursuant to which the product is offered for sale under the name, identity or characteristics of another food or beverage or which mimics another food or beverage, or the characteristics of another food or beverage.  

(2) The commission shall make a decision within 60 days of receipt of a complete application for pre-approval of packaging and labeling and provide the decision to the licensee or franchisee. The commission shall extend the time period for the decision upon written agreement of the applicant.  

(3) Mandating the disclosure of the THC content of each product.  

(4) Requiring cannabis products to be packaged in packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open, and not difficult for adults to use properly.  

(5) Requirements to ensure cannabis products and their packaging are not designed to appeal to or be attractive to minors, including providing that they cannot be in the shape of cartoons, toys, animals, or people.  

(6) Prohibiting flavors and designs of cannabis-infused beverages and edibles that are particularly attractive to minors.  

(7) Warnings, including, but not limited to, those described in RSA 318-F:14.  

(8) A requirement for any label, and for certain products where appropriate, to include a standard, recognizable symbol that a product contains cannabis or THC.  

(9) Potency limits for cannabis products.  

(10) Labeling requirements for consumable cannabis products to include, but not limited to, ingredient lists, identification of allergens, and nutritional fact panels.  

(g) Procedures and notices relating to all recalls of any products.  

IV. In order to ensure that individual privacy is protected, the commission shall not require a consumer to provide a cannabis retail store with personal information other than government-issued identification to determine the consumer's age, and a retail cannabis store shall not be required to acquire and record personal information about consumers.  

V. In order to ensure that individual privacy is protected, no cannabis establishment may record or store a consumer's name, address, purchases, or contact information unless the consumer consents in writing. No cannabis establishment may make granting permission for the collection or storage of such information a condition of a consumer purchasing cannabis from the establishment.  

VI. Not later than 30 months after the effective date of this chapter, the commission, in consultation with the department, shall develop an informational handout, which cannabis retail store shall make available to all consumers, and which shall include information detailed in RSA 318-F:14.
VII.(a) Not later than 36 months after the effective date of this section, the commission shall make written recommendations to the general court regarding the regulation of hemp, cannabinoids, synthetic cannabinoids, and intoxicating products derived from hemp including:

(1) What hemp products the commission would regulate;
(2) How the products would be regulated, including whether a license would be required and whether hemp processors and manufacturers should be licensed and regulated by the commission;
(3) Any license fees or other charges that would be assessed on hemp products and license fees assessed on hemp processors and manufacturers; and
(4) The resources required to regulate hemp processors, product manufacturers, hemp products, and the retail sale of intoxicating hemp products.

(b) The regulations governing the production and the sale of intoxicating, ingestible, or smokeable products containing hemp-derived cannabinoids may not be less restrictive than the provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A. For purposes of this section, “intoxicating ingestible or smokeable products containing hemp-derived cannabinoids” means any product that is intended to be consumed by humans or animals through inhalation or ingestion containing tetrahydrocannabinol and tetrahydrocannabinolic acids that are artificially or natural derived from hemp where inhalation or ingestion is reasonably likely to result in alternations of perception, cognition, or behavior.

VIII. General prohibitions and policies:
(a) The commission shall approve the transfer or sale of any cannabis establishment or license.
(b) The commission shall have the final authority to set the price of all cannabis products sold in a cannabis retail store.
(c) Any location or change in location of a cannabis establishment shall be approved by the commission.
(d) Cannabis products containing nicotine or other additives to make cannabis products addictive are prohibited.
(e) To mitigate potential harms to children and to mitigate children accidentally ingesting cannabis products, cannabis products that are named, packaged, marketed, or designed in a way that mimics or is likely to cause confusion with commercially available, trademarked non-cannabis products, including relating to their logos, the sound of the product or brand, packaging, taste, appearance, and commercial impression shall be prohibited.
(f) Advertising for any cannabis establishment located or operating outside the state of New Hampshire shall be prohibited.
(g) To the extent that any advertising is permitted under this chapter, all advertising shall be controlled and administrated by the commission.
(h) To the extent that there is a conflict between rules adopted by the commission and
the department of health and human services as it relates to the enforcement of this chapter, the
rules adopted by the commission shall supersede the rules adopted by the department of health and
human services.

318-F:14 Informational Materials; Warning Label; Medical Lock Boxes.

I. The commission, in consultation with the department, shall design at least 2 versions of
the informational handout, one of which is specific to high potency products.

II. A cannabis retail store shall include an informational handout designed by the
commission in consultation with the cannabis advisory board with all cannabis and cannabis
products sold to consumers and shall include the high potency version in all cannabis concentrates
and other high potency sales. The informational handouts shall include scientifically accurate
information, including:

(a) Advice about the potential risks of cannabis, and, in the case of the high potency
handout, risks specific to high potency products, including:

(1) The risks of driving under the influence of cannabis, and the fact that doing so is
illegal;

(2) Any adverse effects unique to adolescents or young adults, including effects
related to the developing mind;

(3) Potential adverse events and other risks, including related to mental health; and

(4) Risks of using cannabis during pregnancy or breastfeeding. This may be
identical to that required under RSA 126-X:8, XVI(c)(7).

(b) Information about methods for administering cannabis;

(c) How long cannabis may impair a person after it is ingested in each manner;

(d) How to recognize cannabis use disorder, and how to obtain appropriate services or
treatment;

(e) Information regarding safe storage and disposal of cannabis and paraphernalia to
prevent accidental poisonings, including the contact information for the Northern New England
Poison Control Center, including the penalties for negligent storage under RSA 318-B:2-e. This may
be identical to that required under RSA 126-X:8, XVI(c)(8); and

(f) Unless federal statutory law or case law has changed and such a warning is no longer
accurate, a disclosure that:

(1) Cannabis is illegal under U.S. federal law, and

(2) Under the United States government’s 1986 Gun Control Act, any "unlawful"
user of a controlled substance is prohibited from purchasing or owning a gun.

III. The commission may require that cannabis retail stores shall display informational
posters in conspicuous locations about the risks of cannabis use, including regarding risks during
pregnancy and breastfeeding and risks of cannabis use in adolescents or by younger adults. The posters shall be scientifically accurate.

IV. All cannabis and cannabis products sold by a cannabis retail store shall include warning labels that provide the following information: “Warning: This product has intoxicating effects. For use by adults 21 and older. Keep out of reach of children.” The commission may require a standard, recognizable symbol on all cannabis packaging to signify that THC or other cannabinoids are included in the product.

V. All cannabis products sold by cannabis retail stores shall include:

(a) A warning label that provides, “Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed,” including a time frame as established by the commission.

(b) A disclosure of ingredients and possible allergens.

(c) A nutritional fact panel.

(d) Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly as defined by 16 C.F.R. section 1700.20. Cannabis and cannabis products may be pre-packaged in opaque, child-resistant packaging or placed in a compliant exit package prior to transfer to a consumer.

VI. All cannabis retail stores shall include in their inventory medical lock boxes for sale to help keep cannabis and cannabis products away from children.

318-F:15 Proof of Purchaser’s Identity.

I. For the purposes of this chapter, any person or entity making the sale of cannabis, cannabis products, or cannabis accessories to any purchaser whose age is in question shall require and may accept any official documentation listed in RSA 179:8 as proof that the purchaser is 21 years of age or older.

II. Photographic identification presented under this section shall be consistent with the appearance of the person, shall not be expired, and shall be correct and free of alteration, erasure, blemish, or other impairment.

III. The establishment of all of the following facts by a cannabis retail store or an agent or employee of a cannabis retail store making a sale of cannabis or cannabis accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

(a) That the person presented what an ordinary and prudent person would believe to be valid documentation of a type listed in RSA 179:8.

(b) That the sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was 21 years of age or older. No identification scanning or collection of personally identifiable information shall be required under this section.

318-F:16 Restrictions on Location Near Schools.
Amendment to HB 1633-FN-A
- Page 22 -

No cannabis establishment shall operate, nor shall a prospective cannabis establishment apply for a license or franchise, if the establishment would be located within 2,000 feet of a school or school property measured as a straight line from the nearest property line of an existing school to the nearest property line of the prospective cannabis establishment. For the purposes of this section, "school" means any public or private pre-school, elementary, secondary, or secondary vocational-technical school in New Hampshire. "School" shall not include home schools under RSA 193-A. "School property" means all real property, physical plant, and equipment used for school purposes, including but not limited to school playgrounds, whether public or private. “School property” shall not include buses or bus stops.

318-F:17 Limits on the Number of Cannabis Retail Stores and Franchise Fee Imposed.

I. A franchise fee on the monthly total gross revenue derived from the sale of cannabis and cannabis products, and therapeutic grade therapeutic products, excluding the sale of cannabis accessories by a cannabis retail store, shall be imposed on cannabis retail stores at the rate of 15 percent. The municipality where the cannabis retail store is located shall receive 1/15 of the total fees collected from the cannabis retail store.

II. The commission shall adopt rules under RSA 541-A relative to the franchise fee procedures needed to implement the provisions of this section.

III. No more than 15 cannabis retail store franchises shall be issued.

318-F:18 Alcohol Infused Cannabis Products Prohibited.

I. It is unlawful to manufacture, import, offer, or sell in this state a consumable product that contains cannabis or any form of tetrahydrocannabinol in combination with beer, wine, spirits, or any other type of liquor in the same product.

II. In accordance with paragraph I of this section, it is unlawful to manufacture, import, offer, or sell in this state a consumable product that contains cannabis or any form of tetrahydrocannabinol in combination with beer, wine, spirits, or any other type of liquor in the same product.

318-F:19 Enactment of Municipal Ordinance.

I. The voters of every municipality shall vote on whether to allow cannabis retail stores in their municipality at the first municipal election after July 1, 2024, unless the municipality elects to include this question at the November 2024 biennial election. The wording of the question shall be substantially as follows: “Shall we allow the operation of cannabis establishments within this city or town?” The recount of any local option vote, the procedures for holding such a recount, the declaration of the results of such a recount and the procedure for an appeal from such a recount shall be as provided in RSA 660:13-15. A municipality’s prohibition on cannabis establishments may not prohibit transportation through the municipality by cannabis establishments located in other jurisdictions.
II. A municipality where a vote to allow cannabis establishments fails may propose the question to voters again in a subsequent election upon a petition. The petition shall be of not less than 5 percent of the legal voters within the city or town and filed with the secretary of state within the timeframe regulating other ballot measures for municipal elections. The same requirements established in paragraph I shall apply to that subsequent election.

III. A municipality may enact an ordinance limiting the number of each type of cannabis establishment that may be permitted within the municipality and regulating the time, place, and manner of the operation of a cannabis establishment permitted within the municipality.

IV. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a license or franchise to operate a cannabis establishment within the municipality. The entity designated by the municipality, or the municipality if no such entity is designated, shall be responsible for indicating whether the application is in compliance with municipal ordinances and notifying the applicant and the commission within 90 days.

V. A municipality may not negotiate or enter into an agreement with a cannabis establishment or a cannabis establishment applicant requiring that the cannabis establishment or applicant provide money, donations, in-kind contributions, services, or anything of value to the locality.

VI. In a municipality that voted to permit cannabis establishments, if the municipality has a zoning ordinance, it shall consider adoption of an innovative land use control pursuant to RSA 674:21, II, specifying where a cannabis establishment will be permitted and further provide what, if any, conditions will be placed upon cannabis establishments. If a municipality has passed an innovative land use control relative to cannabis establishments, it shall notify the liquor commission within 90 days of passage. Municipalities without zoning ordinances or which have failed to pass an innovative land use control relative to cannabis establishments will be governed by the provisions of RSA 318-F and administrative rules relating to cannabis establishments enacted pursuant to RSA 541-A. No local ordinance may be less restrictive than the provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A.

318-F:20 Lobbying Activities.

No recipient of a state license to operate a cannabis establishment licensed under this chapter shall utilize the funds received through the operation of such establishment to lobby or attempt to influence legislation related to the sale or legalization of marijuana, participate in political activity, or contribute funds to any entity engaged in these activities.

318-F:21 Cannabis Fund Established.

I. There is established a non-lapsing fund to be known as the cannabis fund. The fund shall be kept distinct and separate from all other funds in the state treasury, and the moneys credited to the fund shall be held distinct and separate from all other funds over which the state treasurer has
control. Moneys in the fund shall be deposited with any financial institution as defined in RSA 383-A:2-201(a)(27-a), with a branch in the state. Moneys credited to the fund shall include deposits into the fund by the commission pursuant to this chapter.

II. For the biennium ending June 30, 2025, and every biennium thereafter, the commission shall include the cost of administration of this chapter in the commission's efficiency expenditure request pursuant to RSA 9:4.

III. For the biennium ending June 30, 2025, the sum of $8,000,000 is hereby appropriated to the liquor commission for the cost of administration of this chapter. Said sum shall be a charge against the liquor fund.

IV. For the biennium ending June 30, 2025, the sum of $500,000 is hereby appropriated to the alcohol abuse prevention and treatment fund established by RSA 176-A. This appropriation shall be in addition to any other monies allocated to the fund, and shall be distributed by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery in the manner established in RSA 12-J and RSA 176-A:1.

V. Except funds transferred under paragraph III, not later than June 30, 2027, the commission shall reimburse the general fund utilizing moneys deposited into the cannabis fund from the franchise fee imposed pursuant to this chapter for any initial or start-up funds appropriated to the commission for the administration or operation of this chapter. Any remaining funds shall be dispersed each fiscal year as follows:

(a) The municipality where the cannabis retail store is located shall receive 1/15 of the total fees collected from the cannabis retail store pursuant to RSA 318-F:17; and

(b) Of the remaining funds:

(1) Sixty-five percent shall be disbursed to the education trust fund established in RSA 198:39. The comptroller shall notify the commissioner of the department of education and the commissioner of the department of revenue administration, by the first day of September of the amount disbursed to the education trust fund. The amount of revenue required to be collected pursuant to RSA 76:3 shall be reduced by the amount transferred to the education trust fund as required in this subparagraph, and the commissioner of the department of revenue shall set the rate at a level sufficient to generate the reduced amount. This rate shall be effective for the following fiscal year;

(2) Fifteen percent shall be allocated to the alcohol abuse prevention and treatment fund established by RSA 176-A. This allocation shall be in addition to any other monies allocated to the fund, and shall be distributed by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery in the manner established in RSA 12-J and RSA 176-A:1;

(3) Ten percent shall be allocated to public safety agencies, including police, fire, and rescue agencies, for the hiring and training of additional drug recognition experts, for advanced roadside impaired driving enforcement training, for reimbursement of local police agencies for
salaries of police officers during their attendance at the trainings listed in this subparagraph, and to
assist in responding to drug overdose incidents; and

(4) Ten percent shall be disbursed to the department of health and human services,
division of behavioral health services, for child behavioral health services.

Cannabis Advisory Board

318-F:22 Cannabis Advisory Board.

I. There shall be a cannabis advisory board (CAB) to study and make recommendations to
the liquor commission on the regulation, public health issues, and business operations of cannabis
establishments.

II. The CAB shall consist of the following appointees:

(a) The chair of the liquor commission or designee.
(b) The president of the associations of chiefs of police or designee.
(c) A certified public health official appointed by the chairman of governor’s commission
on alcohol and other drugs.
(d) A medical provider as appointed by the president of the New Hampshire Medical
Society.
(e) The commissioner of the department of health and human services or designee.
(f) The commissioner of the department of education or designee.
(g) A mental health professional appointed by the executive director of NAMI New
Hampshire.
(h) A representative of the cannabis industry with experience operating an alternative
treatment center or other facility that cultivates, manufactures, or sells cannabis and/or cannabis
products pursuant to and in accordance with the laws of the state of New Hampshire or another
state.
(i) The attorney general or designee.
(j) A member of the public appointed by the governor.
(k) A state senator appointed by the senate president.
(l) A state representative appointed by the speaker of the house of representatives.

III. Members of the board shall serve terms of 3 years except that the initial appointment of
such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than
3 consecutive terms.

IV. Members of the board shall serve without compensation but shall be reimbursed for
their expenses actually and necessarily incurred in the discharge of their official duties, including
mileage at the state employee rate for attendance to meetings and other official functions.

V. The chair of the liquor commission or designee shall serve as the CAB chair and shall call
meetings as needed. There shall be a minimum of one meeting per year.
 VI. A majority of the appointed members of the board shall constitute a quorum of the cannabis advisory board. A quorum is only required for voting matters.

 VII. The cannabis advisory board shall:

(a) Consider all matters submitted to it by the commission.

(b) On its own initiative, recommend to the commission guidelines, rules, and regulations and any changes to guidelines, rules, and regulations that the advisory board considers important or necessary for the commission's review and consideration.

(c) Advise on the preparation of regulations.

(d) Review any new science-based evidence of public health issues related to the use of cannabis and make recommendations to the commission if, in the cannabis advisory board’s discretion, any regulatory or legal changes are needed.

 6 Controlled Drug Act; Definitions. Amend the introductory paragraph in RSA 318-B:1, X-a(k) to read as follows:

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing [marijuana,] cocaine[; hashish, or hashish oil] into the human body, such as:

 7 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, I to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter or as otherwise authorized by law; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he or she represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he or she represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

 8 Controlled Drug Act; Penalties. Amend the introductory paragraph of RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his or her control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter or as otherwise authorized by law, shall be sentenced as follows, except as otherwise provided in this section:

 9 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(d) to read as follows:

(c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish, including any adulterants or dilutants[,] is possessed by a person who is under 21 years of age, or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1,
possessed by a person who is 21 years of age or older, except if possessed by a person authorized pursuant to RSA 126-X, the person shall be guilty of a misdemeanor. [In the case of
marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.]

(d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, that is possessed by a person who is under 21 years of age, the person shall be guilty of a violation pursuant to RSA 318-B:2-c. [In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]

10 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) [Except as provided in RSA 318-B:2-c.] Controls any premises or vehicle where he or she knows a controlled drug or its analog, other than marijuana, is illegally kept or deposited;

11 Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:

318.B:2.c [Personal] Possession of Marijuana by a Person Under 21 Years of Age.

[I] In this section:

[a] "Marijuana" is defined as stated in RSA 318-F:1, II. [Includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not include hemp grown, processed, marketed, or sold under RSA 439-A.

[b] "Personal-use amount of a regulated marijuana-infused product" means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.]

II. Except as provided in RSA 126-X, any person under 21 years of age who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.
III. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

IV. [Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana infused products shall be guilty of a misdemeanor.]

V.(a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[ or any person 21 years of age or older who is convicted of violating paragraph IV] shall be subject to a fine of $100 for a first or second offense under this paragraph, or a fine of up to $300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II[ or III[ or IV], or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana[ regulated marijuana infused products,] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

VI.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph II[ or III[ or IV] and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II[ or III[ or IV].

(d) Any person **under 21 years of age who is** in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an
Amendment to HB 1633-FN-A
- Page 29 -

ounce or less of marijuana\[\text{a personal use amount of a regulated marijuana infused product}\] or 5 grams or less of hashish, may be arrested for a violation of paragraph II[c] or III[\text{or IV}].

VII. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.

VIII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph II[c] or III[\text{or IV}]. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency’s public Internet website.

12 Controlled Drug Act; Plea by Mail. Amend RSA 318-B:2-d to read as follows:

318-B:2-d Plea by Mail.

I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, II[c] or III[\text{or IV}] may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court, district division.

II. Such defendant shall receive, in addition to the summons, a fine notice entitled “Notice of Fine” which shall contain the amount of the fine for a violation of RSA 318-B:2-c, II[c] or III[\text{or IV}]. A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo contendere shall enter his or her plea on the summons and return it with payment of the fine within 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash payment.

III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on the summons and return it within 30 days of the date of the summons. The circuit court, district division shall schedule a trial.

IV. Whenever a defendant willfully fails to pay a fine in connection with a conviction for a violation of RSA 318-B:2-c, II[c] or III[\text{or IV}] or payment of such fine cannot be collected, the defendant shall be defaulted and the court may impose an additional fine of $100.

13 Alcohol or Drug Impairment; Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the
possession of marijuana or hashish as provided in RSA 318-B:2-c[, or a personal use amount of a regulated marijuana infused product as defined in RSA 318-B:2-e.].

14 Sentences; General Provisions; Annulment of Criminal Records; Annulment of Arrests and Convictions for Marijuana Possession. Amend RSA 651:5-b to read as follows:

651:5-b Annulment of Arrests and Convictions for Marijuana Possession.

I. As used in this section:

(a) “Cannabis” means “marijuana” as defined in RSA 318-B:2-c.

(b) “Possession limit” means the amount of cannabis that is legal under New Hampshire law for adults 21 and older to possess.

(c) “Cannabis-related offense” means any offense under RSA 318-B involving possession of cannabis or paraphernalia intended for cannabis; and

II. Any person who was arrested or convicted for knowingly or purposely obtaining, purchasing, transporting, or possessing, actually or constructively, or having under his or her control, no more than the possession limit [3/4] of [an ounce of] marijuana [or less] where the offense occurred before July 1, 2024 [September 16, 2017] may, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both. The petition shall state that the amount of marijuana was no more than the possession limit [3/4 of an ounce or less]. The petitioner shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing on the petition for annulment, the prosecutor shall be required to prove beyond a reasonable doubt that the petitioner knowingly or purposely obtained, purchased, transported, or possessed, actually or constructively, or had under his or her control, marijuana in an amount exceeding the possession limit [3/4 of an ounce]. At the close of the hearing, the court shall grant the petition unless the prosecutor has proven that the amount of marijuana exceeded the possession limit [3/4 of an ounce]. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

15 New Paragraph; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4 by inserting after paragraph XX the following new paragraph:

XXI. A deduction from gross business profits of an amount equal to all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business as a cannabis establishment as defined by RSA 318-F:1 or an alternative treatment center as defined by RSA 126-X:1, including reasonable allowance for salaries or other compensation for personal services actually rendered, notwithstanding any federal tax law to the contrary.

16 Apportionment, Assessment and Abatement of Taxes; Assessment; Education Tax. Amend RSA 76:3 to read as follows:
76:3 Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education tax rate at a level sufficient to generate revenue of $363,000,000, less any amount credited to the education trust fund pursuant to RSA 318-F:21, when imposed on all persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the following fiscal year. The rate shall be set to the nearest 1/2 cent necessary to generate the revenue required in this section.

17 Public Health; Use of Cannabis for Therapeutic Purposes; Definition of Alternative Treatment Center. Amend RSA 126-X:1, I to read as follows:

I. "Alternative treatment center" means a *domestic business corporation organized under RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a* not-for-profit *entity* voluntary corporation organized under RSA 292 that is registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients, designated caregivers, other alternative treatment centers, [and] visiting qualifying patients, *and other cannabis establishments*.

18 Public Health; Use of Cannabis for Therapeutic Purposes; Departmental Administration; Alternative Treatment Centers; Application Form. Amend RSA 126-X:7, IV(a)(4) to read as follows:

(4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center. The board of directors or board of managers, as applicable, for the [nonprofit] alternative treatment center shall include at least one physician, advance practice registered nurse, or pharmacist licensed to practice in New Hampshire and at least one patient qualified to register as a qualifying patient. The majority of board members or managers, as applicable, shall be New Hampshire residents. A medical professional listed in this subparagraph may be a member of the alternative treatment center board of directors or managers, as applicable, but shall not maintain an ownership interest in the center.

19 Public Health; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, I to read as follows:

I. An alternative treatment center shall be operated on a for-profit or not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

20 New Paragraphs; Public Health; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new paragraphs:

XIX. Except as otherwise provided in this chapter, an alternative treatment center shall be subject to RSA 293-A if organized as a domestic business corporation, RSA 304-C if organized as a domestic limited liability company, and RSA 292 if organized as a voluntary corporation.
XX. An alternative treatment center organized as a voluntary corporation under RSA 292 may, on or before June 30, 2025, convert from a voluntary corporation under RSA 292 to either a domestic business corporation organized under RSA 293-A, or a limited liability company organized under RSA 304-C in any of the following ways:

(a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C, as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

(b) By adopting a plan of merger in accordance with RSA 293-A that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic business corporation shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors of the alternative treatment center at a meeting duly called for the purpose or by unanimous written consent.

(c) By adopting a plan of merger in accordance with RSA 304-C that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic limited liability company shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

XXI. Articles of entity conversion or articles of merger, as applicable, shall be signed and submitted to the secretary of state pursuant to RSA 293-A or RSA 304-C, as applicable, and the secretary of state shall approve all such filings submitted pursuant to this section.

XXII. The secretary of state shall certify such articles of entity conversion or articles of merger and shall provide them to the department. Upon receipt, the department shall update the existing licenses held by the converted or merged alternative treatment center.

XXIII. For the purposes of converting or merging an alternative treatment center pursuant to this section, notwithstanding any provision in the articles of agreement or alternative treatment center license applications to the contrary, the members of an alternative treatment center’s board of directors may determine that a plan of entity conversion or merger is consistent with its corporate charter, and such voluntary corporation may surrender its articles of agreement in connection with the plan of entity conversion or merger.

XXIV.(a) Any alternative treatment center choosing to convert or merge pursuant to this section shall obtain an independent fair market valuation of its total assets as of June 30, 2025. The valuation of the total assets of such alternative treatment center, if positive, shall be distributed to one or more charitable organizations solely for charitable purposes. The director of charitable trusts shall receive a copy of the valuation and may file any objection relating thereto with the court within 60 days. Except as set forth in this section and notwithstanding any other law to the contrary, no
portion of the assets of such alternative treatment center after the conversion or merger, as
applicable, shall be deemed to be charitable assets.

(b) Any alternative treatment center choosing to convert or merge pursuant to this
section shall submit a copy of the plan of conversion or merger to the director of charitable trusts.
The director may file an objection relating to the plan with the court within 60 days.

(c) Any alternative treatment center that has converted or merged pursuant to this
section shall, within 180 days and thereafter for 2 years, annually file a letter with the director of
charitable trusts certifying compliance with the requirements of RSA 126-X:8, XX.

21 Voluntary Corporations and Associations; Powers of Corporations; Change of Name;
Amending Articles; Conversion and Merger. Amend RSA 292:7 to read as follows:
292:7 Change of Name; Amending Articles.

I. Any corporation now or hereafter organized or registered in accordance with the
provisions of this chapter, and any existing corporation which may have been so organized or
registered, may change its name, increase or decrease its capital stock or membership certificates,
merge with or acquire any other corporation formed pursuant to this chapter, or amend its articles of
agreement, by a majority vote of such corporation’s board of directors or trustees, at a meeting duly
called for that purpose, and by recording a certified copy of such vote in the office of the secretary of
state and in the office of the clerk of the town or city in this state which is its principal place of
business. In the case of a foreign nonprofit corporation registered in New Hampshire, a copy of the
amendment or plan of merger, certified by the proper officer of the state of incorporation, shall be
filed with the secretary of state, together with the fee provided in RSA 292:5. The surviving
corporation in a merger shall continue to have all the authority and powers vested in the merging
corporations, including any powers previously conferred upon them by the legislature.

II. An alternative treatment center registered pursuant to RSA 126-X and organized
under this chapter may, pursuant to RSA 126-X:8, XX, convert to either a domestic
corporation organized under RSA 293-A or a limited liability company organized under to
RSA 304-C, and may merge with a domestic business corporation organized under RSA 293-
A or a limited liability company organized under RSA 304-C.

22 New Paragraph; New Hampshire Business Corporation Act; Domestication and Conversion;
Entity Conversion Authorized. Amend RSA 293-A:9.50 by inserting after paragraph (f) the following
new paragraph:

(g) Alternative treatment centers registered pursuant to RSA 126-X and organized
pursuant to RSA 292 may become a domestic corporation pursuant to a plan of conversion in
accordance with RSA 126-X:8, XX and this subdivision. The alternative treatment center shall be
deemed to be a domestic unincorporated entity for purposes of applying RSA 293-A:9.50 through
RSA 293-A:9.56, except that approval of the conversion shall be as outlined in RSA 126-X:8, XX.
23 Limited Liability Companies; Statutory Conversions; Statutory Conversions of Other Business Entities to Limited Liability Companies. Amend RSA 304-C:149, I to read as follows:

I. Any other business entity, **including alternative treatment centers pursuant to RSA 126-X:8, XX**, may make a statutory conversion of its business organization form to the limited liability company business organization form under this act by complying with the requirements of this section and with applicable law governing the other business entity. **Approval of a conversion of an alternative treatment center pursuant to this paragraph shall be as outlined in RSA 126-X:8, XX.**

24 New Paragraph; Limited Liability Companies; Statutory Conversions; Statutory Conversions of Other Business Entities to Limited Liability Companies; Approvals of Statutory Conversion. Amend RSA 304-C:149 by inserting after paragraph VIII the following new paragraph:

IX. In the case of the conversion of an alternative treatment center registered under RSA 126-X and organized pursuant to RSA 292, such conversion shall be approved by the board of directors in accordance with RSA 126-X:8, XX.

25 The Liquor Commission; Liquor Investigator; Training. Amend RSA 176:9 to read as follows:

176:9 Liquor Investigator; Training.

I. The commission may, subject to rules adopted by the director of personnel, employ and dismiss liquor investigators. Liquor investigators shall, under the direction of the commission, investigate any or all matters arising under this title and under RSA 318-F.

II. Any new liquor investigator employed by the commission under this section after August 13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training program as provided by RSA 106-L:6, unless he or she has already completed such a program.

III. The commissioner, deputy commissioner, assistant, [or] liquor investigator, or state, county, or municipality law enforcement officer may enter any place where liquor, beverages, tobacco products, e-cigarettes, or cannabis are sold, [or] manufactured, or cultivated at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

26 The Liquor Commission; Assistants and Employees. Amend RSA 176:7 to read as follows:

176:7 Assistants and Employees.

I. The state liquor commission may employ such assistants as are, in its opinion, necessary for the proper transaction of its business, and fix their compensation, subject to the rules of the director of personnel. It may secure any necessary technical or professional assistance.

II. **The commission may select and retain market consultants through a competitive bidding process approved by the governor and the executive council. Any such contract with a third-party agent shall be for consulting services relating to marketing and regulation of cannabis for purposes of cultivation, manufacturing, testing, and retail sale.**

27 Enforcement Proceedings and Penalties; Prosecutions. Amend RSA 179:59 to read as follows:
179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this title and RSA 318-F. The liquor investigators shall have statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The commission shall have the primary responsibility for the enforcement of all liquor and beverage laws and cannabis laws upon premises where liquor, and beverages, and cannabis are lawfully sold, stored, distributed, or manufactured or cultivated. Any person violating the provisions of any law may be prosecuted by the commission or any of its investigators as provided in this section, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

28 New Paragraph; The Liquor Commission; Commission to Sell. Amend RSA 176:11 by inserting after paragraph II the following new paragraph:

III. In the event that the commission determines New Hampshire cannabis revenues are being diverted by actions taken by persons holding any type of cannabis license or franchise, the commission may take such marketing or merchandising action, or both, as it deems necessary, including sanctions against the competing entities.

29 New Paragraph; Retail Tobacco License. Amend RSA 178:19-a by inserting after paragraph V the following new paragraph:

VI. A retail tobacco license is authorized to sell cannabis accessories and cannabis paraphernalia as defined in RSA 318-F.

30 New Paragraph; Rulemaking; Liquor Commission. Amend RSA 176:14 by inserting after paragraph IX the following new paragraph:

IX-a. Cannabis licenses or franchises, including:

(a) Procedures for the application for, issuance, transfer, denial, renewal, suspension, and revocation of a license for cannabis establishments.

(b) License operations for each cannabis license or franchise type.

(c) Collection of additional fees as required by statute.

31 Appropriations.

I. The sum of $100,000 annually to the department of health and human services, for data collection and reporting related to the health impacts of cannabis legalization and regulation under RSA 318-F:10. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of $8,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the liquor commission for deposit into the cannabis fund established in RSA 318-F:21 for the administration of RSA 318-F. Said appropriation shall be a charge against the liquor fund.

III. For the biennium ending June 30, 2025, the sum of $500,000 is hereby appropriated to the alcohol abuse prevention and treatment fund established by RSA 176-A. This appropriation shall be in addition to any other monies allocated to the fund, and shall be distributed by the
governor's commission on alcohol and drug abuse prevention, treatment, and recovery in the manner established in RSA 12-J and RSA 176-A:1. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

32 Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use with cannabis, is repealed.

33 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

34 Effective Date. This act shall take effect upon its passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/15/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Commerce and Consumer Affairs HJ 1</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 02:45 pm LOB 302-304</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 01/24/2024 01:15 pm LOB 302-304</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 01/30/2024 01:15 pm LOB 306-308</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/06/2024 01:15 pm LOB 305</td>
</tr>
<tr>
<td>01/31/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/07/2024 01:15 pm LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 02/14/2024 01:15 pm LOB 302-304</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>Subcommittee Work Session: 02/13/2024 01:00 pm LOB 306-308</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-0680h 02/14/2024</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Vote 17-3; RC)</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Minority Committee Report: Refer for Interim Study</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Amendment # 2024-0680h: AA DV 263-116 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0680h: MA DV 239-141 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/22/2024</td>
<td>H</td>
<td>Referred to Finance 02/22/2024 HJ 6</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Division Work Session: 03/13/2024 03:00 pm LOB 212</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Division Work Session: 03/27/2024 01:00 pm LOB 212</td>
</tr>
<tr>
<td>03/21/2024</td>
<td>H</td>
<td>Public Hearing on non-germane Amendment # 2024-1214h: 03/26/2024 11:00 am LOB 210-211</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Division Work Session: 04/01/2024 02:00 pm LOB 212</td>
</tr>
<tr>
<td>03/27/2024</td>
<td>H</td>
<td>Executive Session: 04/02/2024 11:30 am LOB 210-211</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-1393h 04/03/2024</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Vote 19-6; RC) HC 14 P. 15</td>
</tr>
<tr>
<td>04/03/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Amendment # 2024-1393h: AA VV 04/11/2024 HJ 11</td>
</tr>
<tr>
<td>04/11/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1393h and 2024-1446h: MA RC 239-136 04/11/2024</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HJ 11</td>
</tr>
<tr>
<td>04/16/2024</td>
<td>S</td>
<td>Introduced 04/11/2024 and Referred to Judiciary; SJ 10</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>Hearing: 04/25/2024, Room 100, SH, 01:45 pm; SC 16</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass with Amendment #2024-1868s, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>

Docket of HB1633

12/15/2023 H Introduced 01/03/2024 and referred to Commerce and Consumer Affairs HJ 1
01/09/2024 H Public Hearing: 01/17/2024 02:45 pm LOB 302-304
01/17/2024 H Subcommittee Work Session: 01/24/2024 01:15 pm LOB 302-304
01/25/2024 H Subcommittee Work Session: 01/30/2024 01:15 pm LOB 306-308
01/31/2024 H==RECESSED== Executive Session: 02/07/2024 01:15 pm LOB 302-304
02/07/2024 H==CONTINUED== Executive Session: 02/14/2024 01:15 pm LOB 302-304
02/07/2024 H Subcommittee Work Session: 02/13/2024 01:00 pm LOB 306-308
02/14/2024 H Majority Committee Report: Ought to Pass with Amendment # 2024-0680h 02/14/2024 (Vote 17-3; RC)
02/14/2024 H Minority Committee Report: Refer for Interim Study
02/22/2024 H Amendment # 2024-0680h: AA DV 263-116 02/22/2024 HJ 6
02/22/2024 H Ought to Pass with Amendment 2024-0680h: MA DV 239-141 02/22/2024 HJ 6
02/22/2024 H Referred to Finance 02/22/2024 HJ 6
02/28/2024 H Division Work Session: 03/13/2024 03:00 pm LOB 212
03/21/2024 H Division Work Session: 03/27/2024 01:00 pm LOB 212
03/21/2024 H Public Hearing on non-germane Amendment # 2024-1214h: 03/26/2024 11:00 am LOB 210-211
03/27/2024 H Division Work Session: 04/01/2024 02:00 pm LOB 212
03/27/2024 H Executive Session: 04/02/2024 11:30 am LOB 210-211
04/03/2024 H Majority Committee Report: Ought to Pass with Amendment # 2024-1393h 04/03/2024 (Vote 19-6; RC) HC 14 P. 15
04/03/2024 H Minority Committee Report: Inexpedient to Legislate
04/11/2024 H Amendment # 2024-1393h: AA VV 04/11/2024 HJ 11
04/11/2024 H Ought to Pass with Amendment 2024-1393h and 2024-1446h: MA RC 239-136 04/11/2024 HJ 11
04/16/2024 S Introduced 04/11/2024 and Referred to Judiciary; SJ 10
04/18/2024 S Hearing: 04/25/2024, Room 100, SH, 01:45 pm; SC 16
05/09/2024 S Committee Report: Ought to Pass with Amendment #2024-1868s, 05/16/2024, Vote 3-2; SC 19
Senator Judiciary Committee
Ryan Meleedy  271-4151

HB 1633-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor.

Hearing Date:   April 25, 2024

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.

Sponsors:

Who supports the bill: 40 People signed in support of the bill. Full sign in sheets are available upon request of the committee aide (Matthew.Schelzi@leg.state.nh.us)

Who opposes the bill: 151 People signed in opposition to the bill. Full sign in sheets are available upon request of the committee aide (Matthew.Schelzi@leg.state.nh.us)

Who is neutral on the bill: 5 People signed in neutrality to the bill. Full sign in sheets are available upon request of the committee aide (Matthew.Schelzi@leg.state.nh.us)

Summary of testimony presented in support:

Representative Erica Layon
- Representative Erica Layon began by outlining HB1633, emphasizing that legalizing cannabis in New Hampshire is necessary because many residents are already using it despite existing laws.
- Representative Layon shared the story of a woman in her town who lost her son after he consumed cannabis contaminated with fentanyl, emphasizing the dangers of unregulated products in the black market.
- Representative Layon argued that if cannabis is legalized and regulated, consumers would be able to access safer, tested products rather than relying on dangerous street sources.

- Representative Layon stated that New Hampshire could capture a share of the revenue generated from cannabis sales, rather than letting it go to other states with legal markets.

- Representative Layon emphasized that the bill must include a proper definition of cannabis to ensure that the state's existing hemp market is not negatively impacted.

- Representative Layon emphasized the importance of clarifying the definition of a public place, advocating for language that would allow individuals to consume cannabis on their own private property.

- Representative Layon underscored the need to limit public consumption penalties to avoid unduly criminalizing individuals who are consuming in private settings.

- Representative Layon highlighted the need for specific enforcement language to ensure that the Liquor Commission's role remains focused on commerce, rather than turning them into a drug enforcement agency.

- Representative Layon noted the importance of protecting therapeutic cannabis patients from taxes and excessive regulations to avoid undermining the existing therapeutic cannabis program.

- Representative Layon argued for the importance of a low tax rate to help the legal market compete with the black market and emphasized the need for additional funding for drug recognition experts and law enforcement training.

- Senator Gannon asked if HB1633 allocates any of its revenue to drug education programs or drug prevention initiatives.

- Representative Layon acknowledged that although a specific percentage of revenue wasn't allocated for drug education in the bill, it includes a provision to appropriate half a million dollars to the governor's commission on alcohol and drugs.

- Senator Gannon also asked if Representative Layon had seen empirical evidence that cannabis legalization doesn't lead to increased cannabis usage among youth.

- Representative Layon replied saying that she had seen studies that show youth cannabis use decreases after legalization but admitted she hadn't thoroughly reviewed the studies' methodologies.

- Senator Gannon expressed concern that people might assume cannabis from any source is safe and unintentionally consume fentanyl-contaminated products due to legalization.

- Representative Layon responded that once the legal market is established, reputable brands will become known and trusted, reducing reliance on dangerous unregulated sources.
- Senator Abbas asked why the bill limits the enforcement authority of the Liquor Commission, despite its historical role in addressing black-market alcohol sales.

- Representative Layon clarified that the bill aims to limit the Liquor Commission's enforcement scope to commercial cannabis activities to prevent it from becoming a general drug enforcement agency.

- Senator Abbas also asked whether limiting the Liquor Commission's enforcement abilities could affect cannabis commerce since the black market impacts legal sales.

- Representative Layon emphasized that the Liquor Commission should focus on commercial activities rather than individual home growers since expanding its role could require excessive funding and administrative changes.

**Senator Rosenwald**

- She mentioned that she has been focusing on the financial aspects of the bill, working closely with Senator Abbas to ensure the language regarding appropriations is drafted correctly.

- Senator Rosenwald pointed out that the financial details she focused on are primarily found on pages 23 and 34 of the bill.

- Addressing Senator Gannon's earlier question about prevention funding, she clarified that the amendment includes a $500,000 appropriation for the Governor's Commission on Alcohol and Other Drugs, to be used for prevention efforts.

- Additionally, she noted that beyond the initial appropriation, 15% of the revenue generated from cannabis sales would continuously go into the fund for prevention purposes.

**Jim Riddle (NOFA-NH)**

- Jim Riddle argued that people would continue buying cannabis out of state if HB1633 is rejected, technically making them criminals.

- Mr. Riddle emphasized the economic potential of a regulated cannabis market, citing that many businesses and farmers are supportive of legalization.

- Mr. Riddle raised concerns about the replace-all amendment, arguing that it could create a state-controlled monopoly over cannabis distribution that would hinder the free market.

- Mr. Riddle suggested that the current iteration of HB1633 offers more flexibility than the proposed amendment, allowing for gradual adjustments to licensing limits.

- Mr. Riddle advocated for a model that promotes competition and suggested that government control could negatively impact market growth and innovation.
Matt Simon (Granite Leaf Cannabis)

- Matt Simon, representing Granite Leaf, testified in support of HB1633 as it was originally written, despite acknowledging potential issues with the bill.

- Mr. Simon explained that the legalization of recreational cannabis has resulted in significant declines in medical cannabis registrations in most states.

- Mr. Simon expressed concern that excluding Alternative Treatment Centers (ATCs) from the retail cannabis market could be catastrophic for these entities.

- Mr. Simon emphasized the importance of aligning medical and recreational cannabis programs to ensure that ATCs have a clear path forward and do not lose relevance in the market.

- Mr. Simon noted that if ATCs are not integrated into the recreational cannabis market, they could be overshadowed by wealthier entities that may dominate the industry.

- Mr. Simon stressed that exclusion from the retail market could lead to financial instability for ATCs, potentially resulting in them being phased out of the industry altogether.

- Senator Abbas asked about how the amendment handles the experience of local cannabis operators compared to those from other states, wondering if it fairly recognizes local experience.

- Mr. Simon explained that the amendment treats local and out-of-state operators the same, which he believes doesn’t adequately value the local experience gained within New Hampshire.

- Senator Abbas followed up with questions about how interstate commerce laws might affect the evaluation of in-state versus out-of-state experience.

- Mr. Simon noted his understanding of cannabis regulations in different states, pointing out that New Hampshire would stand out negatively if it didn't prioritize local experience more.

- Senator Abbas then discussed how the proposed fees for cannabis sales could affect consumer prices, specifically asking if having therapeutic cannabis available in all retail stores would undermine the market for specialized treatment centers.

- Mr. Simon argued that therapeutic cannabis should remain tax-exempt to support patients and prevent the medical program from becoming obsolete, similar to issues seen in Vermont.

- Senator Abbas expressed concerns about whether patients would continue receiving specialized advice and products at dispensaries once marijuana is legalized more broadly.

- Mr. Simon acknowledged these concerns and emphasized the need for careful planning and rulemaking to ensure patients still receive proper care in a market that includes both medical and recreational cannabis.
Nathaniel Gurrien (NH Cannabis Party)
- Nathaniel Gurrien expressed support for House Bill 1633 and criticized Senator Abbas's amendment.

- Mr. Gurrien highlighted the complexities of cannabis legalization due to federal illegality, necessitating strict adherence to legal pathways to avoid repercussions.

- Mr. Gurrien elaborated on the proposed business models for the cannabis industry in NH: state-owned stores, franchised operators, and a free enterprise model.

- Mr. Gurrien stressed the importance of flexibility within the chosen model to navigate unforeseen obstacles effectively.

- Mr. Gurrien emphasized the necessity of a well-informed cannabis advisory board with diverse expertise to guide the program successfully.

- Mr. Gurrien cautioned about the imminent rescheduling of cannabis by the DEA, potentially leading to competition from pharmacies dispensing cannabis with prescriptions.

- Mr. Gurrien recommended transitioning franchises into a state-run model for a smoother integration process.

- Mr. Gurrien advocated for adopting a franchise model similar to House Bill 1633 for its flexibility and alignment with customer expectations.

- Senator Abbas sought clarification on Mr. Gurrien's preference for converting franchises to a state-run model over Abbas's amendment.

- Mr. Gurrien explained that franchises would offer a more seamless transition due to their similarity to state-run stores, ensuring smoother integration and customer experience.

Devon Chaffee (ACLU-NH)
- Devon Chaffee emphasized the disproportionate impact of cannabis prohibition on marginalized communities, highlighting the importance of legalization for social justice.

- Ms. Chaffee explained that cannabis prohibition leads to unnecessary criminal records, fines, and prison sentences, particularly affecting low-income individuals and people of color.

- Ms. Chaffee argued that HB1633 would reduce the burden on the criminal justice system by decriminalizing cannabis possession and establishing a regulated market.

- Ms. Chaffee emphasized that legalization should include measures to ensure fair licensing processes, making sure opportunities are available for communities most affected by prohibition.
- Ms. Chaffee advocated for provisions that would automatically expunge the records of individuals with past cannabis-related offenses to address past injustices.

- Ms. Chaffee mentioned that legalizing cannabis would allow for the tax revenue generated to be reinvested into community services.

- Ms. Chaffee urged the committee to consider the significant benefits of legalization, not just from an economic perspective but also for reducing the stigma and penalties associated with cannabis use.

- Senator Whitley asked Chaffee how HB1633 could be improved to address the needs of communities affected by cannabis prohibition.

- Ms. Chaffee suggested including provisions to prioritize licensing for applicants from communities disproportionately impacted by cannabis prohibition, as well as reinvesting tax revenue in these communities.

- Senator Whitley also asked if there was data to support the claims that cannabis legalization reduces the burden on the criminal justice system.

- Ms. Chaffee referenced studies from other states that have legalized cannabis, showing significant reductions in cannabis-related arrests and prosecutions.

- Senator Abbas asked Chaffee if she believed that legalizing cannabis could lead to an increase in usage rates.

- Ms. Chaffee acknowledged that usage rates might increase initially, but emphasized that the criminal justice system should not be the tool used to address potential increases in use.

- Senator Abbas then inquired if she believes that legalizing cannabis could result in impaired driving becoming more widespread.

- Ms. Chaffee highlighted studies indicating that impaired driving has not significantly increased in states that have legalized cannabis.

- Senator Abbas asked if she had concerns that legalization could send the wrong message about drug use to young people.

- Ms. Chaffee responded that she believes education and public health initiatives are more effective in preventing drug abuse among youth, and emphasized that criminalization has not successfully addressed the issue of youth cannabis use.

**Brandon Pollock (Temescal Wellness)**

- Brandon Pollock, president of Theory Wellness, testified, representing three therapeutic centers in New Hampshire located in Dover, Keene, and Lebanon.

- Mr. Pollock addressed concerns related to the licensing structure of Alternative Treatment Centers (ATCs), expressing willingness to reduce the maximum number of retail licenses from three to fewer licenses.
- Mr. Pollock emphasized that ATCs don't require three retail stores to support their operations and would be satisfied with one retail license, as previously mentioned by Matt Simon.

- Mr. Pollock suggested that the criteria for participation in the market should include a clear path for ATCs to be involved in cultivation, manufacturing, and retail sales, while also being allowed to relocate if municipalities don't permit their stores.

- Mr. Pollock cautioned the committee that the current licensing criteria could unintentionally favor wealthy out-of-state operators, which could lead to out-of-state businesses dominating the cannabis market in New Hampshire.

- Mr. Pollock advocated for a licensing structure that gives ATCs a clear path to participate in the supply chain to ensure local operators can sustain their businesses.

- Mr. Pollock expressed his support for regulating cannabis and pointed out that legalizing it would not significantly increase usage but would help bring tax revenue back to New Hampshire instead of neighboring states.

- Mr. Pollock clarified that Theory Wellness doesn't feel a need to have three retail permits and acknowledged that 15 permits would be excessive.

- Senator Abbas asked about the impact of excluding ATCs from paying a franchise fee and the rationale behind this exemption, noting that the ATCs would benefit from the overall operations of the franchise.

- Mr. Pollock responded that the exemption was intended to support the 14,000 patients who would benefit from improved access to cannabis.

- Mr. Pollock highlighted that medical sales typically make up only around 5% of overall sales, adding that medical patients don't usually pay taxes, which is consistent with regulated markets in other states.

- Mr. Pollock emphasized that exempting medicinal cannabis products from the fee would be a gesture of good faith towards patients, particularly as many rely on cannabis to replace other medications.

- Mr. Pollock also noted that the revenue from medical cannabis is not a significant part of the state's income and reiterated that the exemption would mainly benefit patients with higher usage needs.

Summary of testimony presented in opposition:

Senator Abbas

- Senator Abbas introduced the replace-all amendment, 2024-1584S, and clarified that while no cannabis policy is perfect, this amendment seeks to balance public safety concerns with the legalization of recreational cannabis.
- Senator Abbas emphasized that negative social impacts related to cannabis already exist in New Hampshire due to neighboring states with legal markets, leading many Granite Staters to shop at out-of-state dispensaries.

- Senator Abbas highlighted that a state-regulated market would allow New Hampshire to have more control over cannabis commerce, with a limited number of stores and strict regulations.

- Senator Abbas pointed out that the amendment seeks to control public cannabis use through penalties, such as imposing violations for a first offense and misdemeanors for subsequent offenses.

- Senator Abbas argued that penalties are necessary for repeated offenses to prevent public consumption from becoming a significant issue in the state.

- Senator Whitley asked why the amendment differentiates between public consumption of cannabis and other substances, and why it includes misdemeanors, given that such laws could still lead to arrests.

- Senator Abbas explained that cannabis differs from tobacco and alcohol because it is still illegal federally, and public perception of cannabis is more negative due to its intoxicating effects. He added that a second offense is challenging to obtain, requiring repeated violations.

- Senator Gannon raised concerns about the amendment potentially leading to increased cannabis use and fatalities, particularly in the southern region of the state.

- Senator Abbas responded that due to New Hampshire's smaller population and proximity to states with legal cannabis, the state won't see as significant a spike in use as other regions like Colorado. He emphasized the need to control cannabis commerce while minimizing negative impacts.

**Senator Bradley**

- Senate President Jeb Bradley expressed his opposition to HB 1633 but acknowledged the necessity of improving the bill if it is to pass, emphasizing the importance of proper oversight, public health, and safety.

- Senator Bradley commended Senator Abbas for improvements made in the amendment, which he viewed as significant enhancements over the original House-passed version.

- Senator Bradley suggested that the bill should include provisions similar to open container laws for alcohol, which are currently absent.

- Senator Bradley argued for tamper-proof containers for edibles and enhanced penalties for parents or caregivers who allow children access to cannabis.

- Senator Bradley outlined his amendments starting with the need to end a sentence in the bill on page five to prevent misunderstanding about the seizure of illegal cannabis shipments.
- Senator Bradley opposed home growth provisions and suggested removing sections that allow the gifting of cannabis, which he believes could encourage unregulated distribution.

- Senator Bradley proposed amendments to enhance misdemeanor charges and limit business entities to owning no more than one cannabis establishment to prevent monopolies.

- Senator Bradley stressed the necessity of establishing THC limits for cannabis products to ensure public health and safety.

- Senator Bradley suggested that the cannabis advisory board should have regulatory authority and proposed including the Attorney General on the board due to significant legal and public health concerns.

- Senator Bradley criticized the bill for its lack of robust lobbying restrictions and suggested a total ban on lobbying by entities involved in the cannabis industry.

- Senator Bradley also called for the Chair of the Liquor Commission to lead the cannabis commission to ensure balanced and effective regulation.

- Senator Bradley concluded by reiterating his opposition to the bill but emphasized that if it must pass, these amendments are crucial to ensure it serves the best interest of New Hampshire’s citizens, particularly in maintaining public health and safety standards.

**Representative Tim Cahill**

- Representative Tim Cahill testified in opposition to HB1633, expressing his disapproval of both the original bill and the replace-all amendment.

- Representative Cahill argued that legalizing cannabis would lead to increased usage and could significantly affect public health and safety.

- Representative Cahill expressed concerns about the accessibility of cannabis to minors and believed that legalization might encourage underage use.

- Representative Cahill emphasized the potential for increased addiction rates and questioned whether the state has adequate resources to address possible mental health and addiction challenges.

- Representative Cahill mentioned that the bill's regulatory framework is not robust enough to manage the adverse effects that may arise from increased cannabis availability.

**Victor Muzzey (NH State Police)**

- Officer Victor Muzzey, representing the New Hampshire State Police, testified in opposition to HB1633, particularly focusing on the burden of automatic annulment of cannabis offenses on the criminal records unit.
- Officer Muzzey emphasized that the requirement to annul misdemeanor and violation-level offenses would be a significant burden on the records unit, especially for older cases that require manual research.

- Officer Muzzey argued that the six-month timeframe specified in the bill is insufficient given the workload and research required.

- Officer Muzzey highlighted the difficulty of identifying eligible cases due to vague records from before marijuana was decriminalized, which would require extensive manual research.

- Officer Muzzey explained that the labor-intensive process would make it nearly impossible to meet the proposed timeline in the bill.

- Officer Muzzey recommended that the committee extend the timeframe for automatic annulments to realistically handle the significant research required and the associated workload.

**Representative Margaret Drye**

- Representative Margaret Drye expressed concerns about the implications of legalizing recreational marijuana without addressing key issues of law enforcement and public safety.

- Representative Drye highlighted a critical case to underscore her concerns, referencing the tragic incident from 2018 involving Kevin Cushman. After consuming marijuana, Cushman caused a fatal accident that killed his passenger, Theodore Haley. Due to the absence of a legal standard for marijuana impairment, he received only a suspended sentence.

- Representative Drye voiced the opinion that pushing for legalization without adequate tools for law enforcement is "unconscionable." Stressed the danger of establishing a legal framework that does not equip police officers with necessary resources to manage risks associated with impaired driving.

- Representative Drye urged reconsideration of the bill to include stringent standards and tools for law enforcement to ensure public safety is not compromised.

**Jordan Davidson**

- Jordan Davison spoke strongly against House Bill 1633, emphasizing his personal struggles with cannabis use disorder, which he developed while attending high school in New Hampshire. Described his addiction as having spiraled out of control, affecting his school performance and relationships.

- Mr. Davidson testified as the Government Affairs Manager for Smart Approaches to Marijuana, a national group advocating for public health-based marijuana policies. Highlighted the group's commitment to preventing marijuana legalization due to public health and safety concerns.
- Mr. Davidson cited concerns about the involvement of foreign organized crime in the legalized cannabis market. Mentioned that illegal marijuana farms in Maine, allegedly run by Chinese cartels, generate substantial revenue while engaging in serious criminal activities, which could spill over into New Hampshire if marijuana were legalized.

- Mr. Davidson warned that legalization would serve as an invitation to these groups, potentially increasing crime and exploitation associated with the marijuana trade.

- Mr. Davidson argued that any reduction in youth marijuana use statistics often cited by proponents does not take into account the rise in daily use figures, which he claimed were more reflective of the true impact on public health.

Dr. Deb Naro

- Dr. Deb Naro testified as the Executive Director of CATI, a substance misuse prevention nonprofit serving central New Hampshire, emphasizing the public health risks associated with marijuana, particularly high-potency THC.

- Dr. Naro expressed concerns about the lack of public awareness of these risks and emphasized the urgent need for informed decisions in public health policy, especially regarding children and youth.

- Dr. Naro cited experiences from the Cannabis Study Commission, which included testimonies from experts in neurology and addiction medicine, all advising against legalization due to risks such as psychosis, anxiety, and other severe mental health issues in adolescents.

- Dr. Naro criticized the current legislative measures as insufficient, mentioning the lack of strict THC limits and proper regulatory guidelines which could protect vulnerable groups.

- Dr. Naro warned against the marketing strategies of the marijuana industry, comparing them to historical tactics used by the tobacco industry, highlighting the potential for misleading the public about the safety of marijuana products.

Elizabeth Brochu (CPS – Central NH)

- Elizabeth Brochu strongly criticized the potential legalization of marijuana, highlighting the dire public health implications, especially for youth.

- Ms. Brochu shared a poignant story of a family tragedy linked to marijuana-induced impairment, underscoring the lack of legal standards for marijuana impairment and its devastating consequences.

- Ms. Brochu criticized the bill for its potential to normalize marijuana use among the youth, pointing to data suggesting increased risks of psychosis, addiction, and other mental health issues in adolescents exposed to marijuana.
- Ms. Brochu argued that the state's financial gains from legalization are outweighed by the long-term social costs, including increased medical, law enforcement, and social services expenditures.

- Ms. Brochu emphasized the importance of maintaining strict drug regulations to prevent the commercialization of marijuana, which she compared unfavorably to the public health challenges posed by alcohol and tobacco.

**Marissa McGlynn**

- Marissa McGlynn shared her direct experiences with marijuana exposure among peers as a freshman high school student and youth action member of the Raymond Coalition for Youth

- Ms. McGlynn described frequent encounters with marijuana use at school, including being offered a marijuana vape in the school restroom and observing peers under the influence.

- Ms. McGlynn cited a survey indicating high rates of recreational marijuana use among New Hampshire adolescents, underscoring the ease of access even under prohibition.

- Ms. McGlynn expressed concerns about the potential increase in marijuana use among teens should the bill pass, highlighting the risk of addiction and other negative impacts on her generation’s health and safety.

- Ms. McGlynn urged lawmakers to consider the long-term social costs rather than potential profits from legalization.

**Katelyn McGlynn**

- Katelyn McGlynn provided a perspective on public health implications as a sophomore at Southern New Hampshire University studying criminal justice, homeland security, and psychology with a focus on addiction,

- Ms. McGlynn emphasized the ongoing drug use epidemic in New Hampshire and questioned the wisdom of introducing another drug into the mix for recreational use.

- Ms. McGlynn pointed to statistics from Colorado to illustrate a significant increase in DUIs and traffic deaths involving marijuana following its legalization.

- Ms. McGlynn warned of the potential for increased substance dependence and public safety issues, urging legislators to oppose the bill in order to protect the community from further drug-related challenges.
Celeste Clark (Raymond Coalition for Youth)

- Celeste Clark addressed the committee as the director of the Raymond Coalition for Youth, expressing strong opposition to the legalization of marijuana due to the public health risks involved.

- Ms. Clark critiqued the push for the bill's passage as overly hasty, emphasizing the need for a well-considered plan to address the myriad public health issues that would accompany legalization.

- Ms. Clark provided a copy of an op-ed she had written, which discussed the pervasive smell of marijuana and its negative impact on community environments, as exemplified by her experiences and those reported in other states.

- Ms. Clark warned of the broader social ramifications seen in states that have legalized marijuana, citing increased public nuisance and the decline in public spaces' quality.

- Ms. Clark encouraged the committee to consider the potential long-term consequences of increased marijuana use facilitated by legalization, especially the impact on New Hampshire's youth and public safety.

Bertha Madras

- Bertha Madras expressed serious concerns about the impact of marijuana on brain development, especially among adolescents, citing long-term studies that have shown an increase in psychiatric disorders such as schizophrenia and depression.

- Ms. Madras warned that prenatal exposure to marijuana has been linked to developmental issues in children, stressing the need for more public education on the risks of marijuana use during pregnancy.

- Ms. Madras criticized the bill for not adequately addressing these public health risks, particularly the absence of limits on THC potency, which she believes is crucial to preventing negative outcomes.

- Ms. Madras raised concerns about the potential increase in substance misuse among the elderly population, a demographic increasingly using marijuana for pain management without sufficient understanding of the risks.

- Ms. Madras suggested that the committee to reconsider the legalization strategy, and stated that a more cautious approach would be beneficial to safeguard public health, particularly for vulnerable populations.

- Senator Carson questioned Bertha M. about her observations regarding potential drug interactions in elderly patients using marijuana, especially concerning their other prescribed medications.

- Ms. Madras confirmed concerns about the complexities and risks of marijuana use among the elderly. Mentioned limited data on THC interactions but more on CBD,
emphasizing the need for increased research and patient education on the risks of combining marijuana with other medications.

Ms. Madras highlighted the necessity for healthcare providers to discuss these potential drug interactions with their patients, given the growing use of marijuana for pain management in this demographic.

**Chief Tim Crowley (Atkinson Police Department)**

- Chief Tim Crowley voiced strong opposition to NH House Bill 1633, drawing from his extensive experience as a former police officer in Lowell, Massachusetts, where he observed firsthand the effects of marijuana legalization.

- Chief Crowley detailed the increase in public visibility of marijuana use, especially among young people, noting his experiences as a youth high school coach where the normalization of marijuana significantly affected student behaviors and attitudes.

- Chief Crowley highlighted the challenges faced by law enforcement in controlling public consumption of marijuana, despite existing regulations meant to curb this behavior. Described enforcement as largely ineffective, with frequent public use that was hard to manage or penalize.

- Chief Crowley discussed the community's response to marijuana legalization in Massachusetts, pointing out an increase in public nuisance complaints and a general decline in community standards, which he believes were directly related to the ease of access to and visibility of marijuana.

- Chief Crowley warned that similar effects could be expected in New Hampshire if marijuana were to be legalized, predicting a degradation in quality of life due to increased marijuana presence in public spaces.

- Chief Crowley stressed the difficulty in enforcing public consumption laws, mentioning that the fines and penalties were often insufficient to deter behavior, which could lead to more widespread use and less community control.

- Chief Crowley raised concerns about the message legalization sends to youth, particularly emphasizing the risk of increased drug experimentation and lowered perceptions of drug danger among teenagers and young adults.

- Chief Crowley expressed worries about the potential for increased traffic incidents and public safety issues related to marijuana impairment, which he observed to be a growing problem in areas where marijuana is legal.

- Chief Crowley cautioned against the economic and social costs of legalization, arguing that any financial benefits from marijuana sales could be outweighed by increased public health and safety expenditures.

- Senator Abbas asked about the practical challenges of enforcing marijuana laws in public spaces, especially considering Tim Crowley's experiences in Massachusetts. He
queried whether the difficulty in enforcing these laws was due to the fines being too low to act as a deterrent.

- Chief Crowley responded by emphasizing the broad acceptance of public marijuana use in communities where it is legalized, which complicates enforcement. He noted that even when penalties are imposed, the pervasive attitude of tolerance makes enforcement efforts less effective and often ignored by the public.

- Senator Gannon inquired about the impact of marijuana legalization on youth, specifically questioning whether the increased visibility and accessibility led to higher usage rates among teenagers and young adults.

- Chief Crowley confirmed this concern, citing observations from his coaching experience that marijuana use became more normalized among youths post-legalization. He discussed how this normalization has altered perceptions of marijuana's risks, potentially leading to increased usage and experimentation among young people.

**Bob Dunn (Roman Catholic Bishop of Manchester)**

- Bob Dunn, representing the Catholic Diocese, testified in opposition to HB1633, arguing that it would be detrimental to the common good.

- Mr. Dunn asked the committee to consider whether the passage of the bill would improve families, children's public health, and communities or strengthen the workforce.

- Mr. Dunn emphasized that the answer to these questions is "no," citing the potential social and financial costs of legalization outweighing any potential revenue.

- Mr. Dunn expressed concern that the bill would lead to increased substance abuse, particularly among young people, which could impact educational outcomes and the future workforce.

- Mr. Dunn highlighted the potential burden on public health resources due to increased addiction and mental health issues related to cannabis consumption.

**Beth Scaer**

- Beth Scaer spoke out vehemently against the legalization of marijuana based on extensive research into its effects on mental health.

- Ms. Scaer highlighted studies linking marijuana use to increased risks of psychosis, depression, and other mental health disorders, particularly in adolescents and young adults.

- Ms. Scaer emphasized the potential for marijuana to exacerbate mental health issues, noting that legalization could lead to greater accessibility and higher consumption rates among vulnerable populations.
- Ms. Scaer warned of the social costs associated with increased marijuana use, including higher rates of hospital admissions and a potential increase in public safety incidents.

- Ms. Scaer criticized the bill for not adequately considering the long-term public health implications and for lacking measures to protect young people from the risks of marijuana.

- Ms. Scaer suggested that legislators consider the broader public health implications of legalization, suggesting that the potential revenue should not outweigh the costs to community health and safety.

**Tamara Herbert**

- Tamara Herbert testified in opposition to NH House Bill 1633, focusing on the potential negative impacts of marijuana legalization on public health, particularly among young people.

- Ms. Herbert emphasized the increase in mental health issues such as anxiety and depression that have been observed in states where marijuana has been legalized.

- Ms. Herbert warned about the potential for increased use among teenagers and young adults, citing studies that suggest legalization normalizes the drug's use, potentially leading to higher rates of addiction.

- Ms. Herbert described concerns over the commercialization of marijuana, comparing it to the tobacco industry, and highlighted the aggressive marketing tactics that could target vulnerable populations.

- Ms. Herbert underscored the importance of considering the long-term societal costs associated with increased drug use, rather than focusing solely on the potential economic benefits from legalization.

- Ms. Herbert encouraged legislators to prioritize public health and safety over the commercial interests of the marijuana industry.

**Chief Pat Sullivan (NHACOP)**

- Chief Pat Sullivan addressed the committee as the Executive Director of the New Hampshire Association of Chiefs of Police, expressing strong opposition to NH House Bill 1633.

- Chief Sullivan emphasized the association's concerns about the potential increase in marijuana use and related social problems if the bill is passed.

- Chief Sullivan highlighted the challenges law enforcement currently faces with enforcing marijuana laws and anticipated further complications should marijuana become legal.
- Chief Sullivan pointed out the disconnect between the state’s efforts to combat the opioid crisis and the move to legalize another controlled substance, which could send mixed messages about drug use.

- Chief Sullivan cautioned the committee about the impact on public safety, particularly in terms of increased driving under the influence cases and other public disturbances.

- Chief Sullivan stressed the need for better resources and tools for law enforcement to manage the potential increase in marijuana-related offenses.

- Senator Carson asked if he had any recommendations of practically enforceable laws that could help to prevent public consumption, as she and other members of the committee believed that public consumption was a significant side effect of legalization.

- Chief Sullivan responded that the language in the amendment was a good start, and that he would like to see heightened punishments for all second offenders. He emphasized that educating someone that the second offense is a much stronger penalty when they commit their first offense could potentially deter public use.

Melissa Fernald

- Melissa Fernald introduced herself as a licensed clinical social worker and a licensed alcohol and drug counselor with 27 years of experience in the mental health and addiction field.

- Ms. Fernald stressed that New Hampshire was unprepared for the opioid crisis due to insufficient resources for mental health and addiction services, leaving the state vulnerable to the epidemic's impacts.

- Ms. Fernald voiced strong opposition to HB1633, arguing that legalizing cannabis would be a risky decision that New Hampshire is currently too vulnerable to handle.

- Ms. Fernald emphasized that the state is still grappling with the effects of the opioid epidemic and that COVID-19 has only exacerbated addiction and mental health issues.

- Ms. Fernald highlighted that legalization would increase the risk of further addiction and mental health crises in an already risky environment.

- Ms. Fernald underscored the importance of reducing risk factors and increasing protective factors to effectively combat addiction.

- Ms. Fernald criticized the bill for increasing risk in a state that is already vulnerable, drawing parallels to New Hampshire's lack of preparation during the opioid epidemic.

- Ms. Fernald argued that legalizing cannabis would increase the potential for unintended consequences, citing her experience in Maine, where she observed an increase in violent crimes and health issues.
- Ms. Fernald urged for a change in how the state approaches addiction prevention, calling for broader education for parents, educators, and healthcare professionals to better manage the effects of cannabis use.

Kate Frey (New Futures)

- Kate Frey, representing New Futures, emphasized that her organization aims to improve health and wellness policies in the state through evidence-based policy change.

- Ms. Frey noted that New Futures has developed a set of principles for cannabis policy and regulation and evaluates every cannabis-related bill against these standards.

- Ms. Frey stressed the importance of crafting a cannabis commercialization policy based on evidence and lessons learned from other states, with a focus on protecting children, promoting social justice, protecting public health, and ensuring funding to reduce potential harms from cannabis legalization.

- Ms. Frey criticized the original version of HB1633, highlighting its failure to establish a fund dedicated to substance abuse treatment and recovery, which was initially set to receive 10% of cannabis revenue.

- Ms. Frey expressed opposition to the original House version of the bill, arguing that it lacked funding for a mass media campaign to raise awareness about potential harms associated with cannabis use.

- Ms. Frey acknowledged that the Senate's replace-all amendment improved the bill by addressing funding issues and aligning more closely with New Futures' principles.

- Ms. Frey emphasized the importance of adopting a responsible cannabis commercialization model, advocating for a state-controlled or franchise model similar to Quebec's that has successfully limited cannabis potency, advertising, and youth appeal.

- Ms. Frey mentioned the need to carefully evaluate the impact of cannabis legalization on youth, pointing to studies indicating varied results regarding changes in youth cannabis use.

- Ms. Frey stressed the importance of continued research to ensure that policies are informed by accurate and up-to-date data, noting the most recent data in New Hampshire indicates rising cannabis use among youth.

Kevin Magner

- Kevin Magner introduced himself, sharing that he has a son who started using marijuana around the age of 17.

- Mr. Magner explained that his son developed schizophrenia, which worsened over time, and now in his mid-30s, he is under Magner's care as his guardian.
Mr. Magner recounted how his son has been in and out of hospitals numerous times, with one particular hospital admitting him five times.

Mr. Magner described a conversation with a doctor during one of the early hospital visits. When he asked whether his son's brain could have been damaged by LSD or synthetic drugs like bath salts, the doctor dismissed the idea and said they were only concerned about cannabis.

Mr. Magner stated that a year and a half later, during another hospital visit, he asked a different doctor the same question and received the same response: they were concerned solely about cannabis.

Mr. Magner also spoke with his son's caseworker, who had started working at the hospital three years earlier. Initially, the caseworker was unsure about the connection between cannabis use and schizophrenia, estimating an 80-20 split on whether there was a link.

After three years of experience, the caseworker became convinced there was a definite connection between cannabis use and schizophrenia, especially given the increased potency of THC.

Mr. Magner emphasized that when the connection between cannabis use and schizophrenia hits home, it is devastating, not just for the individual but for families.

Mr. Magner mentioned the correlation between homelessness and mental illness, noting that many homeless individuals lack access to the mental health care they need.

Mr. Magner questioned how a group representing New Hampshire residents could legalize cannabis, knowing the evidence points to its harmful effects on individuals.

Mr. Magner criticized the media for not covering the potential connection between cannabis and schizophrenia, arguing that denial of this connection is prevalent online, despite evidence suggesting otherwise.

Kathy Holmes

Kathy Holmes introduced herself and began by expressing her vision of the effects of cannabis legalization in New Hampshire.

Ms. Holmes compared the scenario to the movie *Back to the Future 2*, where Marty McFly returns to his town to find it overrun with vice, stating that once it reaches that point, it's impossible to fix without going back in time.

Ms. Holmes emphasized that New Hampshire is currently in a position to avoid legalizing cannabis and prevent the negative consequences associated with it.

Ms. Holmes mentioned that one of the bill's supporters described it as providing "safe weed," which she dismissed as an oxymoron akin to terms like "working vacation" and "civil war."
- Ms. Holmes emphasized that New Hampshire has enough problems without adding cannabis to the mix and praised the state for remaining a holdout compared to neighboring states that have legalized cannabis.

- Ms. Holmes recounted the story of a kindergartner she knew who grew up, and she heard from him again when he was about 30. He spoke incoherently and believed that burning down a house would return the property to the Indigenous people.

- Ms. Holmes noted that he had used marijuana and believed there was a link to his development of schizophrenia.

- Ms. Holmes cited examples from Colorado, noting that when marijuana becomes legal, it starts showing up in candy, which creates a trap that's hard to control.

- Ms. Holmes mentioned a handout she provided, which referenced typefaces with names like "a little pot," "nerve tonic," and "broken pen," drawing parallels to the issues associated with cannabis.

- Ms. Holmes dismissed the CDC as a credible source, questioning its agenda and noting that it had previously claimed vaccines were safe and effective.

**Bob Guida**

- Bob Guida began by criticizing the American Medical Association (AMA), noting that only 15% of America's doctors are members, and questioned the reliability of AMA studies.

- Mr. Guida urged the committee to look to states like Colorado for extensive data on cannabis-related traffic accidents, medical issues, and fatalities, emphasizing that these states collect data to analyze the impact of legalization.

- Mr. Guida emphasized the importance of the testimony from the police chief of Atkinson, highlighting the consequences of cannabis legalization on communities.

- Mr. Guida mentioned his visits to cities like Spokane, Seattle, San Francisco, and Los Angeles, observing firsthand how cannabis legalization has negatively affected these areas.

- Mr. Guida argued that legalization has increased crime rates around dispensaries because addicts are drawn to areas where they believe drugs are available.

- Mr. Guida raised concerns about social justice, noting that cannabis shops tend to be located in lower-income neighborhoods, impacting marginalized communities.

- Mr. Guida urged the senators to recognize their moral obligation to prioritize the well-being of New Hampshire's citizens, businesses, and communities, stating that there's nothing beneficial in the bill.

- Mr. Guida shared that financial analysts were unaware of the full financial implications of the bill and that 14 state agencies would need to provide cost and revenue estimates.
- Mr. Guida warned that large cannabis companies are poised to dominate the market, buying out smaller stores to maximize profits, regardless of the regulatory model used.

- Mr. Guida emphasized that the black market continues to thrive in states where cannabis has been legalized because users seek out the lowest-cost provider.

- Mr. Guida highlighted the impact of cannabis on productivity, citing the average cost of emergency room admissions for cannabis use disorders in Colorado at $6,300 per patient.

- Mr. Guida shared testimony from a physician in Pueblo, Colorado, who raised concerns about the cost to Medicaid, particularly since cannabis legalization disproportionately affects lower-income individuals.

- Mr. Guida argued that lawmakers have a moral duty to respect the foundational values of society, rooted in the Ten Commandments, which prioritize respect for others and oneself.

Neutral Information Presented:

**Myles Matteson (NH Attorney General's Office)**

- Myles Matteson, representing the New Hampshire Attorney General's Office, testified with technical feedback on HB1633.

- Mr. Matteson emphasized that the current annulment framework is governed by RSA 651:5 and Criminal Procedure Rule 31, which already provides guidelines for annulments.

- Mr. Matteson expressed concern that HB1633 introduces additional processes that could lead to inconsistencies and complications within the existing regime.

- Mr. Matteson raised concerns about the lack of judicial discretion in the bill, potentially resulting in annulments being improperly granted if no prosecutor objects.

- Mr. Matteson explained that the bill assumes automatic annulments at the request of the Department of Safety, which could lead to constitutional concerns regarding separation of powers.

- Mr. Matteson also noted that HB1633 does not clearly outline how existing sentences should be handled if there are concurrent or consecutive charges.

- Mr. Matteson highlighted the complexity of applying the proposed standards and warned that this could complicate the annulment process further.

**Holly Stevens (NAMI NH)**

- Holly Stevens, the Director of Public Policy at NAMI, testified on HB1633 and highlighted the potential impact of legalization on mental health.
- Ms. Stevens emphasized the need to ensure that any plan for legalization mitigates risks to public mental health, given the potential increase in mental health issues that could arise from increased cannabis use.

- Ms. Stevens expressed concern that the House version of the bill removed funding for mental health services and urged the committee to allocate a portion of the cannabis revenue towards supporting these services.

- Ms. Stevens underscored the importance of expanding resources for mental health care and substance use treatment, emphasizing the importance of preventative education.

**Keen Meng Wong (NHDRA)**

- Keen Meng Wong identified outdated language in the version of the bill passed by the House, specifically on page 33, lines 2-4 and 14-15, which reference RSA 77 H. He suggested that these references, which relate to a previous version of HB 1633 and involve taxation of cannabis sales, should be removed.

- Mr. Wong compared the House version of the bill with the amendment from Senator Abbas, noting differences in how cannabis sales would be taxed.

- Mr. Wong mentioned that under Senator Abbas’s amendment, organizations selling cannabis products would be subject to regular business taxes.

- Mr. Wong highlighted a discrepancy regarding deductions on business profits tax; the House version allows deductions for regular expenses, but this provision is missing from Senator Abbas’s amendment.

- Mr. Wong He explained that New Hampshire business taxes align with federal tax returns, which typically restrict deductions for cannabis businesses to the cost of goods sold, disallowing other expenses. The House version, however, includes language that would allow these additional deductions for cannabis businesses.

- Mr. Wong concluded by emphasizing that his comments were intended to clarify potential oversights in the amendments and that the department does not have a position on the bill's content.

**Abby Rodgers (DHHS)**

- Abby Rogers introduced herself as the legislative liaison for the Division of Public Health Services, representing colleagues from the Therapeutic Cannabis Program and the Bureau of Drug and Alcohol Services.

- Ms. Rogers stated that the Department of Health and Human Services does not take a position on HB 1633 but provided information as a resource to the committee on public and behavioral health matters.
- Ms. Rogers noted that the original bill removed a proposed substance use prevention and recovery fund, which might be reinstated in an amendment by Senator Abbas.

- Ms. Rogers explained that reinstating this fund would support evidence-based prevention, treatment, and recovery services throughout New Hampshire for substance use, mental health, and suicide prevention.

- Ms. Rogers mentioned that current federal funds are restricted, and the proposed state funding would allow more robust and flexible services.

- Ms. Rogers discussed the potential for combining the proposed fund with the existing alcohol fund to better protect funding for its intended use.

- Ms. Rogers highlighted the importance of a media-based public service campaign to educate residents about the risks and safe storage of cannabis to prevent accidental poisonings.

- Ms. Rogers emphasized the importance of maintaining the Therapeutic Cannabis Program, which serves approximately 14,000 patients, ensuring they have access to safe, affordable cannabis products.

- Ms. Rogers concluded by offering the department's continued support as a resource for the committee and other legislative bodies as they proceed with the bill.

**Michael McLaughlin (Sanctuary ATC)**

- Michael McLaughlin, representing Sanctuary ATC, testified with a neutral stance on HB1633, expressing concern about its potential impact on Alternative Treatment Centers (ATCs).

- Mr. McLaughlin highlighted that there are currently three therapeutic cannabis licenses in the state but seven dispensaries.

- Mr. McLaughlin emphasized that if the 15-store cap proposed in the bill is implemented, some ATCs might not be able to compete, disrupting the therapeutic cannabis market.

- Mr. McLaughlin expressed concern that the replace-all amendment did not guarantee licensing for ATCs, potentially leaving some dispensaries out of the recreational market.

- Mr. McLaughlin argued that without guaranteed licensing, the financial stability of ATCs could be at risk, which would also affect the broader therapeutic cannabis program.

- Mr. McLaughlin pointed out the need for a more comprehensive assessment of the financial stability of ATCs to ensure they can transition smoothly into the recreational cannabis market.
- Senator Abbas asked McLaughlin what would happen if an ATC was guaranteed a license and a municipality chose to opt out of the program. Would they lose their license completely?

- Mr. McLaughlin responded that the municipality opting out could lead to ATCs losing their licenses, further complicating their ability to operate within the recreational market.

- Senator Abbas then asked if the amendment allowed ATCs to be guaranteed a license, how should the financial stability of an ATC be evaluated?

- Mr. McLaughlin expressed concern that guaranteed licensing is not enough if ATCs are not financially stable to transition smoothly, implying that the overall structure needs to ensure fair competition and a level playing field.
AN ACT authorizing the state to report mental health data for firearms background check purposes and providing for processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.


COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill authorizes the state to report mental health data for firearms background check purposes and provides for processes for the confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears in brackets and struckthrough. Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT authorizing the state to report mental health data for firearms background check purposes and providing for processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.

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

1 Short Title. This bill shall be known as "The Chief Bradley Haas Mental Health Firearms Reporting Act".

2 Sale of Firearms; Criminal History Record Check, Mental Health Record Check, and Protective Order Check. Amend RSA 159-D:1 to read as follows:
   159-D:1 Sale of Firearms; Criminal History Record Check, Mental Health Record Check, and Protective Order Check.
   The department of safety may become the point of contact for the federal government for the purposes of the National Instant Criminal Background Check System (NICS).

3 New Chapter; Mental Health Reporting for Firearm Background Checks. Amend RSA by inserting after chapter 159-E the following new chapter:

CHAPTER 159-F  
MENTAL HEALTH REPORTING FOR FIREARM BACKGROUND CHECKS  
159-F:1 Short Title.
   This chapter shall be known as “Bradley’s Law” in honor of retired Police Chief Bradley Haas who was shot and killed while defending the lives and safety of the patients and staff of the New Hampshire Hospital.

159-F:2 Mental Health Reporting Authorized.
   I. In compliance with the federal NICS Improvement Amendments Act of 2007, Public Law 110-180 and the Brady Handgun Violence Prevention Act of 1993, Public Law 103-159, the New Hampshire judicial branch and the department of safety are authorized to report to the National Instant Criminal Background Check System (NICS) records concerning persons who have been disqualified from possessing or receiving a firearm under 18 U.S.C. section 922(g)(4) because they have been:
   (a) Adjudicated as not guilty of a crime by reason of insanity;
   (b) Adjudicated as incompetent to stand trial and found by the court to be a danger to themselves or others pursuant to RSA 171-B:2, 135-E:5 or 135:17-a; or
   (c) Involuntarily committed to a mental health facility pursuant to RSA 135-C:34-54.

159-F:3 Entry Into the National Instant Criminal Background Check System.
I. Notwithstanding any other provision of law, including the requirement of a closed hearing and file under RSA 135-C:43, when a judge orders a nonemergency involuntary admission pursuant to RSA 135-C:34-54 or a commitment pursuant to RSA 171-B:2, and the order is one that qualifies under 18 U.S.C. section 922(g)(4), the court shall retain a record of the court order and promptly cause the disposition to be entered in the NICS Indices. When a person is found not guilty by reason of insanity, or incompetent to stand trial and found by the court to be a danger to himself or herself or others court pursuant to RSA 135-E or 135:17-a, as provided in this section, the department of safety shall promptly cause that disposition to be entered in the NICS Indices, in accordance with paragraph II.

II. The court or the department of safety shall report only the person's name, an identifier signifying the applicable prohibition under 18 U.S.C. section 922(g), the person's social security number, and date of birth.

III. If a court determines that a person is not competent to stand trial and finds that the person is also a danger to themselves or others, but, after 90 days, the person is not committed pursuant to RSA 171-B:2, 135-C:34-54, or 135-E:5, upon the motion of any party or sua sponte, the court may transmit that finding to the department of safety for entry into the NICS Indices.

159-F:4 Notifications; Confiscation of Firearms.

I. Before the close of the hearing conducted pursuant to RSA 135:17-a, RSA 135-C:34-54, RSA 135-E:5, or RSA 171-B:2, the court shall inquire of the person if he or she currently owns or has access to any firearms, and if so, where they are located. If the person answers affirmatively, the court shall inform the person that the court may order law enforcement to confiscate those firearms or ammunition. In addition, the court shall offer the opportunity for the person to make voluntary arrangements to relinquish possession of his or her firearms or ammunition to law enforcement or to another individual in accordance with paragraph III.

II. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under RSA 159-F:3, or on an order of commitment under RSA 135-C:34-54, 135-E:5, or 171-B:2, or upon the entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such person is prohibited under federal law from purchasing, possessing, carrying, or transporting a firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-G.

III. The court may simultaneously with any order of commitment issue an order:

(a) Directing the person to make arrangements to voluntarily relinquish possession of any firearms or ammunition he or she owns to law enforcement;

(b) Directing the person to transfer any firearms to another person with whom the person committed does not cohabitate, who is not himself or herself a prohibited person, and to whom the court determines such transfer should be permitted; or

(c) Directing law enforcement to confiscate any firearms or ammunition owned by the person no later than 48 hours after the order is issued.
IV. Firearms voluntarily relinquished or confiscated by law enforcement may be transferred to a federally licensed firearms dealer, at the person's own expense, for further disposition at the request of the owner and upon order of the court. Retrieval and disposal of any firearms not transferred to an individual or federally licensed firearms dealer shall be through the process as set forth in RSA 595-A:6.

159-F:4 Notifications; Confiscation of Firearms.

I. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under RSA 159-F:3, or on an order of commitment under RSA 135-C:34-54, 135-E:5, or 171-B:2, or upon the entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such person is prohibited under federal law from purchasing, possessing, carrying, or transporting a firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-G. The court shall inquire of the person if they currently own or have access to any firearms, and if so, where they are located.

II. The court may simultaneously with any order of commitment issue an order to law enforcement to confiscate any firearms or ammunition owned by the person. Law enforcement shall carry out the order of the court as soon as possible, but in no case later than 48 hours after the order is issued. The person may transfer any firearms to another person with whom the person committed does not cohabitate and who is not themselves a prohibited person, and upon an order of the court permitting such transfer. The department of safety shall provide the court with the information necessary to make this notification. Alternatively, the firearms may be transferred to a federally licensed firearms dealer, at the person's own expense, for further disposition at the request of the owner and upon order of the court. Retrieval and disposal of any firearms not transferred to an individual or federally licensed firearms dealer shall be through the process as set forth in RSA 595-A:6.

159-F:5 Exclusions.

I. Neither the court nor the department of safety shall transmit information on persons seeking voluntary treatment or on persons involuntarily hospitalized for assessment or evaluation.

II. Information the court or the department of safety causes to be transmitted to NICS pursuant to this chapter shall not be considered as public records pursuant to RSA 91-A.

III. The records entered into the NICS Indices pursuant to this chapter shall only be used for purposes of determining eligibility to purchase, possess, carry, or transfer a firearm or ammunition. Information furnished shall not include confidential medical or treatment records, confidential tax or financial data, or library records.

IV. Neither the court nor the department of safety shall submit the name of any person to NICS signifying a prohibition under 18 U.S.C. section 922(g) except pursuant to the processes outlined in this chapter.

195-F:6 Appointment of Attorney.
Unless otherwise provided in statute, a person may be appointed an attorney by the court for
the purposes of any hearing referred to in this chapter.

4 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-
A:5 by inserting after paragraph I-a the following new paragraph:

I-b. Information caused to be transmitted by the court to the National Instant Criminal
Background Check System pursuant to RSA 159-F:5, II.

5 New Chapter; Relief from Disabilities. Amend RSA by inserting after chapter 159-F the
following new chapter:

CHAPTER 159-G
RELIEF FROM DISABILITIES

159-G:1 Relief from Disabilities Petition.

Any person who has a non-emergency involuntary commitment under RSA 135-C:34-54 or has
been found not guilty by reason of insanity or incompetent to stand trial and found by the court to be
a danger to himself or herself or others pursuant to RSA 171-B:2, 135-E:5 or 135:17-a, as outlined in
RSA 159-F, and who is subject to the firearm disabilities of 18 U.S.C. section 922(g)(4), may petition
for a review of the person's mental capacity to possess or purchase a firearm no sooner than the
following time frames. Individuals found not guilty by reason of insanity may file for relief with the
court 6 months after the finding of not guilty by reason of insanity status, unless the person was
committed to an institution pursuant to RSA 651:8-b, in which case the person may file for relief 15
days after absolute discharge. Individuals found incompetent to stand trial and found by the court
to be a danger to themselves or others under RSA 135:17-a, as outlined in RSA 159-F, may file for
relief with the court 6 months after the finding of incompetency, unless the person was committed to
an institution pursuant to RSA 171-B:2 or RSA 135-C:34-54, in which case the person may file for
relief 15 days from when an absolute discharge order has been filed with the probate court. A person
committed under RSA 135-E:5 may petition for relief 15 days after absolute discharge.

159-G:2 Psychiatric Examination.

Upon receipt of a petition for relief, the court shall schedule a hearing no later than 60 days after
the date the petition was filed. Simultaneously, the court shall order an independent psychiatric
examination be completed no more than 45 days from the date of the court's order. The independent
psychiatrist shall provide the court with an opinion as to whether the person is disabled by a mental
illness and is likely to act in a manner dangerous to public safety.

159-G:3 Hearing; Order; Appeals.

I. The petitioner may present evidence and call witnesses at the hearing on the petition.
The court shall make written findings of fact and conclusions of law on the issues before it and issue
a final order. The court may only consider applications for relief due to mental health adjudications
or commitments that occurred in New Hampshire. The court shall review the circumstances
regarding the firearms disabilities imposed by 18 U.S.C. section 922(g)(4), and records consisting of
at minimum mental health and any criminal record, if applicable, and the person’s reputation
developed through character witness testimony, witness statements, or other character evidence.

II. The court shall grant the relief requested in the petition if the judge finds by clear and
convincing evidence that the petitioner will not be likely to act in a manner that is dangerous to
public safety and that granting the relief would not be contrary to the public interest. If the final
order grants relief, the court shall, as soon as possible, request that the NICS entry be redacted and
shall notify the United States Attorney General that the basis for the record being made available no
longer applies. The petitioner may appeal a final order denying relief within 30 days of the order to
the New Hampshire supreme court. The supreme court shall review the case de novo and has
discretion to review additional evidence.

III. If the motion for relief is denied, unless a court finds good cause for considering a
petition for relief sooner, the person may petition the court for relief again after 2 years have elapsed.

6 Application Required. The attorney general shall make application for approval of section 5 of
this act to the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, or other such
agency as may be required by federal law in order to ensure New Hampshire citizens are provided
with the ability to have their rights restored. RSA 159-F shall not take effect until the attorney
general receives federal approval of the restoration of rights process.

7 Contingency. Sections 2 - 5 of this act shall take effect on the date the attorney general
certifies to the secretary of state and director of the office of legislative services that the state has
received approval from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives,
pursuant to section 6 of this act. If the attorney general does not receive such approval, sections 2 -
5 of this act shall not take effect.

8 Appropriation; New Hampshire Judicial Branch. The sum of $1 for the fiscal year ending
June 30, 2025, is hereby appropriated to the New Hampshire judicial branch for the cost of
independent psychiatrist evaluations. The governor is authorized to draw a warrant for said sum
out of any money in the treasury not otherwise appropriated.

9 Repeal. RSA 126-AA:2, VI, relative to submission of information to NICS, is repealed.

10 Effective Date.

I. Sections 2 - 5 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect 60 days after passage.
AN ACT authorizing the state to report mental health data for firearms background check purposes and providing for processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.

FISCAL IMPACT:  [ X ] State        [ X ] County        [ X ] Local        [ ] None

### Estimated State Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judicial Branch Position - $84K in FY25, $82K in FY26, and $85K in FY27</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psychiatric Evaluations - Indeterminable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Training - Indeterminable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations</td>
<td>$0</td>
<td>$1</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Funding Source(s)</td>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures?  [X] No
- Does this bill authorize new positions to implement this bill?  [X] N/A

### Estimated Political Subdivision Impact - Increase / (Decrease)

<table>
<thead>
<tr>
<th></th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>County Expenditures</td>
<td>$0</td>
<td>Law Enforcement Training - Indeterminable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Revenue</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>$0</td>
<td>Law Enforcement Training - Indeterminable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### METHODOLOGY:

This bill authorizes the State to report mental health data for firearms background check purposes and provides processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.
The Judicial Branch states this bill would increase the volume of information that needs to be recorded and reported out of the domestic violence and protective order registries. The National Center for States Courts’ weighted caseload study for New Hampshire found that there were insignificant registry staff for the current workloads. The Branch states, in the current budget, the legislature took action to address this, but adding additional critical reporting would require additional resources to be dedicated. However, the Branch believes the current and additional workload can be handled by adding a single new staff member at an estimated cost of approximately $84,000 in FY 2025, $82,000 in FY 2026, and $85,000 in FY 2027. The Branch adds that it does not currently pay for psychiatric evaluations when performed and may need to hire additional staff, at an additional cost, which cannot be estimated at this time. It should be noted that this bill provides only $1 to the Judicial Branch, in FY 2025, specifically for the cost of independent psychiatrist evaluations.

The Department of Safety states all software mechanisms are currently in place to accommodate this bill and it will require no additional staff or other cost to implement other than minimal staff training. The Department states there will need to be training provided relative to the confiscation of firearms and the process that shall ensue in those cases. The Department states training initiatives may come at a cost, but cannot be estimated at this time. This cost could apply to all law enforcement agencies throughout the state (state, county, and local).

The Department of Justice states any obligations this bill may impose on it would be absorbed by current staffing levels and will not result in any fiscal impact to the Department.

The Department of Health and Human Services states RSA 159-G, as proposed by this bill, would allow any person who has been civilly committed under RSA 135-C:34-54, or who has been found not guilty by reason of insanity (NGRI) or incompetent to stand trial, and who is subject to the firearm disabilities of 18 USC section 922(d)(4) and (g)(4) and RSA 159-F to petition the probate court for a civil review of the person’s capacity to purchase or possess a firearm, which could have an impact on Department expenditures. Such a motion for relief may be filed only after six months has elapsed from the time the commitment order has expired, or six months after the person’s NGRI or incompetence to stand trial status has ended. Upon receipt of a petition for relief the court shall order an independent psychiatric examination from the Department’s Bureau of Behavioral Health to be completed prior to the hearing. The cost to the Department for these psychiatric evaluations will depend on how many petitions for relief are filed in any given year. The psychiatrists who perform examinations for commitment hearings under RSA 135-C:34-54 typically charge $400 per hour, and it is anticipated that the hourly fee for examinations under proposed RSA 159-G would be the same. The psychiatrist would need to research the matter, which would entail a review of medical records and presumably an
interview with the person who filed the petition for relief. The psychiatrist would also need to
draft a report and testify at the hearing. There would also be compensation for travel time. 
During FY 2023, the average invoice submitted by independent psychiatrists who perform
evaluations for probate court nonemergency involuntary admission hearings was $15,641.12. It 
is anticipated that the invoices submitted by independent psychiatrists who perform psychiatric
examinations under proposed RSA 159-G would be in the same monetary range. There would be
an additional cost to the Department if it opts to be a party at the hearing relative to the
person's mental capacity to purchase and possess a firearm, and if it opts to be represented by
counsel. Depending upon the number of petitions for relief that are filed, the Department may
or may not be able to absorb this expense with existing resources.

AGENCIES CONTACTED:
Judicial Branch, Department of Safety, Department of Justice, and Department of Health and
Human Services
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/03/2024</td>
<td>H   Introduced 01/03/2024 and referred to Criminal Justice and Public Safety</td>
</tr>
<tr>
<td>01/09/2024</td>
<td>H   ==CANCELLED== Public Hearing: 01/31/2024 11:30 am LOB 202-204</td>
</tr>
<tr>
<td>01/17/2024</td>
<td>H   Public Hearing: 02/02/2024 11:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H   Executive Session: 02/23/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H   Executive Session: 03/13/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>03/09/2024</td>
<td>H   Committee Report: Ought to Pass with Amendment # 2024-0431h 03/13/2024 (Vote 18-2; CC) HC 12 P. 10</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H   Removed from Consent (Reps. Hoell, T. Mannion, McCarter, Cushman, Jonathan Smith, Prout, Gerhard, D. Kelley, Potenza, Comtois) 03/26/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H   Lay HB1711 on Table (Rep. Hoell): MF DV 150-205 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H   Amendment # 2024-0431h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H   FLAM # 2024-1350h (Rep. Comtois): AF VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H   Ought to Pass with Amendment 2024-0431h: MA RC 204-149 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S   Introduced 03/21/2024 and Referred to Judiciary; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S   Hearing: 04/16/2024, Room 100, SH, 02:00 pm; SC 15</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S   Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1711-FN, authorizing the state to report mental health data for firearms background check purposes and providing for processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.

Hearing Date: April 16, 2024

Time Opened: 2:29 p.m. Time Closed: 4:40 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent: None

Bill Analysis: This bill authorizes the state to report mental health data for firearms background check purposes and provides for processes for the confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities.

Sponsors:
Rep. Monteil

Who supports the bill: In total, 184 individuals signed in, in support of HB 1711-FN. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Who opposes the bill: In total, 212 individuals signed in, in opposition to HB 1711-FN. The full sign in sheets are available upon request to the Legislative Aide, Matthew Schelzi.

Who is neutral on the bill: Erin Creegan (NHJB).

Summary of testimony presented:

Representative David Meuse introduced HB 1711-FN. He said this legislation is a somber reminder of the ongoing struggle of people coping with the effects of mental illness and the cost of legislative inaction. Similar legislation has been adopted in 47 other states. In 2016, the New Hampshire Supreme Court ruled that a newly enacted law that prohibited the state from sending mental health records to the FBI’s criminal background check system, in the absence of an in-person hearing, was unclear. They
denied the request by the Attorney General’s Office that instructed sending these records to the database.

This bill is known as “Bradley’s Law” in memory of retired Police Chief Bradley Haas who was killed at New Hampshire Hospital. He noted the bill was carefully written with review and input from the Attorney General’s Office to ensure it complies with applicable state and federal laws. If they did not want to further stigmatize people in crisis, they needed to receive input from staff at New Hampshire Hospital and mental health advocates, including NAMI-NH, the NH Disability Rights Center, and the NH Psychiatric Society.

This bill has three major parts. First, it authorizes the NH Judicial Branch to be the single reporting entity to the FBI’s National Instant Criminal Background Checks System (NICS). It authorizes the courts to report people adjudicated in the court system under three separate circumstances: cases involving a non-emergency, involuntary mental commitment; a person accused of a crime is found not competent to stand trial and a court has found that their illness could make them a danger to themselves or others; and when a person has been found not guilty by reason of insanity. Only people whose cases have been adjudicated under procedural circumstances would be reported. The bill doesn’t sweep up everyone who has been treated with a mental illness. It was written so people who voluntarily seek treatment or who are involuntarily hospitalized for assessment for a temporary health crisis are not reported. There are privacy restrictions in place for the data. It would be limited to a name, Social Security number, birth date, and reason code. No additional treatment records or financial data could be shared.

The second major part of this bill outlines the process for proper notifications and due process that respects people who are under duress. A judge would have discretion to relinquish firearms and ammunition to law enforcement, transfer them to another person, or confiscate them no more than 48 hours after an order has been issued. The third major part of this bill is a process for restoring rights to people whose mental health improves. This gives a person a right to a hearing and legal representation within 60 days after a petition for relief has been filed. Also, an independent psychiatric evaluation would need to be completed. To ensure citizens have their rights restored, the bill will take effect only after the AG’s Office has received approval from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) or other agencies that are required under federal law. HB 1711-FN closes a critical public safety gap that may have already cost the life of a man who devoted his life to public service.

Senator Gannon said on page 2, section 3 they would have 48 hours to turn in their weapons, but if they are a danger shouldn’t it be immediate.

Rep. Meuse believed that would be at the discretion of the court.

Representative Cyril Aures said he was in danger of losing his Second Amendment rights. He said this is not a mental health bill, it is a red flag law. He said there are already approximately 32,000 firearm laws. He said what would have helped Bradley Haas would have been a bullet proof vest and a firearm.
Representative J.R. Hoell opposed to HB 1711-FN. He said the fact that the state may have disarmed Officer Haas is what should be looked at. Instead of addressing existing issues, this bill expands gun control. He said this bill makes criminals out of those with mental health issues; instead, they should be receiving the services and residential care they need. This bill would only have an effect on law-abiding citizens. This issue is about a narrow group of people who may have committed a crime, and they should be prosecuted for their crimes. The person who murdered Officer Haas had a long criminal history, yet he was never prosecuted for a felony level offense.

Senator Carson said if someone has broken the law with a firearm, they tend to plead down the gun charges. She asked if someone breaks the law using a weapon, they should be held accountable.

Rep. Hoell said if someone misuses a firearm to commit a crime, they should be held accountable. If someone has a long history of violating others, their past history should be looked at differently. A one-size-fits-all for not plea bargaining down would have unintended consequences.

Representative Bob Lynn said this is the first firearm bill he supports. He said this bill is different than a red flag law. He said the difference is that a red flag law is designed to prevent a person from having a firearm. He said this bill allows firearms to be taken away, or not being able to buy a firearm, if a court has already made a determination by clear and convincing evidence that a person is dangerous or if they need to be involuntarily committed.

He addressed some technical concerns with the bill. On page 2, line 16 if a person who is found incompetent to stand trial is not eventually committed, then a “court may transmit that finding to the department of safety for entry into the NICS Indices.” He suggested the word “may” should be changed to “shall.” He said in the section dealing with relief from disabilities if the person is seeking to have their record expunged. The standard established is clear and convincing evidence on page 5, lines 3-10. He was not sure that it should be the standard for someone who wanted relief from disability. It would mean a court was satisfied with the preponderance of evidence that a person wasn’t dangerous, and they could say a person couldn’t get their firearms back.

Senator Abbas said on page 2, lines 13-16, RSA 159-F:2(b) was one of the reasons to invoke if a person is deemed incompetent or dangerous. In that scenario, he asked wouldn’t that be enough that they would be entered into NICS.

Rep. Lynn said this would deal with a situation where someone is found not competent to stand trial, and the court finds they are a danger to themselves, but they are not committed. If they are not committed, they should get their firearms back and courts should not have the discretion to not allow that to happen.

Sen. Abbas said on page 2, lines 19-20, it says “The court shall inquire of the person if he or she currently owns or has access to any firearms, and if so, where they are located. If the person answers affirmatively, the court shall inform the person that the court may order law enforcement to confiscate those firearms or ammunition.” He asked if having access to firearms was different than possession.
Rep. Lynn said that would be an appropriate circumstance where they should say “may.” If a person is found incompetent, and the court asks if a person has access to firearms, he asked if the other person should give up their firearms because they are committed. The court would have to fashion relief in that circumstance that they have to be secured, so someone does not have access to them.

Sen. Abbas asked if access is intended to mean possession.

Rep. Lynn said it could mean something more. It could be constructed possession meaning a person does not have firearms in their house, but they have them at someone else’s house.

Sen. Gannon asked why isn’t if they are a danger to themselves and others included in sections A and C on page 1, lines 24-26.

Rep. Lynn said it was a valid point.

Brendan Landi said he was a concerned citizen because he thinks this bill tries to go into a direction against firearm owners, whereas it should be more focused on providing mental health services. Passage of this bill could lead the state down a dark path similar to other states that have seen more crime, deaths, and injury.

Holly Stevens, NAMI, cautiously supported HB 1711-FN. They worked with the sponsors because they wanted to see protections in the bill that did not promote stigmas or discrimination and protected civil rights. She said the reporting is done by law enforcement and the Judicial Branch, not by providers. They wanted to ensure a person could petition for relief for any orders, and the removal of firearms was done in a safe manner. She said people on an IEA are going to be held for longer than 48 hours, so the person would be in the hospital when law enforcement officers went into the house to remove the guns. She said this bill is not just about homicides, but it is also about suicides. In New Hampshire, 88% of all gun deaths over the last few years have been suicides. 1 in 5 Americans have a diagnosed mental illness, which is why they wanted to ensure there were protections.

Sen. Gannon asked if she has data that shows this legislation would lower suicide.

Ms. Stevens said she does not have any data, but she could look into it.

Jay Simkin said this bill needs to be voted Inexpedient to Legislate. Article 6, Clause II of the U.S. Constitution empowers the federal government to disregard state decisions on many things. No state entity can compel the federal government to modify any state database. In 2004, the General Court of Massachusetts established the Firearms Licensing Review Board. In 2007, the federal government published the FLRB law. He said the idea that names can go into the federal databases, and they can come out, is fiction. In 2018, the federal government told Massachusetts that they did not have the capacity to lift a firearms disability.

Dr. John Hinck, NH Psychiatric Society and NH Medical Society, strongly supported HB 1711-FN. This bill will reduce the risk of suicide and homicide. He said the vast majority of those with mental illness are not a danger to themselves or others; however, there is a small group that has severe psychiatric symptoms, so they are at a
higher risk to harm themselves or others. It is the highest risk individuals who should be prevented from purchasing or possessing firearms. Suicide and gun violence has become a public health crisis, and this bill will reduce suicides and homicides in New Hampshire.

**Sen. Gannon** asked if the person who murdered Bradley Haas was mentally ill, or if he would have been caught if this law were in place.

**Dr. Hinck** said he was a former patient at the hospital.

**Kathy Holmes** said she believes this to be a red flag law. She said this bill is tailormade for communism. She said it comes down to men must be governed by God, or they will be governed by tyrants. She asked what doctor can judge whether a person is stable or not. She said she has had her guns taken away from her, and they had to go to the Supreme Court for restoration.

**Samantha Swetter**, NH Psychiatric Society, supported HB 1711-FN. She recounted her personal experience of the New Hampshire Hospital shooting. She said if this bill had existed, then maybe this tragedy would not have happened.

**Kirk Beswick**, President of New Hampshire Firearms Coalition, opposed to HB 1711-FN. He said this bill was unconstitutional and it infringed on the rights of law-abiding citizens. He noted you don’t need permission to exercise your First Amendment right. He said if this bill became law, veterans will be less likely to seek treatment because they could be red flagged in the system. He said this bill violated the Fourth Amendment and Sixth Amendment. He said the NICS system is not always reliable. He asked where the due process was because who would define what precluded a person from owning a gun.

**Jeffrey Fetter**, NH Medical Society and NH Psychiatric Society, supported HB 1711-FN. He said the tragedy at New Hampshire Hospital could have been prevented by this legislation. He said there will be enough psychiatrists available to do evaluations. He said this bill is not a criminalization of those suffering from mental illness. In New Hampshire, there is a conditional discharge mechanism, so a person could be released into the community without access to their firearms. He felt this was less restrictive than being institutionalized. The statistics show those with severe mental illness are more likely to be victims rather than perpetrators of violence. He noted a primary care physician can deny a person the right to drive if they have seizures because they have a duty to the public interest. He recognized firearms are meant for protection, but he was afraid of behavioral health crises mixed with firearms.

**Sen. Gannon** asked if the shooter had been adjudicated by a judge as dangerous, incompetent, or insane.

**Mr. Fetter** said that was his understanding, and it has been reported on by the press.

**Brian Barry** said the answer to the question on page 1, lines 26-28 can be found in RSA 135:34. No law would stop someone who is violent, homicidal, or suicidal. He said society has failed to help out those suffering from mental health crises. He said this bill is a slippery slope because we are adjudicating those who are mentally ill. This bill
was crafted to help, but its execution has been poor. He asked if his rights are suspended, then why would his wife’s rights be suspended. On page 3, lines 21-23, he asked why a citizen needs permission from the courts to dispose of their own private property. He asked who is going to pay for a person to get their rights back when the government has initiated the taking away of those rights.

**Erin Creegan, NH Judicial Branch, neutral on HB 1711-FN.** She said the court has the ability to implement this bill because it uses current court processes. Involuntary admissions, for example, already have a well-defined process and attorneys are accustomed to representing those parties. The court will be reporting the probate court decision to NICS, which would be about 650 cases a year. Criminal dispositions would still be reported by the Department of Safety, which has a Criminal Records Unit. Ms. Creegan said in terms of efficiency, evaluations are currently paid for by the court. This is done in every other case by the Office of the Forensic Examiners in the Department of Corrections.

**Sen. Abbas** asked on page 5, lines 6-7, it says “the court shall, as soon as possible, request that the NICS entry be redacted and shall notify the United States Attorney General that the basis for the record being made available no longer applies.” That is the process the court will take to get someone out of NICS. He asked if there are any other situations where the court would contact NICS to have someone removed.

**Ms. Creegan** said the court does not have the ability to remove people from NICS. There is a specific procedure prescribed in the NICS Improvement Act of 2007 for when a state can remove mental health adjudications. This has been drafted with those legal requirements in mind, so a person would be removed if the process is satisfied.

**Sen. Abbas** asked if there are any disqualifications under federal law that the court system could remove someone from NICS. Once an entity has entered someone, it was his understanding that they have to take them out. If the Department of Safety does many of them, he asked if they would remove them.

**Ms. Creegan** said there is a requirement in the NICS Act that if a state board or commission enters a person, then they have to take them out. This has been seen with federal veterans’ affairs, and they are not taking people out timely. Generally, most federal disabilities cannot be removed unless relief is petitioned. In 1992, Congress determined it would not allow ATF to adjudicate individual petitioners; therefore, removal of NICS for other disabilities is difficult.

**Sen. Abbas** said on the first page it says, “the New Hampshire judicial branch and the department of safety are authorized to report to the National Instant Criminal Background Check System (NICS) records concerning persons who have been disqualified from possessing or receiving a firearm under 18 U.S.C. section 922(g)(4)” In a latter section, it says only the court can take a person out. He asked if the Department of Safety made the entry, could the court take a person out.

**Ms. Creegan** said it was her understanding that the bill was fully complaint. The ATF certifies if they have the ability to view this as something that qualifies under federal law. This bill doesn’t become active until the ATF has approved.
Kathleen Slover, Moms Demand Action, said that people in New Hampshire already think that they are reporting mentally ill individuals to NICS. She said private and public safety should co-exist, and one shouldn’t be sacrificed for the other. A year after Viriginia passed their bill, they were able to block over 300 gun sales.

James Gaffney said he finds this bill to be troubling for a lot of reasons. Nobody has asked why the Chief was not armed. At the end of the day, nothing will prevent a bad person from committing harm. He said the Legislature continues to pass laws with no sunset process or review process. People will be stripped of their rights without a way to restore them. If he was a bad person, he said he could do more damage with a vehicle than a firearm.

Kimberly Morin, President of Women’s Defense League, said this bill should be voted Inexpedient to Legislate. She said the only logical legislation that should have come from the tragedy at New Hampshire Hospital was to arm security guards. New Hampshire is consistently safe with low crime, especially low violent crime. She said we need more mental health facilities and more mental health support. She said this bill does nothing; instead, it is easier to discriminate against gun owners. If someone is violent, she asked why they are not in a mental health facility. She said they need to provide facilities that offer dignity and respect to individuals, so they can live happy and productive lives.

Kang Lu was opposed to HB 1711-FN because this type of legislation is written with willful and predatory foresight. This bill uses the mentally ill as a pretext to strip people of their liberties. He said the constitutionality will be construed by the Judicial Branch. He asked what would guarantee that HB 1711-FN does not become misapplied to achieve unconscionable means.

Penny Dean said if a person’s attorney has asked that their client be mentally evaluated by the Office of the Forensic Examiner, it’s simply a request. If they are found competent, it is not indicated. It is common for someone to be disabused of their firearm rights under bail orders. On page 1, lines 24-26, she said courts can find a person restorable after a year. If they’re restorable, she said they’re still being reported. In RSA 135:17, she said New Hampshire has been repeatedly sued for warehousing people in holding facilities before they can get a hearing. She said these people are reported to NICS, and they haven’t had a hearing. On page 2, line 14, she said there is false hope with the 90 days. On page 4, lines 29-31, it says “The independent psychiatrist shall provide the court with an opinion as to whether the person is disabled by a mental illness...” She said this mattered because a lot of mentally ill individuals are on Social Security disability. If a psychiatrist states they’re not disabled, their disability might be taken away. She said there are a lot of procedural problems.

Sen. Abbas said on page 1, lines 20-22, the court and the Department of Safety are authorized to enter someone into the NICS system. On page 5, it only says that the court can remove someone from NICS if their challenge is successful. If the Department of Safety enters someone into NICS, he asked if the courts would be able to remove that person.
Ms. Dean said she was unsure, but she said there are many inconsistencies within the bill. When a person who is improperly adjudicated, and they successfully go through the process, they could be denied when purchasing a gun. It could result in the court’s pointing at the Department of Safety and vice versa. Another problem is it would be bogged down with issues over separation of power because it says the New Hampshire Supreme Court can become a trial court. She asked if the Supreme Court had to remand it to the trial court to enter something into NICS, or do they have to report to the state police.

Sen. Abbas said a person needs to be deemed incompetent to stand trial and there’s a finding that they’re dangerous to themselves or others. He asked if those go hand in hand.

Ms. Dean said they’re often separate findings. Individuals, who are characterized as mentally ill, are only a danger to themselves. She asked at what point do doctor’s get to rule people’s lives. She said the people they should be protecting the most are going to be hurt the most.

Dr. Joe Hannon, Vice President of Gun Owners of NH, opposed to HB 1711-FN. He said this bill relies on the effectiveness of background checks. According to the ATF, 65% of trafficked firearms were from straw purchases, or stolen from dealers or private persons. In 2000, the ATF found that the most frequent trafficking was straw purchases where a person legally bought a weapon, and they gave or sold it to someone else. In 2016, the Department of Justice found that 75% of criminals in state and federal prisons who possessed a firearm acquired it through theft, the underground market, a family member or a friend, or as a gift. Less than 1% got their firearms from dealers or non-dealers. This bill makes people more vulnerable by limiting their right to self-defense because a doctor has determined they might hurt someone. Between 2012 and 2018, Virginia reported a 58% increase in firearm deaths. If someone is married or cohabitating with someone else, a judge could deprive someone who doesn’t have a criminal history of their rights.

Sen. Abbas asked if the person in the New Hampshire Hospital shooting acquired his guns through a straw purchase.

Dr. Hannon said he was unsure. This bill is targeted towards firearms and that a person might be violent in the future.

Rep. Popovici-Muller said the death of Officer Haas was a tragedy, but he didn’t approve of it being used as a reason for this legislation. He said it is a narrowly defined red flag law, and it takes away an individual’s constitutional rights despite them not committing a crime. It could cost tens of thousands for a person to restore their rights. On page 5, lines 3-5, it seemed to strike the presumption of innocence because a judge must clear that a person is innocent. This bill has specific exceptions, and it will have to be expanded since there are loopholes.

David Narby said he was opposed to the bill. He said it should be voted Inexpedient to Legislate for two reasons. First, there is no provision for false accusations. Second, this bill will prevent people who need mental health help from getting it.
Zandra Rice Hawkins, Director of Gun Sense NH, said there is evidence that reporting to NICS has reduced suicide rates. In March 2022, research found that states that added mental health records to NICS experienced a 3.3% to 4.3% decrease in firearm-related suicides or 702 suicides yearly. Advocates from disability rights or mental health organizations haven’t raised concerns. Currently, some individuals might be inappropriately denied firearm rights because there’s no qualifying relief from a disability program. This bill establishes a process that meets federal standards to restore rights. It is important to establish public safety protocols to help individuals from harming themselves or others.

Sen. Abbas asked on page 2, lines 30-37, if the three scenarios someone would be entered into NICS are consistent in the types of removals that other states have passed.

Ms. Rice Hawkins said absolutely.

Representative Terry Roy said there is an involuntary commitment statute in New Hampshire, so if someone is dangerous, they can be admitted. He said if the New Hampshire hospital shooter had been involuntarily committed, he should not have had a gun, but the state isn’t reporting it. He said this bill doesn’t take one person’s firearm rights away because their rights are already taken away when they are involuntarily committed by the court. Under federal law, they become a prohibited person. A person has the ability to get their rights back. He said the restoration language comes directly from the ATF. Numerous states have passed similar legislation, but they can’t remove a person’s name because they didn’t follow the process exactly. He said the NRA, as late as 2016, had been supportive of states reporting the names to NICS.

He noted there are three categories that will make someone a prohibited person: if a person is committed involuntarily or found not guilty by reason of insanity or incompetent to stand trial. He said all this bill does is recognize the federal statute, it doesn’t take rights away, and gives them a chance to get their rights back. He said NAMI thought it would be best to let the people be in the hospital when guns are taken, which is why there is the 48-hour waiting time. This is civil, it isn’t criminal. He said this law would make New Hampshire the 48th state to contribute to the NICS database. NICS is a repository of information, so you get out what you put in.

Sen. Gannon asked if a person should be able to get their gun back based on a preponderance of evidence.

Rep. Roy said he put in the standards as required by the ATF. If their standard says it has to have a hearing, he will defer to him to make it a preponderance of evidence. He said he put in a fail-safe. The ATF has to approve the law, so until they’ve approved it, then not one name will go on the list.

Sen. Abbas asked what would happen if the ATF changed their rules and this no longer became compliant with what they want on page 5, lines 19-23.
**Rep. Roy** said if another condition were added, the agreement would fall apart, and they would need to renegotiate the statute. The relief from disabilities has to be in state statute.

**Sen. Abbas** said the ATF rulemaking can be confusing and it can happen quickly.

**Rep. Roy** said he was suspicious the ATF could change their rules. If it’s changed, the state will stop reporting. He doesn’t know if there is language to include other than if the ATF changes the agreement, it would be null and void.

**Sen. Abbas** asked if reasons of insanity are not reporting to NICS.

**Rep. Roy** said that he doesn’t believe it is reported. As far as he knew, courts are reporting restraining orders. He said they wanted to improve their NICS system, so people aren’t being infringed on. Since they aren’t in compliance, they have received zero federal money.

**Sen. Abbas** said there is the part where someone gets entered into the NICS and they’re taken out. He asked if those could be separated because his concern was that would not be compliant with the ATF.

**Rep. Roy** said the state would not be compliant with the NICS Improvement Act of 2007, which dictates funding that is dispersed.
HOUSE BILL 1713-FN

AN ACT relative to a defendant’s presence during certain criminal proceedings.


COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill requires that a defendant who is charged with or awaiting sentence for an offense punishable by life imprisonment or imprisonment of a maximum term of 15 years or more be present at the return of the verdict and at sentencing after trial, subject to excusal for cause. The bill further permits a court to order the use of reasonable force in carrying out a transport order issued pursuant to this section of an incarcerated defendant who refuses to comply with that order. The bill further makes it a class A felony to knowingly violate this provision.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears in brackets and struck through.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to a defendant’s presence during certain criminal proceedings.

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

1 New Section; Criminal Procedure in Superior Court; Appearance of Defendant. Amend RSA 592-B by inserting after section 9 the following new section:

592-B:10 Appearance of Defendant.

I. In any case where a defendant is charged with or awaiting sentence for an offense punishable by life imprisonment or imprisonment of a maximum term of 15 years or more, the defendant shall be required to be present at the return of the verdict and at sentencing after trial, unless excused by the court pursuant to paragraph II. The court shall inform the defendant of this requirement and the potential penalty prior to trial.

II. Upon motion by the defendant, the court may excuse the presence of the defendant required by paragraph I for good cause shown.

III. This section shall not be construed to prohibit the state to seek, or the court to allow, a proceeding to continue without the defendant’s presence where the defendant was initially present at the proceeding and where the court deems that the defendant has waived his or her constitutional right to be present through voluntary absence or disruptive behavior.

IV. The court shall order the transport of any incarcerated defendant to the court for any proceeding where the defendant's presence is required by paragraph I. If an incarcerated defendant knowingly refuses to comply with an order issued under this paragraph, the court may, in its discretion, order the sheriff, sheriff's deputy, or any other law enforcement officer responsible for the transport of incarcerated individuals, to use reasonable force in carrying out the order.

2 New Section; Obstructing Governmental Operations; Failure to Appear at Trial or Sentencing. Amend RSA 642 by inserting after section 8 the following new section:

642:8-a Unexcused Failure to Appear at Trial or Sentencing.

I. A person is guilty of a class A felony if, having been charged or awaiting sentence for an offense punishable by life imprisonment or imprisonment of a maximum term of 15 years or more, the person knowingly:

(a) Fails to appear as required by RSA 592-B:10 and without being excused by the court.

(b) Refuses to comply with a transport order issued pursuant to RSA 592-B:10, IV.

II. It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or complying and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement that he or
she appear or comply, and that he or she appeared or complied as soon as such circumstances ceased to exist.

III. A term of imprisonment imposed pursuant to this section may be consecutive to the sentence of imprisonment for any other offense.

IV. A person shall not be subject to multiple sentences for a violation of both this section and RSA 642:8 arising out of the same failure to appear or comply.

V. Following a conviction for an offense under this section and consistent with RSA 651:2, the court may consider whether the person was convicted of the underlying offense that was punishable by life imprisonment or imprisonment of a maximum term of 15 years or more in determining what, if any, sentence to impose, in the interest of justice.

3 Effective Date. This act shall take effect upon its passage.
AN ACT relative to a defendant's presence during certain criminal proceedings.

FISCAL IMPACT:  [ X ] State  [ X ] County  [ X ] Local  [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Political Subdivision Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 24</td>
</tr>
<tr>
<td>County Revenue</td>
</tr>
<tr>
<td>County Expenditures</td>
</tr>
<tr>
<td>Local Revenue</td>
</tr>
<tr>
<td>Local Expenditures</td>
</tr>
</tbody>
</table>

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Late Drafting and Introduction Approved by House by the Necessary 2/3 MA 03/11/2024</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>Introduced 03/11/2024 and referred to Criminal Justice and Public Safety</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>==CANCELLED== Public Hearing: 03/20/2024 01:00 pm LOB 202-204</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>==CANCELLED== Executive Session: 03/20/2024 02:30 pm LOB 202-204</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Public Hearing: 03/20/2024 09:30 am LOB 202-204</td>
</tr>
<tr>
<td>03/15/2024</td>
<td>H</td>
<td>Executive Session: 03/20/2024 10:00 am LOB 202-204</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass 03/20/2024 (Vote 15-0; RC) HC 12 P. 22</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Lay HB1713 on Table (Rep. Polozov): MF DV 112-256 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1367h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Judiciary; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 100, SH, 01:15 pm; SC 15</td>
</tr>
<tr>
<td>05/09/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19</td>
</tr>
</tbody>
</table>
HB 1713-FN, relative to a defendant's presence during certain criminal proceedings.

Hearing Date: April 16, 2024

Time Opened: 1:15 p.m. Time Closed: 1:36 p.m.

Members of the Committee Present: Senators Carson, Gannon, Whitley and Chandley

Members of the Committee Absent: Senator Abbas

Bill Analysis: This bill requires that a defendant who is charged with or awaiting sentence for an offense punishable by life imprisonment or imprisonment of a maximum term of 15 years or more be present at the return of the verdict and at sentencing after trial, subject to excusal for cause. The bill further permits a court to order the use of reasonable force in carrying out a transport order issued pursuant to this section of an incarcerated defendant who refuses to comply with that order. The bill further makes it a class A felony to knowingly violate this provision.

Sponsors:


Who opposes the bill: Paul Raymond Jr. (Department of Corrections), Jason Henry (Rockingham County), Michelle Weatherbee (Belknap County), Rep. Polozov, Rep. Hoell, Julie Smith, Curtis Howland, Daniel Richardson, and Bill Alleman.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Steve Shurtleff said under the Federal Rules of Criminal Procedure any person charged under a federal felony is required to be at every court process. He said the same is not true for the state system. He said in December of 2019, Harmony Montgomery was brutally murdered by her father Adam Montgomery. During his whole trial he did not appear in court, and that was the impetus for this bill. He said it’s not just about Adam Montgomery, but any person who is charged with a Class A felony. This bill would compel the defendant to be there when the jury returns the verdict and compel them to be there during sentencing. He said if a person is convicted
of these felonies, they should be there when the victim or victims’ families read their victim impact statement.

**Sheriff David Croft**, New Hampshire Sheriffs Association, neutral to HB 1713-FN. He said they only send one deputy to escort an inmate to court. The way the bill is currently written is that they would need to go into the cell and extract the individual. The bill as written doesn’t currently say that the Department of Corrections would have to help the sheriff’s deputy. He handed out an amendment that would correct that problem.

**Summary of testimony presented in opposition:**

**Representative Yury Polozov** said not a single member of the public testified in support for this bill. The amendment, which significantly changed the bill, never had a public hearing. He said we shouldn’t punish people through the process, but through the sentencing. He said the amendment was better but still not great. He said sometimes it is better if the person is not there during the trial.

**Paul Raymond Jr**, Assistant Commissioner for the Department of Corrections, as currently written the Department opposes HB 1713-FN. He said the language of the bill puts officers and state employees at risk and warrants clarification. State corrections officers are sworn law enforcement officers. HB 1713-FN puts the officers in direct conflict with the sections of statute relating to justification of the use of force, which are RSA 627:5 and RSA 627:6. Use of physical force to take someone out of a correctional facility against their will is not covered under the use of force justification statute.

HB 1713-FN risks creating a level of disorder, and it could lead to state corrections officers losing their certification and their job. It also can add to the likelihood of allowing a corrections officer to face criminal charges if an individual being removed is injured during the use of physical force. He said cell extractions are one of the most dangerous parts of a corrections officer’s job. He said RSA 99-D, would not cover the corrections officers in this case, because it only applies to civil claims and actions. If criminal charges are brought forth on an officer who used forced, they would not be covered. He said the Department is open to an amendment that would work on the justification statute in RSA 627:5.

**Senator Chandley** asked if he could explain the practical differences between transporting an individual for sentencing versus under any other circumstances.

**Mr. Raymond** said if a resident is refusing transport today there is nothing that mandates they be removed from their cell.

**Sen. Chandley** asked if there are any scenarios that would require transportation.

**Mr. Raymond** said if the person is risking harm to themselves, they would remove them from their cell, but transporting them off grounds would be unusual in that situation.
Jason Henry, Superintendent of Rockingham County Jail, opposed to HB 1713-FN. He concurred with the Department of Corrections testimony. He said this bill would put his officers at risk if someone was actively refusing to go to trial. He said it is extremely rare to forcibly remove an individual, and staff and the superintendents can be personally sued. By putting this bill into statute, it would put corrections officers into harm’s way.

Michelle Weatherbee, Superintendent of Belknap County Jail, opposed to HB 1713-FN. The forcible dragging of an inmate from the cell and bringing them to court would be the major concern. She said the possibility of revictimizing the victim is real. She noted they do not want inmates, staff, or people at the court to get hurt.

Neutral Information Presented: None.
HOUSE BILL 1158

AN ACT relative to establishing an exception to vessel registration.


COMMITTEE: Transportation

AMENDED ANALYSIS

This bill exempts certain persons from requiring a certificate of operation for a commercial vessel so long as they meet certain requirements.

Explanation: Matter added to current law appears in bold italics.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1158 - AS AMENDED BY THE HOUSE

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to establishing an exception to vessel registration.

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

1 New Paragraph; Minimum Age for Operation; Commercial Vessel Exception. Amend RSA 270:30 by inserting after paragraph III the following new paragraph:

III-a. A person 14 years of age or older, but under 18 years of age may operate a commercial vessel on any of the public waters of the state without a valid certificate to act as operator of a commercial vessel if all of the following conditions are met:

(a) The vessel shall be 16 feet in length or less.
(b) The vessel may be operated only for the selling of pre-packaged food and/or non-alcoholic beverages.
(c) The vessel shall not be operated for the safety support of other boaters, swimmers, or other persons in or on the water, or for incidental transportation of passengers, towing of other vessels, refueling, or servicing.
(d) The vessel shall not tow any water skiers, aquaplane, or similar devices.

2 Effective Date. This act shall take effect 60 days after passage.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/28/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Transportation</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Public Hearing: 01/16/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>01/25/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 01/30/2024 02:00 pm LOB 203</td>
</tr>
<tr>
<td>02/07/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 02/13/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>==CANCELLED== Full Committee Work Session: 02/20/2024 10:00 am LOB 203</td>
</tr>
<tr>
<td>02/15/2024</td>
<td>H</td>
<td>==CANCELLED== Executive Session: 02/20/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Public Hearing on non-germane Amendment # 2024-0870h: 03/05/2024 09:30 am LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Full Committee Work Session: 03/05/2024 10:30 am LOB 203</td>
</tr>
<tr>
<td>02/28/2024</td>
<td>H</td>
<td>Executive Session: 03/05/2024 01:00 pm LOB 203</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0903h 03/05/2024 (Vote 16-0; CC)</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Amendment # 2024-0903h: AA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/14/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0903h: MA VV 03/14/2024 HJ 8</td>
</tr>
<tr>
<td>03/26/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Transportation; SJ 8</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>S</td>
<td>Hearing: 04/02/2024, Room 101, LOB, 01:00 pm; SC 13</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/02/2024; Vote 5-0; CC; SC 17</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Sen. Ricciardi Moved to Remove HB 1158 from the Consent Calendar; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Special Order to 05/16/2024, Without Objection, MA; 05/02/2024 SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
Senate Transportation Committee
Sophie Walsh 271-3469

HB 1158, relative to establishing an exception to vessel registration.

Hearing Date: April 2, 2024

Time Opened: 1:01 p.m.               Time Closed: 1:08 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Gendreau and Fenton

Members of the Committee Absent: Senator Ward

Bill Analysis: This bill exempts certain persons from requiring a certificate of operation for a commercial vessel so long as they meet certain requirements.

Sponsors:


Who opposes the bill: No one.

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Bob Lynn, Rockingham – District 17
• Representative Lynn explained that this bill originated from a constituent request. A fifteen-year-old constituent had been using his registered boat of under 16 ft. in length to travel around Cobbetts Pond in Windham to sell ice cream to other water-goers. Last summer, they were told by Marine Patrol that they could no longer continue the practice because they did not have a commercial license. They were willing to get the license, but they could not because they were under 18 years of age.

• Representative Lynn said the bill originally proposed different language. However, the amended version will still allow this constituent to continue their business without a commercial license, but with restrictions to protect public safety.

• Representative Lynn expressed his hope that the committee will support the bill.
• Senator Gendreau asked if the commercial issue arose because the constituent was selling items from his vessel.
• Representative Lynn confirmed this was true.
• Senator Fenton asked how old someone must be to operate a boat.
• Representative Lynn explained his understanding is that there are no age restrictions if it is not a commercial boat.

Tim Dunleavy, Department of Safety – Marine Patrol
• Mr. Dunleavy said he was speaking in favor of the bill.
• Mr. Dunleavy explained that Marine Patrol worked with the House Transportation Committee on the bill’s language, which created an exception to the commercial license requirement for someone under 18 years of age.
• In response to Senator Fenton’s earlier question, Mr. Dunleavy explained that there are no age restrictions for operating boats with under 25 horsepower motors.
• Mr. Dunleavy explained this bill allows people 14 years of age or older to operate commercial vessels under certain conditions.
• Senator Watters asked if there were concerns about this statute before this particular situation took place.
• Mr. Dunleavy explained that about a dozen years ago, there was a similar request pertaining to sailing camp counselors under the age of eighteen operating sail boats on Lake Winnipesaukee. He noted that the exception in House Bill 1158 follows along with that situation.
• Senator Watters asked if there could be any situation in which a boat under 16 feet in length being operated commercially would need an operator who has the knowledge acquired with receiving certification.
• Mr. Dunleavy said there are several such situations that could happen. He explained one example would be a fishing charter with members of the general public on board because more knowledge on behalf of the captain would be necessary to protect passengers.
• Mr. Dunleavy noted that this bill does not change inspection requirements and emphasized that only the licensure is being waived.
HOUSE BILL 1542-FN

AN ACT relative to possession and presentation of safe boater education certificates.

SPONSORS: Rep. Coker, Belk. 2

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill allows electronic copies of safe boater education certificates for possession and presentation to marine patrol.

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

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to possession and presentation of safe boater education certificates.

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

1 Safe Boater Education; Possession of Certificate; Electronic Copy. Amend RSA 270-D:11, I to read as follows:

   I. Any person required to have a safe boater education certificate shall:

      (a) Possess the certificate when operating a motorized vessel with any type of power motor in excess of 25 horsepower on the public waters of the state. The certificate shall be a physical original or copy, or an electronic copy, or a photograph of the certificate on an electronic device. Any electronic copy or photograph of the certificate shall contain the front and back of the physical original.

      (b) Present the certificate or the copy upon the demand of a marine patrol officer.

2 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to possession and presentation of safe boater education certificates.

FISCAL IMPACT: [ X ] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2026</th>
<th>FY 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td>$0</td>
<td>(Indeterminable Decrease - Likely Not to Exceed $30,000 Per Year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
<td>Navigation Safety Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td>$0</td>
<td>(Indeterminable Decrease - Likely Not to Exceed $10,638 per Year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditures Fund(s)</td>
<td>Navigation Safety Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Appropriations</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Appropriations Fund(s)</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill allows for alternative forms of safe boater education certificates for possession and presentation to Marine Patrol. The Department of Safety states this may result in fewer individuals seeking replacement cards, since electronic, or other copies, may be used. The Department states, on average, there are approximately 3,000 replacement cards issued annually at a cost of $10 each, for a total of $30,000 per year in revenue. The Department’s cost for replacement cards (after the first 300 which are at no cost from the vendor) is $3.94 per card. Therefore, to create 3,000 replacement cards it costs the state $10,638 (2,700 cards X $3.94). It is anticipated this bill, beginning in FY 2025, would reduce state revenue yearly by no more than $30,000 and state expenditures yearly by no more than $10,638. All revenue and expenditures would be to the Navigation Safety Fund.

AGENCIES CONTACTED:

Department of Safety
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/11/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Resources, Recreation and Development HJ 1</td>
</tr>
<tr>
<td>02/14/2024</td>
<td>H</td>
<td>Public Hearing: 02/21/2024 02:00 pm LOB 305</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>Executive Session: 03/13/2024 10:30 am LOB 305</td>
</tr>
<tr>
<td>03/19/2024</td>
<td>H</td>
<td>Committee Report: Ought to Pass with Amendment # 2024-0745h 03/13/2024 (Vote 20-0; CC) HC 12 P. 18</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-0745h: AA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-0745h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Transportation; SJ 8</td>
</tr>
<tr>
<td>04/10/2024</td>
<td>S</td>
<td>Hearing: 04/16/2024, Room 101, LOB, 01:20 pm; SC 15</td>
</tr>
<tr>
<td>04/17/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/02/2024; Vote 5-0; CC; SC 17</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Sen. Ricciardi Moved to Remove HB 1542-FN from the Consent Calendar; 05/02/2024; SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Special Order to 05/16/2024, Without Objection, MA; 05/02/2024 SJ 11</td>
</tr>
<tr>
<td>05/02/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 5-0; SC 19</td>
</tr>
</tbody>
</table>
HB 1542-FN, relative to possession and presentation of safe boater education certificates.

Hearing Date: April 16, 2024

Time Opened: 1:20 p.m. Time Closed: 1:24 p.m.

Members of the Committee Present: Senators Ricciardi, Watters, Ward, Gendreau and Fenton

Members of the Committee Absent: None

Bill Analysis: This bill allows electronic copies of safe boater education certificates for possession and presentation to marine patrol.

Sponsors: Rep. Coker

Who supports the bill: Rep. Matt Coker, Tim Dunleavy (Department of Safety – Marine Patrol), and Jodi Grimbilas (New Hampshire Marine Trades Association).


Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Matt Coker, Belknap – District 2
- Representative Coker explained this bill gives boaters the option to carry a physical copy, electronic copy, or photograph of their boating safety certificate while on the water.
- He explained that having a boating safety certificate is required to boat in New Hampshire, and it is required that boaters keep them on one’s person.
- Representative Coker said this will be much easier and more convenient for boaters if they can present their certificates in different forms, rather than having to carry the physical certificate.
- Representative Coker explained that an amendment was adopted to specify that both the front and back of the certificate must be included in the copy, so that law enforcement can scan the barcode located on the back of the certificate.

Tim Dunleavy, Department of Safety – Marine Patrol
Mr. Dunleavy said he was speaking in favor of the bill.

He explained that the bill was amended to include the barcode that is on the backside of each certificate.

Mr. Dunleavy said this bill memorializes what is already being practiced on the water. He explained most people only have one certificate, and law enforcement acknowledges that it can be difficult to always keep it on one’s person.

He further explained that the barcode located on the certificate allows law enforcement to access relevant information quickly. He said scanning the barcode on certificates allows for less boat-to-boat time between law enforcement and water-goers, which is best for everybody.

Senator Gendreau asked what information is contained in the barcode.

Mr. Dunleavy explained that a lot of the information located in the barcode is also present on the front of the certificate. He explained that scanning the barcode and automatically retrieving information allows law enforcement to save a lot of time.
HOUSE BILL 1223

AN ACT creating local options for games of chance.

SPONSORS: Rep. Roy, Rock. 31

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill gives municipalities a local option for games of chance.

Explanation:
Matter added to current law appears in **bold italics**.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT creating local options for games of chance.

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

1 New Section; Local Option; Games of Chance. Amend RSA 287-D by inserting after section 287-D:31 the following new section:

287-D:32 Local Option; Games of Chance.

I. Any applicant applying to the lottery commission after July 1, 2024, for a game operator employer license under RSA 287-D to operate games of chance in a municipality who has not previously made an application for a game operator employer license in that municipality shall first obtain the approval of the municipality where the applicant seeks to operate games of chance. Said approval shall be obtained from the town or city to allow the operation of games of chance according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days, but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality, on the website of the municipality, and by publication in a newspaper of general circulation at least 14 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of games of chance within the town or city?"

II. If a majority of those voting on the question vote "Yes," games of chance may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I as early as the next annual town meeting or regular municipal election. Notwithstanding any other provision of law, including RSA 287-D:32, I and II, the requirement for obtaining local approval to apply for a license as a game operator employer shall not apply to:

(a) Any game operator employer licensed by the lottery as of May 1, 2021 and still licensed as of the effective date of this act; or

(b) Any applicant for a game operator license who applied to the lottery between January 1, 2023 and October 15, 2023.
IV.(a) A city or town may rescind its approval for operation of games of chance under RSA 287-D or disallow such operation by following procedures in paragraph I in this section where one of the following exists:

(1) A facility allowed to operate games of chance pursuant to this section that has not begun operation within 7 years of the grant of permission;

(2) A facility that applied to the lottery for a game operator employer license prior to July 1, 2024 and has not begun operation within 7 years of the date of application approval or by July 1, 2024, whichever is later; or

(3) A gaming operation where the operator has ceased its operation and does not reopen the operation in the same municipality for 7 years after such cessation; or where a facility exists that has been inoperative for the most recent 7 continuous years beginning any time after July 1, 2024.

(b) The wording of the question shall be substantially as follows: "Shall we prohibit the operation of games of chance within the town or city?" If 60 percent of those voting on the question vote "Yes," the town or city shall not permit the operation of games of chance.

V. An unincorporated place may allow the operation of games of chance by majority vote of the county delegation, after a public hearing is held.

VI. In an unincorporated place, if no facility exists that was allowed to operate games of chance pursuant to this section, or which, having been licensed prior to July 1, 2024, has begun operation within 7 years of the grant of permission or the period starting July 1, 2024, whichever is later, or if there exists no facility in operation for the most recent 7 continuous years beginning any time after July 1, 2024, the delegation may consider rescinding its action or disallowing the operation in the same manner as paragraph V. with the requirement that a 60 percent "yes" vote would be required to rescind the action or disallow the operation.

VII. The lottery commission shall maintain a list of municipalities where games of chance are available.

VIII. If the town, city, or unincorporated place has voted within this section to prohibit games of chance, that municipality may pass an ordinance allowing only a specified number of charitable gaming events per year, or certain number of dates per year to be determined by the town, hosted by local charitable organizations pursuant to RSA 287-D:4, and specifying how the municipality shall determine how charitable organizations register for a gaming event.

2 Effective Date. This act shall take effect July 1, 2024.
AN ACT creating local options for games of chance.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

<table>
<thead>
<tr>
<th>Estimated State Impact - Increase / (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2024</td>
</tr>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>Revenue Fund(s)</td>
</tr>
<tr>
<td>Expenditures</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
<tr>
<td>Appropriations</td>
</tr>
<tr>
<td>Funding Source(s)</td>
</tr>
</tbody>
</table>

- Does this bill provide sufficient funding to cover estimated expenditures? [X] N/A
- Does this bill authorize new positions to implement this bill? [X] N/A

METHODOLOGY:

This bill requires applicants seeking to open new games of chance locations to receive an approval from the town or municipality where it is located before beginning operations. The Lottery Commission states that this requirement does not apply to game operator employers who were licensed as of May 1, 2021, and are still licensed as of the effective date of the bill, or to applications for game operator employer licenses submitted between January 1, 2023, and October 15, 2023. The Commission understands that the municipality may revoke an approval to operate if a facility is not operating within seven (7) years of either the municipal approval, the Lottery Commission application approval, or the closure of the facility. The Commission assumes that the proposed legislation will decrease the number of games of chance facilities that may be opened in the future as it creates an additional barrier to entry to the market. The Commission cannot determine how many games of chance facilities will be impacted by this requirement. It anticipates that the revenue impact from this bill would be negative to the State, however, the exact impact cannot be determined. The Commission assumes that the fiscal impact is limited as the proposed legislation still allows for approximately 19 games of chance facilities with the potential to open more with municipal approval. Any additional facilities that may have been added but for this legislation would be anticipated to have a minor impact on the overall gaming market.
AGENCIES CONTACTED:
Lottery Commission
<table>
<thead>
<tr>
<th>Date</th>
<th>Chamber</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2023</td>
<td>H</td>
<td>Introduced 01/03/2024 and referred to Municipal and County Government</td>
</tr>
<tr>
<td>01/08/2024</td>
<td>H</td>
<td>Public Hearing: 01/17/2024 02:15 pm LOB 301-303</td>
</tr>
<tr>
<td>02/21/2024</td>
<td>H</td>
<td>Public Hearing on non-germane Amendment # 2024-0805h: 03/06/2024 01:00 pm LOB 307</td>
</tr>
<tr>
<td>03/06/2024</td>
<td>H</td>
<td>==RECESSED== Executive Session: 03/11/2024 09:30 am LOB 301-303</td>
</tr>
<tr>
<td>03/11/2024</td>
<td>H</td>
<td>==CONTINUED== Executive Session: 03/20/2024 10:00 am LOB 301-303</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Majority Committee Report: Ought to Pass with Amendment # 2024-1218h (NT) 03/20/2024 (Vote 15-5; RC) HC 12 P. 34</td>
</tr>
<tr>
<td>03/20/2024</td>
<td>H</td>
<td>Minority Committee Report: Inexpedient to Legislate</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Lay HB1223 on Table (Rep. Yokela): MF DV 166-196 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Amendment # 2024-1218h (NT): AA DV 282-86 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>03/28/2024</td>
<td>H</td>
<td>Ought to Pass with Amendment 2024-1218h: MA VV 03/28/2024 HJ 10</td>
</tr>
<tr>
<td>04/02/2024</td>
<td>S</td>
<td>Introduced 03/21/2024 and Referred to Ways and Means; SJ 8</td>
</tr>
<tr>
<td>04/18/2024</td>
<td>S</td>
<td>===ROOM CHANGE=== Hearing: 04/24/2024, Room 100, SH, 09:45 am; SC 16</td>
</tr>
<tr>
<td>05/08/2024</td>
<td>S</td>
<td>Committee Report: Ought to Pass, 05/16/2024, Vote 4-1; SC 19</td>
</tr>
</tbody>
</table>
HB 1223, creating local options for games of chance.

Hearing Date: April 24, 2024

Members of the Committee Present: Senators Lang, D'Allesandro, Murphy and Rosenwald

Members of the Committee Absent: Senator Innis

Bill Analysis: This bill gives municipalities a local option for games of chance.

Sponsors:
Rep. Roy


Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented:
Rep Simon

- This bill requires any new applications for game operator employer licenses as of July 1, 2024, to obtain the approval of the municipality in which they seek to operate.
- A vote of the local legislative body or a submitted petition from 5% of the registered voters in the municipality would result in the question of allowing the operation of games of chance to be placed on the ballot.
- A majority vote would allow games of chance to be operated in the municipality.
- This bill also allows for a rescinding of approval for operating games of chance for licensees which haven’t begun operating within 7 years of approval of their application or if they ceased operations and did not reopen in 7 years. In those cases, it would require a 60% vote of the people in that community to rescind approval.
- The 14 operating casinos and the 5 which have pending licenses are exempt from this legislation.
- This bill came about because a casino was looking to go into Littleton and received strong pushback, but the town did not have the authority to prevent the casino from coming in. Because that application is pending, this bill will not help Littleton, but they felt it was the right time to try to protect other towns in the state who may not want casinos.
• He noted that a vote is required to offer keno in a municipality, so this is in line with that practice.

**Sen Lang** said that allowing retail sports betting in a community requires a local vote as well.

**Rep Stringham**

• This bill is not anti-gambling; it is about local control and zoning.
• This bill gives similar rights relating to casinos as those in place for Keno with a local option.
• This is an important bill that gives a voice to the community concerning having a casino in their boundaries.
• It is a win for the stakeholders and the state.

**Dr. Deborah Warner – Littleton Resident**

• This issue came forward when a casino wanted to come to Littleton.
• Littleton residents attempted to bring forward a zoning ordinance to prevent the operation of a casino, which passed but could not be enforced due to the Dillon Rule.
• The community of Littleton discovered that a local option was needed in order to overcome the Dillon Rule.
• This bill is the result of bipartisan support and has been amended with input from stakeholders, including casino advocates.
• Bringing the voice of the people into this process is very important because casinos have an influence on the community and putting this decision into the hands of the citizens is vital.
• She questioned why the bill was referred to the Senate Ways and Means committee and said there was no fiscal impact of the bill.
• This bill will not help Littleton, but they pushed forward because they believe the bill is good for the whole state, even though they won’t benefit.
• The bill is timely in that the moratorium currently in place expires on June 30 and this bill takes effect July 1. That is important because otherwise the communities will be exposed to the open market.
• Dr. Warner said she felt it was important to note that the casino lobby supports this bill.