

**HB 1172 - AS INTRODUCED**

2024 SESSION

24-2101

05/10

HOUSE BILL            **1172**

AN ACT                relative to meetings of condominium boards and committees.

SPONSORS:            Rep. Knab, Rock. 12; Rep. Manos, Rock. 12; Sen. Altschiller, Dist 24

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

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

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 condominium boards and committees.

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

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

3 356-B:37-c Meetings of the Board of Directors and Committees of the Association. The following  
4 requirements apply to meetings of the board of directors and committees of the association  
5 authorized to act for the association:

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

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

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

21 III. Unless the meeting is included in a schedule given to the unit owners or the meeting is  
22 called to deal with an emergency, the secretary or other officer specified in the bylaws shall give  
23 notice of each meeting of the board of directors to each board member and to the unit owners. The  
24 notice shall be given at least 10 days before the meeting, ***or 5 days before the meeting if at least***  
25 ***70 percent of the unit owners are full-time residents***, and shall state the time, date, place, and  
26 agenda of the meeting.

27 IV. If any materials are distributed to the board of directors before the meeting, the board of  
28 directors at the same time shall make copies of those materials reasonably available to unit owners,  
29 except that the board of directors need not make available copies of unapproved minutes or matters  
30 that are to be considered in executive session.

HB 1172 - AS INTRODUCED

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1           V. In the case of self-managed community associations, meetings of the board of directors or  
2 committees expressly for purposes of implementation of decisions made in open meetings shall be  
3 exempt from the requirements of RSA 356-B:37, 356-B:37-a, and this section.

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

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

8           2 Effective Date. This act shall take effect January 1, 2025.

Docket of HB1172		
11/28/2023	H	Introduced 01/03/2024 and referred to Commerce and Consumer Affairs
01/09/2024	H	Public Hearing: 01/16/2024 10:00 am LOB 306-308
02/14/2024	H	Subcommittee Work Session: 02/21/2024 01:15 am LOB 302-304
03/07/2024	H	Executive Session: 03/13/2024 10:00 am LOB 302-304
03/15/2024	H	Committee Report: Ought to Pass 03/13/2024 (Vote 18-0; CC) HC 12 P. 5
03/28/2024	H	Ought to Pass: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Commerce; SJ 8
04/03/2024	S	Hearing: 04/09/2024, Room 100, SH, 10:10 am; SC 14
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Commerce Committee

*Aaron Jones 271-2609*

**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.

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**Sponsors:**

Rep. Knab

Rep. Manos

Sen. Altschiller

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**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

HB 1559-FN - AS INTRODUCED

2024 SESSION

24-2202

12/02

HOUSE BILL            ***1559-FN***

AN ACT                repealing the chapter relative to cash dispensing machines.

SPONSORS:            Rep. Hunt, Ches. 14

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

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

This is a request by the banking department.

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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                    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.

LBA  
24-2202  
12/8/23

**HB 1559-FN- FISCAL NOTE  
AS INTRODUCED**

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

Docket of HB1559		
12/11/2023	H	Introduced 01/03/2024 and referred to Commerce and Consumer Affairs HJ 1
01/09/2024	H	Public Hearing: 01/17/2024 10:30 am LOB 302-304
02/21/2024	H	Subcommittee Work Session: 03/06/2024 01:15 pm LOB 302-304
03/07/2024	H	Executive Session: 03/13/2024 10:00 am LOB 302-304
03/18/2024	H	Committee Report: Ought to Pass 03/13/2024 (Vote 18-0; CC) HC 12 P. 9
03/28/2024	H	Ought to Pass: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Commerce; SJ 8
04/17/2024	S	Hearing: 04/23/2024, Room 100, SH, 10:20 am; SC 16
04/30/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 18

# 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.

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**Sponsors:**

Rep. Hunt

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**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.
  - **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

HB 1125 - AS AMENDED BY THE HOUSE

7Mar2024... 0784h

7Mar2024... 0854h

2024 SESSION

24-2594

11/05

HOUSE BILL

**1125**

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

SPONSORS: Rep. Burroughs, Carr. 2; Rep. Maggiore, Rock. 23; Rep. Stavis, Graf. 13; Rep. Thackston, Ches. 12; Rep. Hunt, Ches. 14

COMMITTEE: Municipal and County Government

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ANALYSIS

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

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Explanation: Matter added to current law appears in ***bold italics***.  
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HB 1125 - AS AMENDED BY THE HOUSE

7Mar2024... 0784h

7Mar2024... 0854h

24-2594

11/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

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

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

3            91-A:2-c County Commissioner and Delegation Meetings; Public Notice and Comment.

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

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

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

14            2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1125		
11/28/2023	H	Introduced 01/03/2024 and referred to Municipal and County Government
01/24/2024	H	Public Hearing: 01/30/2024 10:20 am LOB 301-303
02/15/2024	H	Executive Session: 02/21/2024 09:30 am LOB 307
02/27/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-0784h 02/21/2024 (Vote 16-3; RC) HC 9 P. 26
02/27/2024	H	Minority Committee Report: Inexpedient to Legislate
03/07/2024	H	Amendment # 2024-0784h: AA VV 03/07/2024 HJ 7
03/07/2024	H	FLAM # 2024-0854h (Rep. Stavis): AA VV 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass with Amendment 2024-0784h and 2024-0854h: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Election Law and Municipal Affairs; SJ 7
03/27/2024	S	Hearing: 04/02/2024, Room 103, LOB, 09:40 am; SC 13
04/30/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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.

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**Sponsors:**

Rep. Burroughs  
Rep. Thackston

Rep. Maggiore  
Rep. Hunt

Rep. Stavis

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**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 Carroll 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

HB 1126 - AS AMENDED BY THE HOUSE

14Mar2024... 0957h

2024 SESSION

24-2614

12/10

HOUSE BILL

**1126**

AN ACT

relative to candidate requests for absentee ballot information.

SPONSORS:

Rep. Berry, Hills. 39

COMMITTEE:

Election Law

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ANALYSIS

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

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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 candidate requests for absentee ballot information.

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

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

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

10 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.

Docket of HB1126		
11/28/2023	H	Introduced 01/03/2024 and referred to Election Law
02/08/2024	H	Public Hearing: 02/13/2024 10:40 am LOB 307
02/14/2024	H	==RECESSED== Executive Session: 02/20/2024 02:00 pm LOB 306-308
02/27/2024	H	==CONTINUED== Executive Session: 03/05/2024 09:00 am LOB 306-308
03/06/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0957h 03/05/2024 (Vote 20-0; CC)
03/14/2024	H	Amendment # 2024-0957h: AA VV 03/14/2024 HJ 8
03/14/2024	H	Ought to Pass with Amendment 2024-0957h: MA VV 03/14/2024 HJ 8
03/26/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/10/2024	S	Hearing: 04/16/2024, Room 103, LOB, 09:55 am; SC 15
04/30/2024	S	Committee Report: Ought to Pass with Amendment # 2024-1694s, 05/16/2024; Vote 5-0; CC; SC 19

**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.

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**Sponsors:**  
Rep. Berry

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**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 1131 - AS AMENDED BY THE HOUSE

28Mar2024... 1071h

2024 SESSION

24-2695  
09/05

HOUSE BILL **1131**

AN ACT relative to mental health practice.

SPONSORS: Rep. Gregg, Hills. 7; Rep. Manos, Rock. 12; Rep. Grossman, Rock. 11; Rep. Kuttab, Rock. 17; Rep. Devine, Hills. 5; Rep. Nutter-Upham, Hills. 8

COMMITTEE: Health, Human Services and Elderly Affairs

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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.

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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 mental health practice.

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

- 1           1 Mental Health Practice; Persons Exempted. Amend RSA 330-A:34, I(d) to read as follows:  
2                   (d) The psychotherapy activities and services of any other person providing mental  
3 health services as an employee of or consultant [to] **of** an [~~institution, facility, or nonprofit~~  
4 ~~institution or agency~~] **organization** which provides clinical mental health services, **employs**  
5 **licensed mental health practitioners**, [~~and which~~] provides clinical supervision of its staff, and  
6 [~~which~~] assumes professional, ethical, and legal responsibility for such mental health services.  
7           2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1131		
11/28/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs
01/30/2024	H	Vacated and Referred to Executive Departments and Administration (Rep. Osborne): MA VV (in recess of) 01/04/2024 HJ 2
01/31/2024	H	Public Hearing: 02/06/2024 01:00 pm LOB 210-211
03/06/2024	H	Executive Session: 03/13/2024 10:00 am LOB 306-308
03/07/2024	H	Subcommittee Work Session: 03/08/2024 01:00 pm LOB 306-308
03/11/2024	H	Subcommittee Work Session: 03/13/2024 09:00 am LOB 306-308
03/15/2024	H	Committee Report: Ought to Pass with Amendment # 2024-1071h 03/13/2024 (Vote 20-0; CC) HC 12 P. 15
03/28/2024	H	Amendment # 2024-1071h: AA VV 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 2024-1071h: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/25/2024	S	Hearing: 05/01/2024, Room 101, LOB, 09:00 am; SC 17
05/06/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Gregg  
Rep. Kuttub

Rep. Manos  
Rep. Devine

Rep. Grossman  
Rep. Nutter-Upham

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**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.

cml  
Date Hearing Report completed: May 3, 2024

HB 1194 - AS AMENDED BY THE HOUSE

7Mar2024... 0809h

2024 SESSION

24-2425  
05/08

HOUSE BILL **1194**

AN ACT relative to the definition of noncommunicable disease.

SPONSORS: Rep. Phillips, Rock. 7; Rep. T. Mannion, Hills. 1; Rep. Potenza, Straf. 19; Rep. Cushman, Hills. 28; Rep. Layon, Rock. 13

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill removes the word infectious from the definition of noncommunicable disease.

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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 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  
2 as follows:

3       III. Nothing in this section shall require an immunization/vaccination requirement for  
4 diseases that are noncommunicable, ***other than tetanus***. Noncommunicable disease means a  
5 disease that is not [~~infectious or~~] transmissible from person-to-person.

6       2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1194		
12/01/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs
01/17/2024	H	Public Hearing: 01/25/2024 01:00 pm LOB 210-211
02/15/2024	H	Executive Session: 02/21/2024 11:00 am LOB 203
02/27/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-0809h 02/21/2024 (Vote 11-8; RC) HC 9 P. 21
02/27/2024	H	Minority Committee Report: Inexpedient to Legislate
03/07/2024	H	Amendment # 2024-0809h: AA VV 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass with Amendment 2024-0809h: MA DV 191-171 03/07/2024 HJ 7
03/07/2024	H	Reconsider HB1194 (Rep. Sweeney): MF DV 171-192 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7
04/10/2024	S	Hearing: 04/17/2024, Room 100, SH, 09:15 am; SC 15
05/02/2024	S	Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Phillips

Rep. T. Mannion

Rep. Potenza

Rep. Cushman

Rep. Layon

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**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

24-2115

05/10

HOUSE BILL            ***1278-FN***

AN ACT                relative to qualifying medical conditions for purposes of therapeutic cannabis.

SPONSORS:            Rep. W. Thomas, Hills. 12; Rep. Vail, Hills. 6; Rep. Newell, Ches. 4; Rep. A. Murray, Hills. 20; Rep. M. Perez, Hills. 43; Rep. Wheeler, Hills. 33

COMMITTEE:          Health, Human Services and Elderly Affairs

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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.

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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 qualifying medical conditions for purposes of therapeutic cannabis.

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

1           1 New Subparagraph; Qualifying Medical Conditions for Purposes of Therapeutic Cannabis;  
2 Debilitating or Terminal Medical Conditions. Amend RSA 126-X:1, IX(b) by inserting after  
3 subparagraph (6) the following new subparagraph:

4                         (7) For adults 21 years of age or older, any debilitating or terminal medical condition  
5 or symptom for which the potential benefits of using therapeutic cannabis would, in the provider's  
6 clinical opinion, likely outweigh the potential health risks for the patient. In order to certify a  
7 patient under this category, a certifying provider shall include on the written certification the  
8 patient's specific condition or symptom and attest to their clinical opinion.

9           2 Repeal. RSA 126-X:2, V(a), relative to limitations for a visiting qualifying patient, is repealed.

10          3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1278-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes			
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  Yes
- Does this bill authorize new positions to implement this bill?  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

Docket of HB1278		
12/06/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/05/2024	H	Public Hearing: 01/18/2024 09:30 am LOB 210-211
01/25/2024	H	Committee Report: Ought to Pass 01/18/2024 (Vote 20-0; CC) HC 4 P. 4
02/01/2024	H	Ought to Pass: MA VV 02/01/2024 HJ 3 P. 7
02/01/2024	H	Referred to Ways and Means 02/01/2024 HJ 3
02/15/2024	H	Public Hearing: 02/20/2024 10:30 am LOB 202-204
02/15/2024	H	Full Committee Work Session: 02/20/2024 01:00 pm LOB 202-204
02/15/2024	H	Executive Session: 02/20/2024 01:30 pm LOB 202-204
02/23/2024	H	Committee Report: Ought to Pass 02/20/2024 (Vote 19-0; CC) HC 9 P. 16
03/07/2024	H	Ought to Pass: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7
04/11/2024	S	Hearing: 04/18/2024, Room 101, LOB, 01:15 pm; SC 15
05/06/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Sonja Caldwell 271-2117*

**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.

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**Sponsors:**

Rep. W. Thomas

Rep. Vail

Rep. Newell

Rep. A. Murray

Rep. M. Perez

Rep. Wheeler

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**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.

HB 1300 - AS AMENDED BY THE HOUSE

28Mar2024... 1223h

2024 SESSION

24-2228

05/10

HOUSE BILL **1300**

AN ACT relative to terminal patients' right to try act.

SPONSORS: Rep. Lewicke, Hills. 36; Rep. Cushman, Hills. 28; Rep. Pauer, Hills. 36; Rep. Post, Hills. 42; Rep. Phillips, Rock. 7; Rep. Calabro, Hills. 45; Sen. Avard, Dist 12

COMMITTEE: Health, Human Services and Elderly Affairs

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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.

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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 terminal patients' right to try act.

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

1 1 Terminal Patients' Right to Try Act. Amend RSA 126-Z to read as follows:

2 CHAPTER 126-Z

3 ~~[TERMINAL PATIENTS']~~ RIGHT TO TRY ACT

4 126-Z:1 Definitions.

5 In this chapter:

6 I. "Eligible patient" means a person to whom all of the following apply:

7 (a) The person has ~~[a terminal illness as determined by the person's physician and a~~  
8 ~~consulting physician]~~ **been diagnosed by the person's physician with a life-threatening**  
9 **disease or condition.**

10 (b) The ~~[person's physician has determined that the person has no comparable or~~  
11 ~~satisfactory]~~ **person has already tried or is not a candidate for eligible** United States Food and  
12 Drug Administration (FDA) approved treatment options ~~[available to diagnose, monitor, or treat the~~  
13 ~~disease or condition involved and that the probable risk to the person from the investigational drug,~~  
14 ~~biological product, or device is not greater than the probable risk from the]~~ **for their** disease or  
15 condition.

16 (c) The person ~~[has received a prescription or recommendation from the person's~~  
17 ~~physician for an investigational drug, biological product, or device]~~ **is unable to participate in a**  
18 **clinical trial involving the eligible investigational drug, biologic or device.**

19 (d) The person has given written informed consent for the use of the investigational  
20 drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide  
21 informed consent, a parent or legal guardian has given written informed consent on the patient's  
22 behalf.

23 (e) The ~~[person has documentation from the person's physician that the person has met~~  
24 ~~the requirements of this paragraph]~~ **physician providing access to an investigational drug,**  
25 **biologic, or device will not be compensated directly by the manufacturer for providing**  
26 **access to this therapy.**

27 II. "Investigational drug, ~~[biological product]~~ **biologic**, or device" means a drug, ~~[biological~~  
28 ~~product]~~ **biologic**, or device that has successfully completed phase one of a clinical trial, but has not  
29 been approved for general use by the FDA and remains under investigation in a clinical trial.

30 ***II-a. "Life-threatening disease" means:***

1           (a) *Diseases or conditions where the likelihood of death is high unless the*  
2 *course of the disease is interrupted; and*

3           (b) *Diseases or conditions with potentially fatal outcomes, where the end point*  
4 *of clinical trial analysis for new drugs, biologics, or devices for that disease or condition is*  
5 *survival.*

6           **II-b. "Other protected access" includes:**

7           (a) *"Expanded access" whereby the treating physician requests access to an*  
8 *investigational drug, biologic, or device from the FDA and is subject to oversight from an*  
9 *Institutional Review Board; and*

10          (b) *"Off-label use" means prescribing an FDA approved drug, biologic, or device*  
11 *for a use not approved for that specific indication consistent with RSA 329:17, VI-b.*

12          III. "Physician" means the licensed physician who is providing medical care or treatment to  
13 the eligible patient for the terminal illness.

14          ~~IV. "Terminal illness" means a disease that, without life-sustaining procedures, will result~~  
15 ~~in death in the near future or a state of permanent unconsciousness from which recovery is~~  
16 ~~unlikely.]~~

17          126-Z:2 Availability of Investigational Drugs, ~~[Biological Products]~~ **Biologics**, or Devices; Costs;  
18 Coverage.

19          I. A manufacturer of an investigational drug, ~~[biological product]~~ **biologic**, or device may  
20 make available an investigational drug, ~~[biological product]~~ **biologic**, or device to eligible patients  
21 pursuant to this chapter. A manufacturer may:

22           (a) Provide an investigational drug, ~~[biological product]~~ **biologic**, or device to an eligible  
23 patient without receiving compensation.

24           (b) Require an eligible patient to pay the costs of or associated with the manufacture of  
25 the investigational drug, ~~[biological product]~~ **biologic**, or device.

26           (c) Require an eligible patient to participate in data collection relating to the use of the  
27 investigational drug, ~~[biological product]~~ **biologic**, or device.

28          II. This chapter shall not require a health care insurer or any state agency to provide  
29 coverage for the cost of any investigational drug, ~~[biological product]~~ **biologic**, or device.

30          III. Nothing in this chapter shall require the manufacturer of an investigational drug,  
31 ~~[biological product]~~ **biologic**, or device to include an eligible patient in a particular clinical trial or  
32 study.

33          126-Z:3 Liability of Physician; Facility.

34          I. Notwithstanding any provision of law to the contrary, the board of medicine shall not  
35 revoke, fail to renew, or take any other action against a physician's license issued pursuant to RSA  
36 329 based ~~[solely]~~ **primarily** on a physician's recommendation to an eligible patient regarding or  
37 prescription for or treatment with an investigational drug, ~~[biological product]~~ **biologic**, or device.

1 II. Notwithstanding any provision of law to the contrary, the department of health and  
2 human services shall not take action against a facility licensed under RSA 151 based ~~[solely]~~  
3 **primarily** on the institution's participation in the treatment or use of an investigational drug,  
4 ~~[biological product]~~ **biologic**, or device under this chapter.

5 126-Z:4 Private Cause of Action. Nothing in this chapter shall be construed to create a private  
6 cause of action against a manufacturer of an investigational drug, ~~[biological product]~~ **biologic**, or  
7 device or against any other person or entity involved in the care of an eligible patient using the  
8 investigational drug, ~~[biological product]~~ **biologic**, or device for any harm done to the eligible patient  
9 resulting from the investigational drug, ~~[biological product]~~ **biologic**, or device, if the manufacturer  
10 or other person or entity is complying in good faith with the terms of this chapter and has exercised  
11 reasonable care.

12 126-Z:5 Severability. If any provision of this chapter, or the application thereof to any person or  
13 circumstance is held invalid, the invalidity does not affect the other provisions or applications of the  
14 chapter which can be given effect without the invalid provisions or applications and to this end the  
15 provisions of this chapter are severable.

16 2 Effective Date. This act shall take effect January 1, 2025.

Docket of HB1300		
12/06/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/25/2024	H	Public Hearing: 02/07/2024 10:15 am LOB 206-208
02/28/2024	H	==RECESSED== Executive Session: 03/06/2024 10:00 am LOB 203
03/07/2024	H	Executive Session: 03/20/2024 09:30 am LOB 203
03/20/2024	H	Committee Report: Ought to Pass with Amendment # 2024-1223h 03/20/2024 (Vote 20-0; CC) HC 12 P. 17
03/28/2024	H	Amendment # 2024-1223h: AA VV 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 2024-1223h: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/18/2024	S	==ROOM CHANGE== Hearing: 04/24/2024, Room 103, SH, 09:45 am; SC 16
05/02/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Lewicke  
Rep. Post  
Sen. Avard

Rep. Cushman  
Rep. Phillips

Rep. Pauer  
Rep. Calabro

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**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.

cml

Date Hearing Report completed: April 25, 2024

HB 1318 - AS AMENDED BY THE HOUSE

7Mar2024... 0424h

2024 SESSION

24-2378

05/08

HOUSE BILL

**1318**

AN ACT relative to the duties of the opioid abatement advisory commission.

SPONSORS: Rep. Nagel, Belk. 6; Rep. Roy, Rock. 31; Rep. Lundgren, Rock. 16

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill defines integrated pain management and adds duties to the New Hampshire opioid abatement advisory commission involving support for pain management services.

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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 the duties of the opioid abatement advisory commission.

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

1 1 New Paragraph; Controlled Drug Prescription Health and Safety Program. Amend RSA 126-  
2 A:89 by inserting after paragraph VI the following new paragraph:

3 VI-a. "Integrative pain management" means the systematic combination of a variety of  
4 allopathic and non-allopathic services that address the biological, psychological, social, and spiritual  
5 needs of the patient. It is person-centered and focuses on maximizing function and wellness. Care  
6 plans are developed through a shared decision-making model that reflects the available evidence  
7 regarding optimal clinical practice and the person's goals and values.

8 2 Opioid Abatement Advisory Commission; Duties. Amend RSA 126-A:86, I(b)(16) and (17) to  
9 read as follows:

10 (16) Support for public and non-public school programs and services for students  
11 with OUD and any co-occurring SUD/MH issues or who have been affected by OUD and any co-  
12 occurring SUD/MH issues within their family; ~~and~~

13 (17) Support secondary and tertiary prevention through harm reduction programs[-];

14 (18) ***Support medication assisted treatment (MAT) type services which***  
15 ***support the pharmaceutical and non-pharmaceutical needs of patients with chronic pain,***  
16 ***and/or those with pain who are in hospice and/or palliative care who have responded well***  
17 ***to opioid therapy as defined in RSA 318-B:41, II(d)(7), yet have been subject to non-***  
18 ***consensual dose reduction, detoxification, and/or abandonment by their providers; and***

19 (19) ***Support services which increase access to comprehensive, integrative***  
20 ***pain management services as an alternative to opioid therapy for those with acute and/or***  
21 ***chronic pain and/or those with pain who are in hospice and/or palliative care.***

22 3 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1318		
12/06/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/05/2024	H	Public Hearing: 01/10/2024 10:15 am LOB 210-211
01/05/2024	H	Executive Session: 01/10/2024 11:30 am LOB 210-211
02/15/2024	H	Executive Session: 02/21/2024 11:00 am LOB 203
02/23/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0424h 02/21/2024 (Vote 19-0; CC) HC 9 P. 9
03/07/2024	H	Amendment # 2024-0424h: AA VV 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass with Amendment 2024-0424h: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7
03/20/2024	S	Hearing: 03/27/2024, Room 101, LOB, 09:40 am; SC 12
05/02/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# 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.

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**Sponsors:**

Rep. Nagel

Rep. Roy

Rep. Lundgren

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**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 Lines 19 through 21 develop an integrated model of care for managing pain.
- 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 brought 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.

HB 1413 - AS AMENDED BY THE HOUSE

28Mar2024... 1076h

2024 SESSION

24-2693

09/08

HOUSE BILL **1413**

AN ACT relative to mental health supervision agreements.

SPONSORS: Rep. Gregg, Hills. 7; Rep. Kuttab, Rock. 17; Rep. Grossman, Rock. 11; Rep. Nutter-Upham, Hills. 8; Rep. Devine, Hills. 5

COMMITTEE: Executive Departments and Administration

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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.

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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 mental health supervision agreements.

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

1           1 Mental Health Practice; Candidates for Mental Health Licensure. Amend RSA 330-A:22, II(b)  
2 to read as follows:

3                   (b) The supervisor shall assume professional, ***ethical, and legal*** responsibility for  
4 ***mental health services provided by*** the candidate in a written agreement on record with the  
5 board. [~~The supervisor must assume both professional and legal responsibility in the agreement.~~]

6           2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1413		
12/06/2023	H	Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1
01/05/2024	H	Public Hearing: 01/17/2024 10:00 am LOB 306-308
03/06/2024	H	Executive Session: 03/13/2024 10:00 am LOB 306-308
03/07/2024	H	Subcommittee Work Session: 03/08/2024 01:00 pm LOB 306-308
03/11/2024	H	Subcommittee Work Session: 03/13/2024 09:00 am LOB 306-308
03/18/2024	H	Committee Report: Ought to Pass with Amendment # 2024-1076h 03/13/2024 (Vote 20-0; CC) HC 12 P. 15
03/28/2024	H	Amendment # 2024-1076h: AA VV 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 2024-1076h: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/25/2024	S	Hearing: 05/01/2024, Room 101, LOB, 09:15 am; SC 17
05/06/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Gregg

Rep. Kuttab

Rep. Grossman

Rep. Nutter-Upham

Rep. Devine

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**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.

cml

Date Hearing Report completed: May 3, 2024

HB 1568-FN - AS INTRODUCED

2024 SESSION

24-2108  
05/08

HOUSE BILL            ***1568-FN***

AN ACT                relative to Medicaid reimbursement for non-transport emergency medical services calls.

SPONSORS:            Rep. Sellers, Graf. 18; Rep. McGough, Hills. 12; Sen. Innis, Dist 7

COMMITTEE:          Health, Human Services and Elderly Affairs

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ANALYSIS

This bill requires Medicaid reimbursement for non-transport emergency medical services calls.

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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 Medicaid reimbursement for non-transport emergency medical services calls.

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

1            1 New Section; Emergency Medical and Trauma Services; Medicaid Reimbursement for Non-  
2 transport Emergency Medical Services Calls. Amend RSA 153-A by inserting after section 20-a the  
3 following new section:

4            153-A:20-b Non-transport Emergency Medical Services Calls. The state Medicaid plan shall  
5 include coverage for non-transport emergency medical services calls. Reimbursement for such  
6 services shall not be denied solely because the patient did not require transport or refused to be  
7 transported by ambulance or other emergency medical services vehicle.

8            2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1568-FN- FISCAL NOTE**  
AS INTRODUCED

AN ACT relative to Medicaid reimbursement for non-transport emergency medical services calls.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	\$1 million+ general funds; \$1 million+ federal funds	\$1 million+ general funds; \$1 million+ federal funds	\$1 million+ general funds; \$1 million+ federal funds
<i>Funding Source(s)</i>	General Fund Matching federal funds			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  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:

2

3 AN ACT relative to reimbursement for ambulance services under the state Medicaid plan.

4

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

6

7 1 New Paragraph; Commissioner of the Department of Health and Human Services; State  
8 Medicaid Plan Amendment Regarding Ambulance Services. Amend RSA 126-A:5 by inserting after  
9 paragraph XXXIV the following new paragraph:

10 XXXV. The commissioner shall submit to the Centers for Medicare and Medicaid Services  
11 (CMS) an amendment to the state Medicaid plan to provide reimbursement for ambulance services  
12 when care is provided in response to an emergency call to a member's home or on a scene, when an  
13 ambulance is dispatched, and treatment is provided to the patient without the patient being  
14 transported to another site. Providers shall be eligible for Medicaid reimbursement under this  
15 paragraph only when all the following requirements are met:

16 (a) The response originated through a 9-1-1 call.

17 (b) The patient consents to evaluation and treatment.

18 (c) After the evaluation, and when indicated, treatment, the licensed paramedic or  
19 emergency medical technician (EMT) and the patient agree there is not a need for transportation by  
20 ambulance; this shall include when resuscitation efforts are terminated.

21 (d) The patient does not request and actively refuses transport to an emergency  
22 department for evaluation.

23 (e) The patient is stable for referral to the patient's physician, other community resource  
24 or is deceased.

25 (f) The patient has the ability, including mental capacity and transportation resources,  
26 to obtain assistance and medically indicated follow-up.

27 2 Contingency. Section 1 of this act shall take effect on the date the Centers for Medicare and  
28 Medicaid Services certifies the approval of the amendment to the state Medicaid plan to the director  
29 of legislative services and the secretary of state.

30 3 Effective Date.

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

32 II. The remainder of this act shall take effect upon its passage.

**Amendment to HB 1568-FN**  
**- Page 2 -**

2024-1727s

AMENDED ANALYSIS

This bill directs the department of health and human services to submit an amendment to the state Medicaid plan regarding reimbursement for ambulance services.

Docket of HB1568		
12/15/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/25/2024	H	Public Hearing: 01/31/2024 02:00 pm LOB 210-211
02/07/2024	H	Executive Session: 02/14/2024 09:30 am LOB 210-211
02/28/2024	H	==RECESSED== Executive Session: 03/06/2024 10:00 am LOB 203
03/07/2024	H	Executive Session: 03/20/2024 09:30 am LOB 203
03/20/2024	H	Committee Report: Without Recommendation 03/20/2024 (Vote 10-10; RC) HC 12 P. 33
03/28/2024	H	Ought to Pass: MA DV 237-136 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/04/2024	S	Hearing: 04/10/2024, Room 101, LOB, 09:30 am; SC 14
05/06/2024	S	Committee Report: Ought to Pass with Amendment #2024-1727s, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Sellers

Rep. McGough

Sen. Innis

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**Who supports the bill:** Ben Bradley (NH Hospital Association), Rep. Joe Schapiro (Cheshire – District 10), Rep. Tim McGough (Hillsborough – District 12), Rep. John Sellers (Grafton – District 18), Katherine Heck (NHMA), Adam Schmidt (NH Association of Fire Chiefs), Rob Berry (General Counsel, DHHS), Chris Stawasz, Stacy Meier, Rep. Mark Proulx (Hillsborough – District 15), Eric Setenberg, and Chris Coates.

**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

24-2203

12/05

HOUSE BILL            ***1581***

AN ACT                relative to cultivation locations for alternative treatment centers.

SPONSORS:            Rep. Vail, Hills. 6; Rep. W. Thomas, Hills. 12; Rep. Seibert, Hills. 21; Rep. Newell,  
Ches. 4

COMMITTEE:          Health, Human Services and Elderly Affairs

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ANALYSIS

This bill allows a second cultivation center to be considered for alternative treatment centers.

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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 cultivation locations for alternative treatment centers.

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

1       1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers;  
2 Cultivation Location. Amend RSA 126-X:7 by inserting after paragraph X the following new  
3 paragraph:

4           XI. The department may authorize an alternative treatment center to operate additional  
5 cultivation locations, which may be a greenhouse, and which shall be subject to rules adopted by the  
6 department under RSA 126-X:6, III, and all applicable provisions of this chapter, including, but not  
7 limited to, compliance with local zoning laws. The department shall, in conjunction with the local  
8 governing body of the town or city where the additional cultivation location would be located, solicit  
9 input from qualifying patients, designated caregivers, and residents of the town or city in which the  
10 additional cultivation location would be located.

11       2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1581		
12/15/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/05/2024	H	Public Hearing: 01/18/2024 01:30 pm LOB 210-211
02/07/2024	H	Executive Session: 02/14/2024 09:30 am LOB 210-211
02/21/2024	H	Committee Report: Ought to Pass 02/14/2024 (Vote 18-2; CC) HC 9 P. 10
03/07/2024	H	Ought to Pass: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7
04/11/2024	S	Hearing: 04/18/2024, Room 101, LOB, 02:00 pm; SC 15
05/02/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Sonja Caldwell 271-2117*

**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.

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**Sponsors:**

Rep. Vail

Rep. W. Thomas

Rep. Seibert

Rep. Newell

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**Who supports the bill:** Dr. Jerry Knirk, Rep. Heath Howard, Rep. Erica Layon, Rep. Wendy Thomas, Dr. Joe Hannon, Matt Simon (Granite Leaf Cannabis), Rep. Suzanne Vail, Curtis Howland, James Burris, Janet Lucas, Brian Homer, Martha Jaquith, Rachel Valladares, James, Riddle, 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. 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.

sc

Date Hearing Report completed: April 22, 2024

HB 1598-FN-A - AS AMENDED BY THE HOUSE

11Apr2024... 1308h

2024 SESSION

24-2311

05/10

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.

SPONSORS: Rep. Wallner, Merr. 19; Rep. DeSimone, Rock. 18; Rep. Mooney, Hills. 12; Rep. Long, Hills. 23; Sen. Rosenwald, Dist 13

COMMITTEE: Children and Family Law

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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.

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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            1 Reporting; Management of Social Security and Veteran's Benefits for Children in Placement  
2 Through the Department of Health and Human Services; Appropriation.

3            I. The department of health and human services shall provide a report relative to  
4 management of social security and veterans' benefits for children in placement to the speaker of the  
5 house of representatives, the president of the senate, the chairpersons of the house children and  
6 family law committee, the house finance committee, the senate judiciary committee, the senate  
7 finance committee, the house clerk, the senate clerk, the governor, and the state library. This report  
8 shall contain a budget proposal for the biennium ending June 30, 2027 for the purposes of  
9 implementing and managing social security payments and veteran's benefits for children in  
10 placement through the department of health and human services, and shall be submitted on or  
11 before December 31, 2024. To assist in the preparation of this report, and to assist the department  
12 with implementation of the report's recommendations, including the budget proposal for the  
13 biennium ending June 30, 2027, the department shall hire a consultant with knowledge of other  
14 states' efforts to manage such payments and benefits for children in placement.

15            II. There is hereby appropriated to the department of health and human services the sum of  
16 \$150,000 for the biennium ending June 30, 2025, for the purpose of hiring the consultant required by  
17 paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the  
18 treasury not otherwise appropriated.

19            2 Effective Date. This act shall take effect upon its passage.

**HB 1598-FN-A- FISCAL NOTE**  
AS INTRODUCED

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:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	\$1,433,000	\$2,870,000	\$2,899,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations</b>	\$0	\$1	\$0	\$0
<i>Funding Source(s)</i>	General Fund			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  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 IIIs, 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

Docket of HB1598		
12/15/2023	H	Introduced 01/03/2024 and referred to Children and Family Law HJ 1
01/05/2024	H	Public Hearing: 01/09/2024 01:00 pm LOB 206-208
01/17/2024	H	Executive Session: 01/09/2024 01:00 pm LOB 206-208
01/17/2024	H	Majority Committee Report: Ought to Pass 01/09/2024 (Vote 12-1; RC) HC 4 P. 12
01/17/2024	H	Minority Committee Report: Inexpedient to Legislate
02/01/2024	H	Ought to Pass: MA VV 02/01/2024 HJ 3 P. 13
02/01/2024	H	Referred to Finance 02/01/2024 HJ 3 P. 13
02/28/2024	H	Division Work Session: 03/06/2024 01:30 pm LOB 210-211
03/07/2024	H	Division Work Session: 03/11/2024 01:00 pm LOB 210-211
03/12/2024	H	Division Work Session: 03/18/2024 02:00 pm LOB 210-211
03/12/2024	H	Division Work Session: 03/22/2024 12:00 pm LOB 210-211
03/27/2024	H	Executive Session: 04/02/2024 11:30 am LOB 210-211
04/02/2024	H	Committee Report: Ought to Pass with Amendment # 2024-1308h 04/02/2024 (Vote 25-0; RC) HC 14 P. 14
04/11/2024	H	Amendment # 2024-1308h: AA VV 04/11/2024 HJ 11
04/11/2024	H	Ought to Pass with Amendment 2024-1308h: MA VV 04/11/2024 HJ 11
04/16/2024	S	Introduced 04/11/2024 and Referred to Health and Human Services; SJ 10
04/25/2024	S	Hearing: 05/01/2024, Room 101, LOB, 09:45 am; SC 17
05/02/2024	S	Committee Report: Ought to Pass, 05/16/2024; Vote 5-0; CC; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Wallner

Rep. DeSimone

Rep. Mooney

Rep. Long

Sen. Rosenwald

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**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 6<sup>th</sup> or 7<sup>th</sup> 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 all 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.

cml  
Date Hearing Report completed: May 3, 2024

**HB 1669-FN - AS AMENDED BY THE HOUSE**

22Feb2024... 0619h  
11Apr2024... 1274h

2024 SESSION

24-2655  
05/08

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

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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.

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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 1669-FN - AS AMENDED BY THE HOUSE**

22Feb2024... 0619h  
11Apr2024... 1274h

24-2655  
05/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

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 1 New Paragraph; State Immunization Registry; Data Sharing. Amend RSA 141-C:20-f by  
2 inserting after paragraph I the following new paragraph:

3 I-a. Prior to entering into an agreement to share personally identifiable information with  
4 any other organization, including but not limited to, other state immunization information systems,  
5 the department shall ensure that withdrawals under paragraph III-a will be honored by that  
6 organization. This paragraph shall not apply to personally identified information extracted from the  
7 state immunization information system by health care providers who care for their patients.

8 2 Department of Health and Human Services; Division of Public Health Services, State  
9 Immunization Registry; Data Sharing; Classified Position Established; Appropriation.

10 I. A systems development specialist IV (Labor Grade 26, Step 3) position is established in  
11 the department of health and human services to support the department's division of public health  
12 services to complete development, testing, implementation, and ongoing maintenance and quality  
13 assurance activities as a result of statutory changes made in this act.

14 II. The sum of \$107,000 for the biennium ending June 30, 2025, is hereby appropriated to  
15 the department of health and human services for the purpose of funding the position established in  
16 paragraph I, including related office and travel expenses. In addition to the appropriation and  
17 notwithstanding RSA 14:30-a, the department may accept and expend matching federal funds  
18 without prior approval of the fiscal committee of the general court. The governor is authorized to  
19 draw a warrant for the general fund portion of said sum out of any money in the treasury not  
20 otherwise appropriated.

21 III. Additionally, the non-lapsing sum of \$80,000 for the biennium ending June 30, 2025, is  
22 hereby appropriated to the department of health and human services for the purpose of funding the  
23 required one-time enhancement to the New Hampshire immunization information system (NHIIS)  
24 as a result of this act. In addition to the appropriation and notwithstanding RSA 14:30-a, the  
25 department may accept and expend matching federal funds without prior approval of the fiscal  
26 committee of the general court. The governor is authorized to draw a warrant for the general fund  
27 portion of said sum out of any money in the treasury not otherwise appropriated.

28 3 Effective Date.

29 I. Section 1 of this act shall take effect 60 days after its passage.

30 II. The remainder of this act shall take effect upon its passage.

**HB 1669-FN- FISCAL NOTE**  
 AS AMENDED BY THE HOUSE (AMENDMENT #2024-0619h)

AN ACT relative to restricting data sharing through the state immunization registry.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	\$161,000 - \$181,000	\$102,000	\$105,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  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

Docket of HB1669		
12/15/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/17/2024	H	Public Hearing: 01/25/2024 11:15 am LOB 210-211
01/25/2024	H	==RECESSED== Executive Session: 02/07/2024 11:00 am LOB 206-208
02/07/2024	H	==CONTINUED== Executive Session: 02/14/2024 09:30 am LOB 210-211
02/14/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0619h 02/14/2024 (Vote 19-0; RC)
02/22/2024	H	Amendment # 2024-0619h: AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0619h: MA VV 02/22/2024 HJ 6
02/22/2024	H	Referred to Finance 02/22/2024 HJ 6
02/28/2024	H	Division Work Session: 03/06/2024 03:00 pm LOB 210-211
03/07/2024	H	Division Work Session: 03/11/2024 01:00 pm LOB 210-211
03/12/2024	H	Division Work Session: 03/18/2024 12:00 pm LOB 210-211
03/12/2024	H	Division Work Session: 03/22/2024 12:00 pm LOB 210-211
03/27/2024	H	Executive Session: 04/02/2024 11:30 am LOB 210-211
04/03/2024	H	Committee Report: Ought to Pass with Amendment # 2024-1274h 04/03/2024 (Vote 25-0; RC) HC 14 P. 16
04/11/2024	H	Amendment # 2024-1274h: AA VV 04/11/2024 HJ 11
04/11/2024	H	Ought to Pass with Amendment 2024-1274h: MA VV 04/11/2024 HJ 11
04/16/2024	S	Introduced 04/11/2024 and Referred to Health and Human Services; SJ 10
04/25/2024	S	Hearing: 05/01/2024, Room 101, LOB, 10:00 am; SC 17
05/06/2024	S	Committee Report: Referred to Interim Study, 05/16/2024; Vote 5-0; CC; SC 19

# 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.

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**Sponsors:**

Rep. Layon

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**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.

cml

Date Hearing Report completed: May 3, 2024

HB 1712 - AS INTRODUCED

2024 SESSION

24-3164

08/06

HOUSE BILL **1712**

AN ACT renewing the committee to study non-pharmacological treatment options for patients with chronic pain.

SPONSORS: Rep. Nagel, Belk. 6; Rep. Merchant, Sull. 6; Rep. Lundgren, Rock. 16; Rep. Calabro, Hills. 45; Sen. Chandley, Dist 11

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill renews the committee to study non-pharmacological treatment options for patients with chronic pain.

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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                   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           1 Findings. The general court finds that during 2023 meetings, the committee to study non-  
2 pharmacological treatment options for patients with chronic pain established that a patient-centric,  
3 integrated model of care is a credible and practical foundation upon which to build a pilot program.  
4 The committee recommends continuation of its work for another year to explore how to create an  
5 innovative method of payment necessary to support this new model.

6           2 Committee Established; Non-pharmacological Treatment Options for Chronic Pain.

7           I. There is established a committee to study non-pharmacological treatment options to treat  
8 patients with chronic pain and the creation of a pilot program that supports and encourages non-  
9 pharmacological treatment options.

10           II The members of the committee shall consist of:

11           (a) Five members of the house of representatives, 2 of whom shall be from the house  
12 health, human services, and elderly affairs committee, one from the house commerce committee, and  
13 2 at large, all appointed by the speaker of the house of representatives.

14           (b) One member of the senate, appointed by the president of the senate.

15           III. Members of the committee shall receive mileage at the legislative rate when attending  
16 to the duties of the committee. The committee's study shall include, but not be limited to, the  
17 following:

18           (a) Design of a pilot program with goals that are patient-centric, provider-friendly, that  
19 uses existing provider networks, establishes standard reimbursement rates, and maximizes patient  
20 self-referrals with no or minimal cost increases.

21           (b) Research the creation of such a pilot program with the New Hampshire Medicaid  
22 program, the New Hampshire state employee self-funded health insurance program, or with other  
23 entities supported with state funds.

24           (c) Investigate overall cost of such a program, including eligibility status for National  
25 Institutes of Health-National Center for Complementary and Integrative Health supported grants or  
26 funding opportunities.

27           (d) Research ways to enhance awareness of non-pharmacological treatment options  
28 through educational programs for primary care providers to enhance collaboration and integration of  
29 care between all providers who collectively assist in treating chronic pain.

**HB 1712 - AS INTRODUCED**

**- Page 2 -**

1           (e) Design a process to collect usable, meaningful data over 3 to 5 years to evaluate  
2 meeting the goals of the program design, specifically whether the pilot program helps patients to  
3 reduce pain while safely improving functional outcomes and quality of care for patients with chronic  
4 pain, increase use of non-pharmacological treatments options, while maintaining affordability by  
5 constraining cost or with minimal increases in overall costs to treat chronic pain.

6           IV. The committee may solicit input from any person or entity the committee deems relevant  
7 to its study.

8           V. The members of the committee shall elect a chairperson from among the members. The  
9 first meeting of the committee shall be called by the first-named house member. The first meeting of  
10 the committee shall be held within 45 days of the effective date of this section. Four members of the  
11 committee shall constitute a quorum.

12           VI. The committee shall submit a report including its findings and any recommendations for  
13 proposed legislation on or before November 1, 2024 to the speaker of the house of representatives,  
14 the president of the senate, the house clerk, the senate clerk, and the governor.

15           3 Effective Date. This act shall take effect upon its passage.

Health and Human Services  
May 1, 2024  
2024-1732s  
08/06

Amendment to HB 1712

1 Amend paragraph VI as inserted by section 2 of the bill by replacing it with the following:

2

3 VI. Notwithstanding RSA 14:49, on or before November 1, 2024, the committee shall submit  
4 an interim report including its findings and any recommendations for proposed legislation to the  
5 speaker of the house of representatives, the president of the senate, the house clerk, the senate  
6 clerk, and the governor. The committee shall submit a final report of its findings and any  
7 recommendations for proposed legislation to the same on or before November 1, 2025.

Docket of HB1712		
02/15/2024	H	Introduced (in recess of) 02/08/2024 and referred to Health, Human Services and Elderly Affairs HJ 4 P. 47
02/15/2024	H	Late Drafting and Introduction Approved by House by the Necessary 2/3 MA 02/08/2024 HJ 4 P. 47
02/28/2024	H	Public Hearing: 03/06/2024 09:30 am LOB 203
02/28/2024	H	Executive Session: 03/06/2024 10:00 am LOB 203
03/12/2024	H	Committee Report: Ought to Pass 03/06/2024 (Vote 20-0; CC)
03/21/2024	H	Ought to Pass: MA VV 03/21/2024 HJ 9
03/26/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/18/2024	S	==ROOM CHANGE== Hearing: 04/24/2024, Room 103, SH, 09:15 am; SC 16
05/02/2024	S	Committee Report: Ought to Pass with Amendment #2024-1732s, 05/16/2024; Vote 5-0; CC; SC 19

# 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.

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**Sponsors:**

Rep. Nagel

Rep. Merchant

Rep. Lundgren

Rep. Calabro

Sen. Chandley

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**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 1<sup>st</sup>, 2024 was tight.
  - 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.
  - 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.

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.

SPONSORS:            Rep. Kuttab, Rock. 17; Rep. Cordelli, Carr. 7; Rep. Tanner, Sull. 5; Sen. Ward, Dist 8

COMMITTEE:          Education

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ANALYSIS

This bill revises the membership of the advisory committee on the education of students with disabilities.

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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 147 - AS AMENDED BY THE HOUSE

21Mar2024... 1272h

23-0314

09/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

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 1 Advisory Committee on the Education of Students with Disabilities. RSA 186-C:3-b, II and III  
2 are repealed and reenacted to read as follows:

3 II. The committee shall be composed of individuals involved in, or concerned with, the  
4 education of children with disabilities. A majority of the committee membership shall be composed  
5 of individuals with disabilities or parents of children with disabilities. The committee membership  
6 shall be as follows:

7 (a) Fourteen individuals with disabilities or parents of children with disabilities (ages  
8 birth through 26), appointed by the governor.

9 (b) One individual with disabilities who may have received special education services  
10 and who may be a high school student, appointed by the governor.

11 (c) One teacher who is a special education teacher, appointed by the governor.

12 (d) One administrator of a public special education program, appointed by the governor.

13 (e) One representative of a private school approved for special education, appointed by  
14 the governor.

15 (f) One representative of a chartered public school, appointed by the governor.

16 (g) One representative of an institution of higher education that prepares special  
17 education and related services personnel, appointed by the governor.

18 (h) One state and a local educational official who are responsible for performing  
19 activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C.  
20 section 11431, et seq, appointed by the governor.

21 (i) One representative from the department of health and human services responsible for  
22 foster care, recommended by the commissioner of the department of health and human services and  
23 appointed by the governor.

24 (j) One representative of the department of health and human services involved in the  
25 financing or delivery of special education or related services to children with disabilities,  
26 recommended by the commissioner of the department of health and human services, and appointed  
27 by the governor.

28 (k) Representatives from the state juvenile and adult corrections agencies, both of whom  
29 are responsible for administering the provision of special education or special education and related  
30 services, appointed by the governor.

**HB 147 - AS AMENDED BY THE HOUSE**

**- Page 2 -**

1           (l) One licensed health care provider who specializes in working with children.

2           (m) One representative of a vocational, community, or business organization concerned  
3 with the provision of transition services to children/students with disabilities, appointed by the  
4 governor.

5           (n) One non-voting state education official from the departments of education, appointed  
6 by the commissioner of education, to serve in a technical support role.

7           III.(a) Committee members shall be appointed to staggered 2-year terms, and members may  
8 succeed themselves.

9           (b) A chairperson and a clerk shall be selected by a majority of the committee members  
10 on an annual basis.

11          2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB147		
12/28/2022	H	Introduced 01/04/2023 and referred to Education
01/05/2023	H	Public Hearing: 01/11/2023 10:20 am LOB 205-207
01/25/2023	H	Executive Session: 01/31/2023 09:45 am LOB 205-207
02/15/2023	H	Retained in Committee
05/10/2023	H	Full Committee Work Session: 05/30/2023 01:00 pm LOB 205-207
09/20/2023	H	Full Committee Work Session: 10/05/2023 10:00 am LOB 205-207 HC 38
10/10/2023	H	Full Committee Work Session: 10/18/2023 11:00 am LOB 205-207 HC 41
10/25/2023	H	Full Work Session: 10/31/2023 11:00 am LOB 205-207 HC 43
10/10/2023	H	Executive Session: 11/13/2023 09:30 am LOB 205-207 HC 41
11/17/2023	H	Committee Report: Without Recommendation 11/13/2023 (Vote 10-10; RC) HC 49 P. 27
01/04/2024	H	Lay HB147 on Table (Rep. Myler): MA VV 01/03/2024 HJ 1 P. 97
03/21/2024	H	Remove from Table (Rep. Noble): MA RC 190-185 03/21/2024 HJ 9
03/21/2024	H	FLAM # 2024-1272h (Rep. Noble): AA DV 191-183 03/21/2024 HJ 9
03/21/2024	H	Ought to Pass with Amendment 2024-1272h: MA RC 192-183 03/21/2024 HJ 9
03/21/2024	H	Reconsider HB147 (Rep. Sweeney): MF DV 182-194 03/21/2024 HJ 9
03/26/2024	S	Introduced 03/21/2024 and Referred to Education; SJ 8
04/10/2024	S	Hearing: 04/16/2024, Room 101, LOB, 09:40 am; SC 15
04/24/2024	S	Committee Report: Referred to Interim Study, 05/02/2024; Vote 5-0; CC; SC 17
05/02/2024	S	Sen. Ward Moved to Remove HB 147 from the Consent Calendar; 05/02/2024; SJ 11
05/02/2024	S	Special Order to 05/16/2024, Without Objection, MA; 05/02/2024 SJ 11
05/02/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 5-0; SC 19

# 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.

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**Sponsors:**

Rep. Kuttab  
Sen. Ward

Rep. Cordelli

Rep. Tanner

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**Who supports the bill:** 32 individuals signed in support of HB 147. Contact Pete Mulvey for further details ([peter.mulvey@leg.state.nh.us](mailto:peter.mulvey@leg.state.nh.us)).

**Who opposes the bill:** Janet Lucas, Debrah Howes, Rep. Peggy Balboni, and Sen. Debra Altschiller.

**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.
  - Parents supported removing certain positions as it would facilitate compliance with the law easier.
  - The individuals being removed were not incapable of providing valuable input as member of the public.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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

HB 447-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2366h

2023 SESSION

23-0382

08/10

HOUSE BILL

***447-FN***

AN ACT

relative to the purchase of election equipment.

SPONSORS:

Rep. Telerski, Hills. 11; Rep. Elberger, Hills. 5; Rep. Lane, Merr. 16; Sen. Soucy,  
Dist 18

COMMITTEE:

Election Law

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ANALYSIS

This bill allows grants to be given to cities and towns for the purchase of election equipment.

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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 purchase of election equipment.

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

1 1 Election Fund; Grants for Cities and Towns. Amend RSA 5:6-d, III to read as follows:

2 III. The secretary of state ~~[is authorized to]~~ **shall** accept, budget, and, subject to the  
 3 limitations of this paragraph, expend monies in the election fund received from any party for the  
 4 purposes of conducting elections, voter and election official education, the purchase or lease of  
 5 equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA  
 6 659:13, V, reimbursing the department of safety for the actual cost of voter identification cards,  
 7 election law enforcement, enhancing election technology, making election security improvements,  
 8 and improvements to related information technology, including acquisition and operation of an  
 9 automated election management system. ***Except as provided in this section, the secretary of***  
 10 ***state*** ~~[With the exception of federal and state portions of funds associated with the 2018 Election~~  
 11 ~~Reform Program, the secretary of state]~~ shall not expend any monies in the election fund unless the  
 12 balance in the fund following such expenditures shall be at least 12 times the estimated annual cost  
 13 of maintaining the programs established to comply with the Help America Vote Act of 2002, Public  
 14 Law 107-252. ***The secretary of state shall expend funds in the election fund established in***  
 15 ***this section and those funds associated with the 2018 Election Reform Program and other***  
 16 ***funds received by the state under RSA 5:6-d, II to assist in an equitable manner the***  
 17 ***purchase of equipment by towns and cities for the use of conducting elections and***  
 18 ***improving election security through the purchase of technology, including ballot counting***  
 19 ***devices, electronic poll books, and dedicated laptops to be used to access the election***  
 20 ***information system established by the secretary of state. The funds used pursuant to this***  
 21 ***paragraph shall be administered, regulated, and maintained by the secretary of state and***  
 22 ***shall be subject to the following restrictions:***

- 23 (a) ***The principal amount of the election funds spent shall not exceed \$3,000,000.***
- 24 (b) ***The amount awarded to each town and city shall be no more than one-half of***  
 25 ***the estimated cost of the requested technology. Each town and city shall return any excess***  
 26 ***funds to the secretary of state within 6 months of the purchase of the requested technology***  
 27 ***by the town or city.***
- 28 (c) ***The authority to disburse funds under this paragraph shall terminate upon***  
 29 ***the disbursement of \$3,000,000 or December 31, 2027, whichever occurs first. Any funds not***  
 30 ***disbursed pursuant to this paragraph shall be returned to the election fund established in***  
 31 ***RSA 5:6-d, I by January 31, 2028.***

**HB 447-FN - AS AMENDED BY THE HOUSE**

**- Page 2 -**

1           2 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:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	align="right">\$0	Indeterminable decrease \$0 to \$1,800,000 (Election Fund)		
		\$1,000,000 to \$1,200,000 (General Fund)	\$1,000,000 to \$1,200,000 (General Fund)	\$1,000,000 to \$1,200,000 (General Fund)
<i>Funding Source(s)</i>	Election Fund and General Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  See Below
- Does this bill authorize new positions to implement this bill?  N/A

<b>Estimated Political Subdivision Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Revenue</b>	\$0	Indeterminable Increase up to \$3,000,000		
<b>Local Expenditures</b>	\$0	Indeterminable Increase up to \$3,000,000		

**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

Docket of HB447		
01/11/2023	H	Introduced (in recess of) 01/05/2023 and referred to Election Law HJ 3 P. 16
02/21/2023	H	Public Hearing: 02/28/2023 11:30 am LOB 206-208
03/02/2023	H	Executive Session: 03/07/2023 03:00 pm LOB 306-308
03/08/2023	H	Retained in Committee
10/17/2023	H	Executive Session: 10/31/2023 10:00 am LOB 306-308 HC 42
11/14/2023	H	Committee Report: Ought to Pass with Amendment # 2023-2366h 10/31/2023 (Vote 19-1; RC) HC 49 P. 33
01/04/2024	H	Amendment # 2023-2366h: AA VV 01/03/2024 HJ 1 P. 123
01/04/2024	H	Ought to Pass with Amendment 2023-2366h: MA DV 311-62 01/03/2024 HJ 1 P. 123
02/16/2024	S	Introduced 02/15/2024 and Referred to Election Law and Municipal Affairs; SJ 5
03/27/2024	S	Hearing: 04/02/2024, Room 103, LOB, 09:30 am; SC 13
04/30/2024	S	Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 3-2; SC 19

**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.

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**Sponsors:**

Rep. Telerski  
Sen. Soucy

Rep. Elberger

Rep. Lane

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**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.
  - 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.
  - 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.
  - 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
  - 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.
  - 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.
  - 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.
  - 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 3<sup>rd</sup> 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 programming 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 9<sup>th</sup> 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 2<sup>nd</sup> 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

**HB 1098 - AS INTRODUCED**

2024 SESSION

24-2041  
08/05

HOUSE BILL            **1098**

AN ACT                relative to ballots delivered to elder care facilities.

SPONSORS:            Rep. Edwards, Rock. 31

COMMITTEE:          Election Law

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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.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

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           1 New Section; Nursing Homes and Elder Care Facilities. Amend RSA 657 by inserting after  
2 section 17-a the following new section:

3           657:17-b Nursing Homes and Elder Care Facilities. A clerk, assistant clerk, or clerk pro tem  
4 may deliver absentee ballots to residents of nursing homes or elder care facilities for the convenience  
5 of the residents. The persons authorized in this section shall ensure the process of receiving,  
6 marking, and returning the absentee ballots is fair, private, and properly handled. Any activity  
7 related to the delivery of ballots to nursing homes or elder care facilities that appears to be  
8 inconsistent with this title shall be reported to the secretary of state.

9           2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1098

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

2

3 1 New Section; Nursing Homes and Elder Care Facilities. Amend RSA 657 by inserting after  
4 section 17-a the following new section:

5 657:17-b Nursing Homes and Elder Care Facilities. A clerk, assistant clerk, or clerk pro tem  
6 may deliver absentee ballots to residents of nursing homes or elder care facilities for the convenience  
7 of the residents. The persons authorized in this section shall, to the extent possible, ensure the  
8 process of receiving, marking, and returning the absentee ballots is fair, private, and properly  
9 handled. Any activity related to the delivery of ballots to nursing homes or elder care facilities that  
10 appears to be inconsistent with this title shall be reported to the secretary of state.

Docket of HB1098		
11/28/2023	H	Introduced 01/03/2024 and referred to Election Law
02/14/2024	H	Public Hearing: 02/20/2024 09:25 am LOB 306-308
02/27/2024	H	Executive Session: 03/05/2024 09:00 am LOB 306-308
03/11/2024	H	Committee Report: Without Recommendation 03/05/2024 (Vote 10-10; RC)
03/21/2024	H	Ought to Pass: MA DV 192-175 03/21/2024 HJ 9
03/26/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/10/2024	S	Hearing: 04/16/2024, Room 103, LOB, 09:45 am; SC 15
05/01/2024	S	Committee Report: Ought to Pass with Amendment #2024-1703s, 05/16/2024, Vote 3-2; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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.

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**Sponsors:**

Rep. Edwards

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**Who supports the bill:** Representative Ross Berry, Representative Clayton Wood, Eric Pauer, Robin Mower, Albert Saul, Helen Taft, Constance Cunningham, Meredith Piotrow, Kenneth Tentarelli, Liz Tentarelli, James Verschuere, Joy Kubit, Andrea Macnab, Phil Hatcher, Dorene Lengyel, Jean Lewandowski, Janet Lucas, Anthony Pascale, Claudia Damon, Dorothea Vecchiotti, Susan Moore, Ruth Perencevich, Louise Spencer, Ursula Maldonado, Lyn Lindpaintner, Maura Willing, Maureen Ellermann, Jeanne Torpey, Teresa Reeves, Maxine Petruccelli, Charles Petruccelli, Daniel Richardson

**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 felt 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.

TJM

Date Hearing Report completed: April 19, 2024

HB 1105-FN-LOCAL - AS AMENDED BY THE HOUSE

22Feb2024... 0212h

2024 SESSION

24-2057

05/10

HOUSE BILL

***1105-FN-LOCAL***

AN ACT relative to application of a local tax cap.

SPONSORS: Rep. Pauer, Hills. 36; Rep. Piemonte, Rock. 9; Rep. Brouillard, Rock. 1; Rep. Rollins, Sull. 3; Rep. T. Mannion, Hills. 1; Rep. S. Smith, Sull. 3; Rep. Lewicke, Hills. 36; Rep. R. Brown, Carr. 3; Sen. Murphy, Dist 16

COMMITTEE: Municipal and County Government

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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.

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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 application of a local tax cap.

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

1 1 Local Tax Cap. Amend RSA 32:5-b, I to read as follows:

2 I. In a town or district that has adopted this section, the estimated amount of local taxes to  
3 be raised for the fiscal year~~[, as shown on the]~~ **shall include the operating** budget **and all other**  
4 **warrant articles with a tax impact**, certified by the governing body or the budget committee and  
5 posted ~~[with]~~ **on** the warrant for the annual meeting pursuant to RSA 32:5~~[,]~~. **The estimated**  
6 **amount of local taxes to be raised for the fiscal year** shall not exceed the local taxes raised for  
7 the prior year, as shown on the same budget and adjusted as provided in paragraph I-a, by more  
8 than the tax cap authorized when this section was adopted.

9 2 Applicability; Required. RSA 32:5-b, as amended by section 1 of this act, shall apply to local  
10 tax caps and shall not require local amendment or re-adoption by the town or district.

11 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1105-FN-LOCAL- FISCAL NOTE  
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0212h)**

AN ACT relative to application of a local tax cap.

**FISCAL IMPACT:**     State         County         Local         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

Docket of HB1105		
11/28/2023	H	Introduced 01/03/2024 and referred to Municipal and County Government
01/08/2024	H	Public Hearing: 01/17/2024 10:00 am LOB 301-303
01/16/2024	H	Executive Session: 01/24/2024 10:00 am LOB 301-303
02/13/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0212h 01/24/2024 (Vote 18-1; CC)
02/22/2024	H	Amendment # 2024-0212h: AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0212h: MA VV 02/22/2024 HJ 6
03/06/2024	S	Introduced 02/21/2024 and Referred to Election Law and Municipal Affairs; SJ 6
03/14/2024	S	Hearing: 03/19/2024, Room 103, LOB, 09:50 am; SC 11
04/30/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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.

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**Sponsors:**

Rep. Pauer

Rep. Piemonte

Rep. Brouillard

Rep. Rollins

Rep. T. Mannion

Rep. S. Smith

Rep. Lewicke

Rep. R. Brown

Sen. Murphy

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**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 or 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

14Mar2024... 0958h

2024 SESSION

24-2139

08/02

HOUSE BILL **1150**

AN ACT relative to advertising rates for political advertising.

SPONSORS: Rep. K. Perez, Rock. 16; Rep. Kuttab, Rock. 17; Rep. Wood, Merr. 13; Rep. Bernardy, Rock. 36; Rep. Panek, Hills. 1; Rep. Katsakiores, Rock. 13; Rep. Tierney, Coos 1; Rep. Cambrils, Merr. 4; Rep. Dunn, Rock. 16

COMMITTEE: Election Law

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AMENDED ANALYSIS

This bill requires that rates for political advertising be the same regardless of candidate, political committee, party, or cause.

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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 advertising rates for political advertising.

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

- 1       1 Advertising Rates; Political Advertising. Amend RSA 664:16 to read as follows:  
2       664:16 [~~Identification of Political Advertising~~] **Advertising Rates.** [~~Political advertising printed~~  
3 ~~in 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.  
13       2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1150

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

2

3 1 Advertising Rates; Political Advertising. Amend RSA 664:16 to read as follows:

4 664:16 Identification of Political Advertising; **Rates.** Political advertising printed in  
5 newspapers, periodicals, or billboards shall be marked at the beginning or at the end thereof  
6 "Political Advertising." [~~Rates for advertising shall be filed, no later than 30 days prior to the~~  
7 ~~deadline for filing for office for an election, with the secretary of state by each person or business~~  
8 ~~organization publishing a newspaper or periodical, operating a radio or television station, or selling~~  
9 ~~billboard space. Such schedule shall be open to public inspection, and such schedules may be~~  
10 ~~amended. However, rates in such amendments shall not take effect until 5 days after they are filed~~  
11 ~~with the secretary of state.] No person or business organization publishing a newspaper or  
12 periodical, operating a radio or television station, or selling billboard space shall charge an  
13 advertising rate to any candidate, political committee, party, or cause that is different from that  
14 charged to any other candidate, political committee, party, or cause.~~

Docket of HB1150		
11/28/2023	H	Introduced 01/03/2024 and referred to Election Law
02/21/2024	H	Public Hearing: 02/27/2024 09:00 am LOB 306-308
02/27/2024	H	Executive Session: 03/05/2024 09:00 am LOB 306-308
03/06/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0958h (NT) 03/05/2024 (Vote 19-1; CC)
03/14/2024	H	Amendment # 2024-0958h (NT): AA VV 03/14/2024 HJ 8
03/14/2024	H	Ought to Pass with Amendment 2024-0958h: MA VV 03/14/2024 HJ 8
03/26/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/16/2024	S	Hearing: 04/23/2024, Room 103, LOB, 09:30 am; SC 16
05/01/2024	S	Committee Report: Ought to Pass with Amendment #2024-1707s, 05/16/2024, Vote 3-0; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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.

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**Sponsors:**

Rep. K. Perez

Rep. Kuttab

Rep. Wood

Rep. Bernardy

Rep. Panek

Rep. Katsakiores

Rep. Tierney

Rep. Cambrils

Rep. Dunn

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**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 public's 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 voter's right to know and when and how they may be influenced.

TJM

Date Hearing Report completed: April 26, 2024

HB 1181 - AS AMENDED BY THE HOUSE

28Mar2024... 1054h

2024 SESSION

24-2140

12/08

HOUSE BILL **1181**

AN ACT relative to solid waste districts.

SPONSORS: Rep. Veilleux, Hills. 34; Rep. Lewicke, Hills. 36; Rep. Pauer, Hills. 36; Rep. Ammon, Hills. 42; Rep. G. Griffin, Hills. 42; Rep. Post, Hills. 42; Rep. LeClerc, Hills. 34; Sen. Avard, Dist 12; Sen. Chandley, Dist 11

COMMITTEE: Municipal and County Government

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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.

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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 1 Solid Waste Management Districts; Services for Public Entities. Amend RSA 53-B:7, XIX to  
2 read as follows:

3 XIX. To accept at a district facility solid waste generated inside and outside the boundaries  
4 of the district[-], **and to direct solid waste generated by political subdivisions inside the**  
5 **boundaries of the district to contracted third parties.**

6 2 Solid Waste District Committee; Authority to Pay Debt. Amend RSA 53-B:8, II to read as  
7 follows:

8 II. The committee shall choose a chairman by ballot from its membership. It shall appoint a  
9 secretary and a treasurer, who may be the same person, but who need not be members of the  
10 committee, and such other officers as may be provided for in the district agreement. The treasurer  
11 shall receive and take charge of all money belonging to the district and shall pay any debt of the  
12 district which has been approved by the committee[-], **or by a non contemporaneously signed**  
13 **manifest signed by 2 or more members of the district committee empowered by the district**  
14 **committee as a whole to authorize payments.** The treasurer may, by vote of the committee, be  
15 compensated for his services. Proceedings of the committee shall be held in accordance with RSA 91-  
16 A.

17 3 Solid Waste Management District; Expenditures. New Section; Expenditures. Amend RSA  
18 53-B by inserting after section 9 the following new section:

19 53-B:9-a Emergency Expenditures and Overexpenditures. When an unusual circumstance  
20 arises during the year which makes it necessary to expend money in excess of amount budgeted  
21 pursuant to this chapter which may result in an overexpenditure of the total amount budgeted for all  
22 purposes, the district committee, upon application to the commissioner of revenue administration,  
23 may be given authority to make such expenditure, provided that:

24 I. The district has appealed to the governing bodies of the member municipalities for a  
25 commensurate adjustment to the apportionment established by the district budget and one or more  
26 boards have denied the request.

27 II. The commissioner of revenue administration may accept and approve an application after  
28 an expenditure if caused by a sudden or unexpected emergency, in which case paragraph I shall not  
29 apply.

30 III. The commissioner of revenue administration shall not approve such an expenditure  
31 unless the governing body designates the source of revenue to be used. The commissioner shall not

**HB 1181 - AS AMENDED BY THE HOUSE**

**- Page 2 -**

1 have the authority to compel the member communities to increase the apportionment rate in order  
2 to fund such an expenditure.

3 IV. Notwithstanding the provisions of this section, if the district committee has by warrant  
4 article established a contingency fund in the annual budget for the purpose of unanticipated  
5 expenses, the district committee may expend funds from such account to meet the costs of such  
6 expenses.

7 4 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1181		
12/01/2023	H	Introduced 01/03/2024 and referred to Municipal and County Government
02/21/2024	H	Public Hearing: 03/06/2024 09:30 am LOB 307
03/06/2024	H	==RECESSED== Executive Session: 03/11/2024 09:30 am LOB 301-303
03/11/2024	H	==CONTINUED== Executive Session: 03/20/2024 10:45 am LOB 301-303
03/20/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-1054h 03/20/2024 (Vote 12-8; RC) HC 12 P. 34
03/20/2024	H	Minority Committee Report: Ought to Pass with Amendment # 2024-1048h RC
03/28/2024	H	Amendment # 2024-1054h: AA DV 223-136 03/28/2024 HJ 10
03/28/2024	H	Amendment # 2024-1048h: AF DV 149-216 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 2024-1054h: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/04/2024	S	Hearing: 04/09/2024, Room 103, LOB, 09:30 am; SC 14
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-0; SC 19

**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.

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**Sponsors:**

Rep. Veilleux

Rep. Lewicke

Rep. Pauer

Rep. Ammon

Rep. G. Griffin

Rep. Post

Rep. LeClerc

Sen. Avard

Sen. Chandley

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**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

HB 1264-FN - AS AMENDED BY THE HOUSE

21Mar2024... 1041h

2024 SESSION

24-2009  
08/10

HOUSE BILL

***1264-FN***

AN ACT relative to the definition of accessible voting systems.

SPONSORS: Rep. M. Paige, Rock. 11; Rep. Vallone, Rock. 5; Rep. Guthrie, Rock. 15; Rep. Lynn, Rock. 17; Rep. M. Smith, Straf. 10; Sen. Altschiller, Dist 24; Sen. Carson, Dist 14

COMMITTEE: Election Law

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ANALYSIS

This bill directs cities and towns to enable access to voting for individuals with disabilities during elections.

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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 definition of accessible voting systems.

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

1 1 Statement of Findings. The general court finds that:

2 I. Voting is one of our citizen’s most fundamental rights. It is of the utmost importance that  
3 all eligible voters have equal access and opportunity to participate in all elections held in this state.

4 II. Certain individuals with disabilities, including individuals who have visual impairments  
5 or other disabilities that interfere with effective reading, writing, or use of printed material, face  
6 unique challenges in casting their votes privately and independently, particularly in local elections,  
7 as currently most cities and towns do not provide accessible voting systems for local elections.

8 III. Title II of the Americans with Disabilities Act and its implementing regulations (“ADA”)  
9 require the state, cities, and towns to make their programs, services, and activities accessible to  
10 qualified individuals with disabilities. (42 U.S.C. sections 12131-12134, 28 C.F.R. sections  
11 35.130,35.160). Elections held by the state, cities and towns are “services, programs, and activities”  
12 under the ADA. Under the ADA, the state, cities and towns must provide “appropriate auxiliary  
13 aids and services” to enable voters with disabilities “an equal opportunity to participate in, and enjoy  
14 the benefits of” their elections, including the same opportunity to exercise their right to vote  
15 independently and privately as is enjoyed by persons without disabilities.

16 IV. The current state practice is to ensure that every polling location provides an accessible  
17 voting system to enable individuals with disabilities to have equal access to vote independently and  
18 privately only for state elections with a federal office on the ballot. Accessible voting systems are  
19 generally not made available at polling locations for local elections. As a result, with very few  
20 exceptions, individuals with disabilities are not universally afforded equal opportunities to vote  
21 privately and independently as individuals without disabilities in local elections, in violation of the  
22 ADA.

23 2 Accessible Voting System; Definition. Amend RSA 652:16-d to read as follows:

24 652:16-d Accessible Voting System. "Accessible voting system" shall mean the system chosen by  
25 the state ***in federal elections or by municipalities in local elections*** to meet the accessibility for  
26 individuals with disabilities requirements of section 301 of the Help America Vote Act of 2002, 42  
27 U.S.C. section 15481, ***52 U.S.C. section 21081, and Title II of the Americans with Disabilities***  
28 ***Act, 42 U.S.C. section 12132***, that has the capacity to print a paper ballot marked with the votes  
29 chosen by the voter.

30 3 New Section; Accessible Voting Systems. Amend RSA 659 by inserting after section 20-a the  
31 following new section:

1 659:20-b Accessible Voting Systems.

2 I. Every city, every town, and every school district which has adopted an official ballot  
3 system shall:

4 (a) Ensure that each polling place has at least one accessible voting system.

5 (b) Enter into a pilot agreement with the secretary of state for the use of accessible  
6 voting systems in local elections.

7 (c) Bear the cost of programming for the city, town, or school district election with the  
8 vendor chosen and contracted with by the secretary of state, including any transfer of the system to  
9 and from the vendor.

10 (d) Store and maintain the accessible voting system or systems in a secure manner  
11 following election security guidance issued by the secretary of state.

12 II. The secretary of state shall:

13 (a) Enter into a pilot program agreement with cities and towns and provide accessible  
14 voting systems for use in city, town, and school elections.

15 (b) Provide guidance for programming the local ballots onto the accessible voting  
16 systems.

17 (c) Provide security guidance for the local storage and maintenance of the accessible  
18 voting system or systems used for city, town, and school district elections.

19 4 Repeal. The following are repealed:

20 I. RSA 659:20-b, I(b) relative to cities, towns, and school districts entering into a pilot  
21 agreement with the secretary of state for the use of accessible voting systems in local elections.

22 II. RSA 659:20-b, II(a) relative to cities, towns, and school districts entering into a pilot  
23 program with the secretary of state for the use of accessible voting systems for use in local elections.

24 5 Effective Date.

25 I. Section 4 of this act shall take effect June 30, 2025.

26 II. The remainder of this act shall take effect January 1, 2025.

LBA  
24-2009  
Amended 4/17/24

**HB 1264-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1041h)

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

Docket of HB1264		
12/06/2023	H	Introduced 01/03/2024 and referred to Election Law HJ 1
02/14/2024	H	Public Hearing: 02/20/2024 10:15 am LOB 306-308
02/27/2024	H	==RECESSED== Executive Session: 03/05/2024 09:00 am LOB 306-308
03/05/2024	H	==CONTINUED== Executive Session: 03/11/2024 10:00 am LOB 306-308
03/12/2024	H	Committee Report: Ought to Pass with Amendment # 2024-1041h 03/11/2024 (Vote 20-0; RC)
03/21/2024	H	Amendment # 2024-1041h: AA VV 03/21/2024 HJ 9
03/21/2024	H	Ought to Pass with Amendment 2024-1041h: MA VV 03/21/2024 HJ 9
03/26/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/24/2024	S	Hearing: 04/30/2024, Room 103, LOB, 09:45 am; SC 17
04/30/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-0; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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.

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**Sponsors:**

Rep. M. Paige  
Rep. Lynn  
Sen. Carson

Rep. Vallone  
Rep. M. Smith

Rep. Guthrie  
Sen. Altschiller

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**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](mailto: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

TJM

Date Hearing Report completed: May 6, 2024

HB 1310-FN - AS INTRODUCED

2024 SESSION

24-2280

08/02

HOUSE BILL            ***1310-FN***

AN ACT                relative to meetings of supervisors of the checklist.

SPONSORS:            Rep. Layon, Rock. 13; Rep. McCarter, Belk. 8; Rep. Kuttab, Rock. 17; Rep. Tenczar, Hills. 1; Rep. Roy, Rock. 31

COMMITTEE:          Election Law

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ANALYSIS

This bill requires the supervisors of the checklist to meet every 90 days.

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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           1 New Section; Supervisors of the Checklist; Checklist Maintenance. Amend RSA 654 by  
2 inserting after section 27 the following new section:

3           654:27-a Checklist Maintenance. In cities and towns, the supervisors of the checklist shall meet  
4 at least every 90 days for the purpose of periodic checklist maintenance. For the purposes of this  
5 section, "periodic checklist maintenance" means taking action on all requests to correct the checklist  
6 including but not limited to those in RSA 654:36, RSA 654:36-a, RSA 654:36-b, RSA 654:37, RSA  
7 654:37-a, RSA 654:39 III and RSA 74:18, VI. For the purposes of this section, "take action" means to  
8 strike a voter from the checklist, correct an address for a voter who has moved within the  
9 jurisdiction of the supervisors of the checklist, or to vote to mail a notice pursuant to RSA 654:44, I.  
10 The supervisors may also conduct other business at these meetings after performing periodic  
11 checklist maintenance. Notice of the day, hour, and place of each session of the board of supervisors  
12 shall be first posted in 2 appropriate places, one of which shall be the city or town's Internet website,  
13 if such exists, or shall be published in a newspaper of general circulation in the city or town at least  
14 7 days prior to each such session. The reconvening of any session which has been adjourned shall  
15 not require the publication of notice.

16           2 Effective Date. This act shall take effect 60 days after its passage.

LBA  
24-2280  
11/29/23

**HB 1310-FN- FISCAL NOTE  
AS INTRODUCED**

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

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

2

3 1 New Section; Supervisors of the Checklist; Checklist Maintenance. Amend RSA 654 by  
4 inserting after section 27 the following new section:

5 654:27-a Checklist Maintenance. In cities and towns, the supervisors of the checklist shall meet  
6 at least every 90 days for the purpose of periodic checklist maintenance. For the purposes of this  
7 section, “periodic checklist maintenance” means taking action on all requests to correct the checklist  
8 including, but not limited to those in RSA 654:36, RSA 654:36-a, RSA 654:36-b, RSA 654:37, RSA  
9 654:37-a, RSA 654:39 III and RSA 74:18, VI. For the purposes of this section, “take action” means to  
10 strike a voter from the checklist, correct an address for a voter who has moved within the  
11 jurisdiction of the supervisors of the checklist, or to vote to mail a notice pursuant to RSA 654:44, I.  
12 The supervisors may also conduct other business at these meetings after performing periodic  
13 checklist maintenance. Notice of the day, hour, and place of each session of the board of supervisors  
14 shall be first posted in 2 appropriate places, one of which shall be the city or town's Internet website,  
15 if such exists, or shall be published in a newspaper of general circulation in the city or town at least  
16 7 days prior to each such session.

Docket of HB1310		
12/06/2023	H	Introduced 01/03/2024 and referred to Election Law HJ 1
02/14/2024	H	Public Hearing: 02/20/2024 10:35 am LOB 306-308
02/27/2024	H	Executive Session: 03/05/2024 09:00 am LOB 306-308
03/06/2024	H	Committee Report: Without Recommendation 03/05/2024 (Vote 10-10; RC)
03/14/2024	H	Ought to Pass: MA DV 188-187 03/14/2024 HJ 8
03/26/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/24/2024	S	Hearing: 04/30/2024, Room 103, LOB, 10:00 am; SC 17
05/01/2024	S	Committee Report: Ought to Pass with Amendment #2024-1701s, 05/16/2024, Vote 3-0; SC 19

**HB 1345 - AS INTRODUCED**

2024 SESSION

24-2177  
02/08

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

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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.

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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 length of terms for Coos county officers.

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

1 1 County Attorneys; Length of Term. Amend RSA 7:33 to read as follows:

2 7:33 Election; Temporary Vacancies. There shall be a county attorney for each county, who  
3 shall be a member of the New Hampshire bar, elected biennially by the voters of the county;  
4 provided that, at the 2022 state general election, and at each subsequent state general election, the  
5 county attorney for Rockingham county shall be chosen in the county by the voters for a 4-year term;  
6 ***and, provided that, at the 2024 state general election, and at each subsequent state general***  
7 ***election, the county attorney for Coos county shall be chosen in the county by the voters for***  
8 ***a 4-year term.*** If the county attorney is absent at any term of court or unable to discharge the  
9 duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be  
10 a member of the New Hampshire bar, for the time being and allow said appointee such compensation  
11 for his or her services as set by the county delegation.

12 2 Elected for 4-Year Term. Amend RSA 653:1, V to read as follows:

13 V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one  
14 register of probate by the voters in each county; provided that, at the 2022 state general election,  
15 and at each subsequent state general election, any such officer in Rockingham county shall be  
16 chosen in the county by the voters for a 4-year term; ***and, provided that, at the 2024 state***  
17 ***general election, and at each subsequent state general election, any such officer in Coos***  
18 ***county shall be chosen in the county by the voters for a 4-year term;***

19 3 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1345		
12/06/2023	H	Introduced 01/03/2024 and referred to Municipal and County Government HJ 1
02/15/2024	H	Public Hearing: 02/21/2024 01:40 pm LOB 307
03/06/2024	H	Executive Session: 03/11/2024 09:30 am LOB 301-303
03/15/2024	H	Majority Committee Report: Ought to Pass 03/11/2024 (Vote 16-2; RC)
03/15/2024	H	Minority Committee Report: Inexpedient to Legislate
03/21/2024	H	Ought to Pass: MA VV 03/21/2024 HJ 9
03/26/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/24/2024	S	Hearing: 04/30/2024, Room 103, LOB, 10:30 am; SC 17
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-0; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

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.

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**Sponsors:**

Rep. A. Davis

Rep. Ouellet

Rep. Tierney

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**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

**HB 1359 - AS INTRODUCED**

2024 SESSION

24-2277

12/08

HOUSE BILL            **1359**

AN ACT                relative to appeals of certain zoning decisions by abutters.

SPONSORS:            Rep. L. Turcotte, Straf. 4; Rep. Alexander Jr., Hills. 29; Sen. Perkins Kwoka, Dist  
21; Sen. Innis, Dist 7

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill adds to the definition of "abutter" and includes abutters in appeals to the board of adjustment.

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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 appeals of certain zoning decisions by abutters.

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

1 1 Abutters Rights to Appeal to the Board of Adjustment. Amend RSA 676:5, I to read as follows:

2 I. Appeals to the board of adjustment concerning any matter within the board's powers as  
3 set forth in RSA 674:33 may be taken by ~~[any person aggrieved]~~ **the applicant, an abutter as**  
4 **defined by RSA 672:3**, or by any officer, department, board, or bureau of the municipality affected  
5 by any decision of the administrative officer. Such appeal shall be taken within a reasonable time,  
6 as provided by the rules of the board, by filing with the officer from whom the appeal is taken and  
7 with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal  
8 is taken shall forthwith transmit to the board all the papers constituting the record upon which the  
9 action appealed from was taken.

10 2 Motion for Rehearing; Abutters; Board of Adjustment; Board of Appeals. Amend RSA 677:2 to  
11 read as follows:

12 677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative  
13 Body Decisions.

14 Within 30 days after any order or decision of the zoning board of adjustment, or any decision of  
15 the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the  
16 action or proceedings, or ~~[any person directly affected thereby]~~ **an abutter as defined by RSA**  
17 **672:3** may apply for a rehearing in respect to any matter determined in the action or proceeding, or  
18 covered or included in the order, specifying in the motion for rehearing the ground therefor; and the  
19 board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in  
20 its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in  
21 calendar days beginning with the date following the date upon which the board voted to approve or  
22 disapprove the application in accordance with RSA 21:35; provided however, that if the moving party  
23 shows that the minutes of the meeting at which such vote was taken, including the written decision,  
24 were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the person applying  
25 for the rehearing shall have the right to amend the motion for rehearing, including the grounds  
26 therefor, within 30 days after the date on which the written decision was actually filed. If the  
27 decision complained against is that made by a town meeting, the application for rehearing shall be  
28 made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall  
29 hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the  
30 judgment of the selectmen the protest warrants action, the selectmen shall call a special town  
31 meeting.

1 3 Abutter; Definition. Amend RSA 672:3 to read as follows:

2 672:3 Abutter.

3 "Abutter" means any person whose property is located in New Hampshire and adjoins or is  
4 directly across the street or stream from the land under consideration by the local land use board.  
5 ***"Directly across the street or stream" shall be determined by lines drawn perpendicular***  
6 ***from all pairs of corner boundaries along the street or stream of the applicant to pairs of***  
7 ***projected points on any property boundary across the street or stream that intersect these***  
8 ***perpendicular lines. Any property that lies along the street or stream between each pair of***  
9 ***projected points, or is within 50 feet of any projected point shall be considered an abutter.***

10 For purposes of receiving testimony only, and not for purposes of notification, the term " abutter "  
11 shall include any person who is able to demonstrate that his land will be directly affected by the  
12 proposal under consideration. For purposes of receipt of notification by a municipality of a local land  
13 use board hearing, in the case of an abutting property being under a condominium or other collective  
14 form of ownership, the term abutter means the officers of the collective or association, as defined in  
15 RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use  
16 board hearing, in the case of an abutting property being under a manufactured housing park form of  
17 ownership as defined in RSA 205-A:1, II, the term " abutter " includes the manufactured housing  
18 park owner and the tenants who own manufactured housing which adjoins or is directly across the  
19 street or stream from the land under consideration by the local land use board.

20 4 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1359		
12/06/2023	H	Introduced 01/03/2024 and referred to Municipal and County Government HJ 1
01/31/2024	H	Public Hearing: 02/07/2024 02:30 pm LOB 301-303
02/15/2024	H	Executive Session: 02/21/2024 09:30 am LOB 307
02/27/2024	H	Majority Committee Report: Ought to Pass 02/21/2024 (Vote 10-8; RC) HC 9 P. 28
02/27/2024	H	Minority Committee Report: Inexpedient to Legislate
03/07/2024	H	FLAM # 2024-0952h (Rep. Pauer): AF DV 130-224 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass: MA RC 265-88 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Election Law and Municipal Affairs; SJ 7
03/20/2024	S	Hearing: 03/26/2024, Room 103, LOB, 10:00 am; SC 12
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-0; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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

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**Sponsors:**

Rep. L. Turcotte  
Sen. Innis

Rep. Alexander Jr.

Sen. Perkins Kwoka

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**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.
  - Ms. Margolin replied yes and to clarify for those seeking redress.

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

HB 1399 - AS AMENDED BY THE HOUSE

28Mar2024... 1157h

2024 SESSION

24-2669

10/05

HOUSE BILL **1399**

AN ACT allowing municipalities to permit 2 residential units in certain single-family residential zones.

SPONSORS: Rep. McWilliams, Merr. 30; Rep. Yokela, Rock. 32; Rep. Read, Rock. 10

COMMITTEE: Special Committee on Housing

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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.

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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 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 1 New Paragraph; Planning and Zoning; Regulatory Powers; Single-family Expansion. Amend  
2 RSA 674:16 by inserting after paragraph V the following new paragraph:

3 VI.(a) For all lots 2 acres or less in size, and for at least 50 percent of all lots in a  
4 municipality zoned for single-family residences, a proposed housing development of building or  
5 expanding a single family residence within a residential zone with no more than 2 residential units  
6 shall be allowed by right, without special application, discretionary review, or a hearing, if the  
7 proposed development meets all of the following requirements:

8 (1) The proposed development does not require demolition or alteration of the  
9 housing if it is subject to a recorded covenant, ordinance, or law that restricts rents to levels  
10 affordable to persons and families of moderate, low, or very low income.

11 (2) The proposed housing development does not allow the demolition of more than 25  
12 percent of the existing exterior structural walls, unless the housing development meets at least one  
13 of the following conditions:

14 (A) If a local ordinance so allows.

15 (B) The site has not been occupied by a tenant in the last 12 months.

16 (3) The development is located outside of hazard risk areas, as identified by either:

17 (A) A hazard risk map that has been developed specifically for and adopted by a  
18 particular municipality, or

19 (B) A Risk Factor rating of "Minimal" or "1" for both Flood and Fire Risk from  
20 the First Street Foundation.

21 (b) A municipality may impose objective zoning standards, objective subdivision  
22 standards, and objective design review standards. The municipality shall not impose objective  
23 zoning standards, objective subdivision standards, and objective design standards that would have  
24 the effect of physically precluding the construction of up to 2 units and each being at least 1,250  
25 square feet in floor area. However, no setback shall be required for an existing structure or a  
26 structure constructed in the same location and to the same dimensions as an existing structure, or to  
27 the same dimensions as immediate abutters; and, in all other circumstances, a municipality may  
28 require a setback of up to 3 feet from the side and rear lot lines.

29 (c) A municipality may require any of the following conditions when considering an  
30 application for 2 residential units:

**HB 1399 - AS AMENDED BY THE HOUSE**

**- Page 2 -**

1 (1) Off-street parking of up to one space per unit.

2 (2) For residential units connected to an on-site wastewater treatment system, the  
3 owner shall provide proof of New Hampshire department of environmental services subsurface  
4 construction approval for the increased septic system loading. Upon the department's issuance of an  
5 approval for septic system operation, the municipality may issue a certificate of occupancy.

6 (3) A municipality may charge impact fees for new connections to municipal water  
7 and sewer services.

8 (4) If the municipality has proven through an engineering study that it does not  
9 have adequate water or sewer capacity to allow this development in parcels subject to municipal  
10 water or sewer, proposed housing developments of 2 units under this statute may be disallowed by  
11 the municipality for those subject parcels for a term of up to 10 years after the first proposed housing  
12 development, but then after the expiration of that term, all previously delayed housing development  
13 projects must be allowed by the municipality by right. Notwithstanding municipal water or sewer  
14 capacity, proposed housing developments must meet all other state regulations for water and sewer.

15 (d) A municipality may deny a proposed housing development project if the state makes  
16 a written finding, based upon a preponderance of the evidence, that the proposed housing  
17 development project under this section would have a specific, adverse impact upon public health and  
18 safety or the physical environment and for which there is no feasible method to satisfactorily  
19 mitigate or avoid the specific, adverse impact.

20 (e) A municipality may require that a rental of any unit created pursuant to this  
21 paragraph be for a term longer than 30 days.

22 (f) An application shall not be rejected solely because it proposes adjacent or connected  
23 structures, provided that the structures meet building code safety standards and are sufficient to  
24 allow separate conveyance.

25 2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1399		
12/06/2023	H	Introduced 01/03/2024 and referred to Special Committee on Housing HJ 1
01/18/2024	H	Public Hearing: 02/16/2024 01:00 pm LOB 302-304
02/20/2024	H	Full Committee Work Session: 03/08/2024 11:00 am LOB 302-304
02/20/2024	H	Executive Session: 03/08/2024 01:00 pm LOB 302-304
03/20/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-1157h 03/15/2024 (Vote 9-1; RC) HC 12 P. 37
03/20/2024	H	Minority Committee Report: Inexpedient to Legislate
03/28/2024	H	Amendment # 2024-1157h: AA VV 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 20241157h: MA RC 220-140 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Election Law and Municipal Affairs; SJ 8
04/04/2024	S	Hearing: 04/09/2024, Room 103, LOB, 10:00 am; SC 14
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-0; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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.

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**Sponsors:**

Rep. McWilliams

Rep. Yokela

Rep. Read

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**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 Laurentis, 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.
  - 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.
  - 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 Jandebaur**

- 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

HB 1626-FN-A - AS INTRODUCED

2024 SESSION

24-3136

02/10

HOUSE BILL            ***1626-FN-A***

AN ACT                relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.

SPONSORS:            Rep. D. McGuire, Merr. 14; Rep. Almy, Graf. 17; Sen. D'Allesandro, Dist 20; Sen. Gray, Dist 6

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill repeals certain designated funds and changes dog licensing fees.

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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 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 1 Licensing of Dogs; Fees. Amend RSA 466:4, I(b)-II to read as follows:

2 (b) In addition to the sum required in subparagraphs I(a)(1) and (2), each year the owner  
3 of each dog shall pay the clerk of the city or town where the dog is registered a companion animal  
4 population control fee of [~~\$2~~] **\$1.75**.

5 (c) The clerk shall remit all companion animal population control fees collected to the  
6 state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion  
7 animal population control fees shall be deposited into the companion animal neutering fund,  
8 established in RSA 437-A:4-a.

9 II. Notwithstanding paragraph I, the fee for every license for a year or a portion of a year  
10 shall be [~~\$2~~] **\$1.75** for a dog of either sex if the owner is 65 years of age or older. Such owner shall  
11 not be required to pay the companion animal population control fee, under RSA 466:4, I(b), for  
12 licensing of one dog; provided, however, that, if such owner wishes to license more than one dog, the  
13 fee for any additional license shall be as provided in paragraph I.

14 2 Licensing of Dogs; Payment of Fees. Amend RSA 466:9 to read as follows:

15 466:9 Payment of Fees.

16 I. Clerks of the towns and cities shall issue dog licenses, receive the money for the licenses,  
17 and pay the same into the treasuries of their respective towns and cities on or before June 1 each  
18 year, retaining to their own use \$1 for each license and submitting [~~\$.50~~] **\$.75** for each license to the  
19 department of agriculture, markets, and food for the purpose specified in paragraph II. The clerks  
20 shall return to their respective town or city treasurer a sworn statement of the amount of moneys  
21 thus received and paid over by them.

22 II. The [~~\$.50~~] **\$.75** received by the department of agriculture, markets, and food for each  
23 license issued pursuant to paragraph I shall be credited to a special nonlapsing fund to be used  
24 exclusively for the operation of the veterinary diagnostic laboratory established under RSA 436:92,  
25 and are hereby continually appropriated for such purpose to be expended under the supervision of  
26 the commissioner of agriculture, markets, and food.

27 3 Hunting, Fishing, and Trapping; Permits may be Authorized. RSA 214:9-e, IV is repealed and  
28 reenacted to read as follows:

29 IV. Moneys received through fees for permits collected under this section shall be credited to  
30 the fish and game fund.

**HB 1626-FN-A - AS INTRODUCED**

**- Page 2 -**

1           4 Pesticides Training Program Fund; Credited to Pesticides Control Fund. Funds remaining in  
2 the pesticides training program fund established under RSA 6:12, I(b)(76) pursuant to RSA 430:31-b  
3 shall be credited to the pesticides control fund established under RSA 6:12, I(b)(94) pursuant to RSA  
4 430:34.

5           5 Repeal. The following are repealed:

6           I. RSA 6:12, I(b)(76), relative to the pesticide training program fund.

7           II. RSA 6:12, I(b)(215), relative to moneys deposited in the department of fish and game's  
8 permit fund under RSA 214:9-2, IV.

9           III. RSA 6:12, I(b)(332), relative to the emergency vehicle warning sign fund.

10          IV. RSA 6:12, I(b)(339), relative to the state heating system savings account.

11          V. RSA 6:12, I(b)(380), relative to the body-worn and in-car camera fund.

12          VI. RSA 21-I:19-ff, relative to the state heating system savings account.

13          VII. RSA 265:37-c, relative to the emergency vehicle warning sign fund.

14          VIII. RSA 430:31-b, relative to the pesticides training program.

15          6 Effective Date.

16           I. Sections 1 and 2 of this act shall take effect July 1, 2024.

17           II. The remainder of this act shall take effect 60 days after its passage.

**HB 1626-FN-A- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	Companion Animal Neutering Fund Veterinary Diagnostic Laboratory Fund			
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	Companion Animal Neutering Fund Veterinary Diagnostic Laboratory Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  N/A
- Does this bill authorize new positions to implement this bill?  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 reapportion \$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

1 Amend the bill by inserting after section 4 the following and renumbering the original sections 5 and  
2 6 to read as 6 and 7, respectively:

3

4       5 Animal Population Control Program; Veterinarian Participation; Reimbursement. Amend  
5 RSA 437-A:4, II(a) to read as follows:

6           II.(a) The commissioner shall reimburse, to the extent funds are available, participating  
7 veterinarians for [~~80~~] **100** percent of the fee, less payment paid by the owner to the veterinarian as  
8 provided in RSA 437-A:3, for each animal sterilization procedure administered. To receive this  
9 reimbursement, the veterinarian shall submit an animal sterilization certificate which shall be  
10 signed by the veterinarian and the owner of the animal.

**Amendment to HB 1626-FN-A**  
**- Page 2 -**

2024-1702s

AMENDED ANALYSIS

This bill repeals certain designated funds, changes dog licensing fees and fully compensates veterinarians for animal population control program participation.

Docket of HB1626		
12/15/2023	H	Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1
01/05/2024	H	Public Hearing: 01/08/2024 11:30 am LOB 301-303
01/17/2024	H	Executive Session: 01/08/2024 11:30 am LOB 301-303
01/17/2024	H	Committee Report: Ought to Pass 01/08/2024 (Vote 18-0; CC) HC 4 P. 7
02/01/2024	H	Ought to Pass: MA VV 02/01/2024 HJ 3 P. 7
02/01/2024	H	Referred to Ways and Means 02/01/2024 HJ 3
02/15/2024	H	Public Hearing: 02/20/2024 11:30 am LOB 202-204
02/15/2024	H	Full Committee Work Session: 02/20/2024 01:00 pm LOB 202-204
02/15/2024	H	Executive Session: 02/20/2024 01:30 pm LOB 202-204
02/23/2024	H	Committee Report: Ought to Pass 02/20/2024 (Vote 19-0; CC) HC 9 P. 16
03/07/2024	H	Ought to Pass: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Election Law and Municipal Affairs; SJ 7
03/27/2024	S	Hearing: 04/02/2024, Room 103, LOB, 10:00 am; SC 13
04/16/2024	S	Hearing: 04/23/2024, Room 103, LOB, 09:15 am, on proposed non-germane amendment # 2024-1411s; SC 16
04/30/2024	S	Committee Report: Ought to Pass with Amendment # 2024-1702s, 05/16/2024, Vote 3-0; SC 19

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**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.

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**Sponsors:**

Rep. D. McGuire  
Sen. Gray

Rep. Almy

Sen. D'Allesandro

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**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.

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**Sponsors:**

Rep. D. McGuire  
Sen. Gray

Rep. Almy

Sen. D'Allesandro

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**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 germane 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 germane 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.
  - Ms. Little replied that it starts on May 1<sup>st</sup> and ends April 30<sup>th</sup> 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.
  - 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.
  - 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 1<sup>st</sup> 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.
  - 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.

SPONSORS:            Rep. Simon, Graf. 1; Rep. Mooney, Hills. 12; Rep. Rung, Hills. 12; Rep. Rochefort,  
Graf. 1

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill establishes additional requirements for siting of landfills as permitted by the department of environmental services.

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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 602-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2333h  
3Jan2024... 0042h

23-0725  
08/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT relative to landfill siting.

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

1 1 New Paragraph; Permit Required; New Landfills. Amend RSA 149-M:9 by inserting after  
2 paragraph XV the following new paragraph:

3 XVI.(a) In revising administrative rules under Env-Sw 804, the department shall bifurcate  
4 the permit process for new solid waste landfills by creating a "preliminary application phase" for  
5 each required permit. The department shall instruct, by rule, applicants for new landfills to present  
6 within the preliminary permit application enough information for the department to appraise  
7 whether the proposed location violates any of the prohibitive locational criteria that the department  
8 shall develop during such rulemaking. An application that does not pass such a preliminary screen  
9 shall be returned to the applicant without prejudice so that the applicant may choose an alternative  
10 location and present a revised preliminary application later.

11 (b) The department shall, in its discretion and informed by a public hearing and  
12 subsequent written public comment, adopt one or more prohibitive locational criteria, thereby  
13 establishing certain sites that it will judge as wholly inappropriate for constructing a new municipal  
14 solid waste landfill. Such criteria may consider:

15 (1) Whether soils at the site are permeable, based on quantitative and reasonable-  
16 worst-case measurement of hydraulic conductivity or other parameters, such that spills or liner  
17 failures would rapidly contaminate nearby surface waters.

18 (2) Whether bedrock at the site is sufficiently fractured that leaks from the landfill  
19 would rapidly spread throughout the local environment.

20 (3) Whether the proposed location is sufficiently far from major sources of waste  
21 generation that trucks carrying waste to and from the site would needlessly add to greenhouse gas  
22 emissions, highway congestion, traffic congestion, traffic accidents, or other negative impacts.

23 (4) Whether the proposed site lies over a significant sand and gravel aquifer.

24 (5) Whether the proposed site is located in, or over, a coastal sand dune system, a  
25 prime wetland, or other special habitat.

26 (6) Whether all or part of the proposed site is undisturbed forest, wetland, or open  
27 space, as opposed to a brownfield where environmental impacts have already occurred or are  
28 occurring.

29 (7) Any other factors the department, in its discretion, considers worthwhile.

30 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 602-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENTS #2023-2333h and #2024-0042h)

AN ACT relative to landfill siting.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  No

<b>Estimated Political Subdivision Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**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:
  - o A “preliminary application phase” in which the applicant would submit a “preliminary permit application” relative to landfill siting, and

- o 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
- o 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

Docket of HB602		
01/12/2023	H	Introduced (in recess of) 01/05/2023 and referred to Environment and Agriculture HJ 3 P. 22
02/08/2023	H	Public Hearing: 02/21/2023 02:30 pm LOB 303
02/23/2023	H	Full Committee Work Session: 02/28/2023 09:30 am LOB 201-203
02/23/2023	H	Executive Session: 02/28/2023 01:30 pm LOB 201-203
03/01/2023	H	Retained in Committee
08/22/2023	H	Full Committee Work Session: 09/12/2023 10:00 am LOB 301-303
10/03/2023	H	Full Committee Work Session: 10/17/2023 10:00 am LOB 301-303 HC 40
10/03/2023	H	Executive Session: 10/24/2023 01:00 pm LOB 301-303
11/01/2023	H	Majority Committee Report: Ought to Pass with Amendment # 2023-2333h 10/24/2023 (Vote 13-6; RC) HC 49 P. 34
11/01/2023	H	Minority Committee Report: Inexpedient to Legislate
01/04/2024	H	Amendment # 2023-2333h: AA VV 01/03/2024 HJ 1 P. 128
01/04/2024	H	FLAM # 2024-0042h (Rep. Potenza): AA VV 01/03/2024 HJ 1 P. 129
01/04/2024	H	Ought to Pass with Amendment 2023-2333h and 2024-0042h: MA DV 226-145 01/03/2024 HJ 1 P. 129
02/22/2024	S	Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6
03/27/2024	S	Hearing: 04/02/2024, Room 103, SH, 09:00 am; SC 13
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Simon

Rep. Mooney

Rep. Rung

Rep. Rochefort

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**Who supports the bill:** Rep. Matthew Simon, Tom Tower (North Country Alliance for Balanced Change), Laurie Boswell, Wayne Morrison, Nancy Morrison, John Tuthill, Mary Lou Krambeer, Kristine Baber, Bruce Berk, Daniel Richardson, James Lenz, Susan Liebowitz, Susan Richman, Roger Doucette, Lynn Freeman, Joanne Blaney, Bruce Blaney, and Lois Cote.

**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 introduced HB 602, a bill proposing a bifurcated process for citing new landfills in New Hampshire.
- 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.
  - Sen. Pearl sought clarification on if Rep. Simon worked with DES on the bill.
- Rep. Simon stated that he did not have an answer to that question.
  - 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.
  - 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.
  - Sen. Pearl indicated that the hydrogeologic study is likely the more expensive aspect of the landfill permitting process, seeking confirmation from the witness.
  - 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 siting 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.
  - Sen. Altschiller sought clarification on the current rules regarding public involvement in the landfill application process.
  - 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.

PT

Date Hearing Report completed: April 8, 2024

HB 622-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2292h

2023 SESSION

23-0750

02/08

HOUSE BILL

**622-FN**

AN ACT

relative to the grid modernization advisory group.

SPONSORS:

Rep. Bernardy, Rock. 36; Rep. Lewicke, Hills. 36; Rep. Summers, Rock. 20; Rep. Porcelli, Rock. 19; Rep. Plett, Hills. 29; Rep. Janvrin, Rock. 40

COMMITTEE:

Science, Technology and Energy

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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.

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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 622-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2292h

23-0750

02/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT relative to the grid modernization advisory group.

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

1           1 New Subparagraph; Grid Modernization Advisory Group. Amend RSA 12-P:16, II(a) by  
2 inserting after subparagraph (4) the following new subparagraph:

3                   (5) Explore methods of modernizing, streamlining, and finding efficiencies in the  
4 delivery of energy efficiency programs and incentives, with a goal of maximizing the consumer  
5 benefit of existing state, federal, and utility funding streams.

6           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             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

Docket of HB622		
01/12/2023	H	Introduced (in recess of) 01/05/2023 and referred to Science, Technology and Energy HJ 3 P. 23
02/01/2023	H	Public Hearing: 02/07/2023 03:00 pm LOB 302-304
02/16/2023	H	Executive Session: 02/21/2023 09:30 am LOB 302-304
03/07/2023	H	Retained in Committee
09/05/2023	H	Full Committee Work Session: 09/26/2023 01:00 pm LOB 302-304 HC 36
10/25/2023	H	Executive Session: 11/06/2023 10:00 am LOB 302-304 HC 43
11/14/2023	H	Committee Report: Ought to Pass with Amendment # 2023-2292h (NT) 11/06/2023 (Vote 20-0; CC) HC 49 P. 21
01/03/2024	H	Amendment # 2023-2292h: AA VV 01/03/2024 HJ 1 P. 67
01/03/2024	H	Ought to Pass with Amendment 2023-2292h: MA VV 01/03/2024 HJ 1 P. 67
02/22/2024	S	Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6
04/03/2024	S	Hearing: 04/09/2024, Room 103, SH, 09:10 am; SC 14
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Bernardy

Rep. Lewicke

Rep. Summers

Rep. Porcelli

Rep. Plett

Rep. Janvrin

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**Who supports the bill:** Rep. JD Bernardy (Rockingham – District 36), Rep. Michael Vose (Rockingham – District 5) and Eric Pauer.

**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.
  - Sen. Watters expressed understanding of the argument regarding the need for comprehensive oversight of the work.
  - Sen. Watters suggested that the grid modernization group could utilize the services of a consultant to address concerns related to energy efficiency.
  - 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.
  - Sen. Avarad 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.
  - 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

HB 1103-FN - AS INTRODUCED

2024 SESSION

24-2048  
08/02

HOUSE BILL            ***1103-FN***

AN ACT                relative to revising the penalties of the shoreland protection act.

SPONSORS:            Rep. Rung, Hills. 12; Rep. J. MacDonald, Carr. 6; Rep. Crawford, Carr. 3; Rep. Coker, Belk. 2; Rep. Tanner, Sull. 5; Rep. Ebel, Merr. 7; Rep. Wolf, Merr. 7; Sen. Watters, Dist 4

COMMITTEE:          Resources, Recreation and Development

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ANALYSIS

This bill revises the penalties of the shoreland protection act.

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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 revising the penalties of the shoreland protection act.

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

1           1 Penalties; Shoreland Protection Act. Amend the introductory paragraph of RSA 483-B:18, III  
2 to read as follows:

3           III. Persons violating the provisions of this chapter [~~and damaging the public waterway who,~~  
4 ~~after notification by the department, fail to make a good faith effort at remediation and restoration]~~  
5 shall be subject to the following:

6           2 Effective Date. This act shall take effect January 1, 2025.

**HB 1103-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to revising the penalties of the shoreland protection act.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	General Fund			
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  No

<b>Estimated Political Subdivision Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	\$0	\$0	\$0
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**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 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

Energy and Natural Resources  
May 1, 2024  
2024-1726s  
02/05

Amendment to HB 1103-FN

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

2

3 1 Penalties; Shoreland Protection Act. Amend the introductory paragraph of RSA 483-B:18, III  
4 to read as follows:

5 III. Persons violating the provisions of this chapter, [~~and damaging the public waterway~~  
6 ~~who, after notification by the department, fail to make a good faith effort at remediation and~~  
7 ~~restoration]~~ ***who fail to restore the site to meet the applicable standards of this chapter***  
8 ***within one year of receiving notification of a violation by the department,*** shall be subject to  
9 the following:

Docket of HB1103		
11/28/2023	H	Introduced 01/03/2024 and referred to Resources, Recreation and Development
01/09/2024	H	Public Hearing: 01/17/2024 01:00 pm LOB 305
01/17/2024	H	Executive Session: 01/24/2024 10:00 am LOB 305
01/30/2024	H	Committee Report: Ought to Pass 01/24/2024 (Vote 20-0; CC)
02/08/2024	H	Ought to Pass: MA VV 02/08/2024 HJ 4 P. 12
02/22/2024	S	Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6
04/17/2024	S	Hearing: 04/23/2024, Room 103, SH, 09:30 am; SC 17
05/01/2024	S	Committee Report: Ought to Pass with Amendment #2024-1726s, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Rung

Rep. J. MacDonald

Rep. Crawford

Rep. Coker

Rep. Tanner

Rep. Ebel

Rep. Wolf

Sen. Watters

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**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 Winnepesaukee.
- 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.
  - Sen. Avarad 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.

PT

Date Hearing Report completed: April 25, 2024

HB 1114 - AS AMENDED BY THE HOUSE

22Feb2024... 0267h

2024 SESSION

24-2085

10/02

HOUSE BILL **1114**

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.

SPONSORS: Rep. N. Murphy, Hills. 12; Rep. Rung, Hills. 12; Rep. W. Thomas, Hills. 12; Rep. Ebel, Merr. 7; Rep. Meuse, Rock. 37; Rep. Rombeau, Hills. 2; Rep. W. MacDonald, Rock. 16; Rep. Lascelles, Hills. 14; Rep. Dunn, Rock. 16; Rep. K. Perez, Rock. 16; Sen. Bradley, Dist 3; Sen. Chandley, Dist 11; Sen. Soucy, Dist 18; Sen. Ricciardi, Dist 9; Sen. Carson, Dist 14

COMMITTEE: Resources, Recreation and Development

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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.

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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 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 1 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals;  
2 Hudson Included. Amend RSA 126-A:79-a, I through II(a)(9) to read as follows:

3 I. There is established a commission to study environmental and public health impacts  
4 resulting from per fluorinated chemicals (PFAS) releases to the air, soil, and water in Merrimack,  
5 Litchfield, Londonderry, **Hudson**, and Bedford.

6 II.(a) The members of the commission shall be as follows:

7 (1) Five members of the house of representatives, 3 of whom shall be appointed by  
8 the speaker of the house of representatives and 2 of whom shall be appointed by the house minority  
9 leader.

10 (2) Two members of the senate, appointed by the president of the senate.

11 (3) The program manager from the department of health and human services  
12 environmental public health tracking program, or designee.

13 (4) The commissioner of the department of environmental services, or designee.

14 (5) The director of the university of New Hampshire Institute for Health Policy and  
15 Practice, or designee.

16 (6) A representative from the New Hampshire Medical Society, appointed by the  
17 society.

18 (7) Two citizens with backgrounds in environmental science and/or public health,  
19 recommended by the senators appointed to the commission and appointed by the president of the  
20 senate.

21 (8) A representative from each of the affected towns of Merrimack, Bedford,  
22 Londonderry, **Hudson**, and Litchfield, appointed by the governing body of such town.

23 (9) [~~Four~~] **Five** residents, one from each of the affected towns of Merrimack,  
24 Bedford, Londonderry, **Hudson**, and Litchfield, who are members of drinking water related  
25 environmental advocacy citizen organizations which are not affiliated with any government or state  
26 agency, recommended by the senators appointed to the commission and appointed by the president  
27 of the senate.

28 2 Commission on the Environmental and Public Health Impacts of Perfluorinated Chemicals;  
29 Reporting Date Extended. Amend RSA 126-A:79-a, V to read as follows:

**HB 1114 - AS AMENDED BY THE HOUSE**

**- Page 2 -**

1           V. The commission shall submit an interim report of its findings on November 1, each year  
2 between 2020 and [~~2024~~] **2028**, and a final report of its findings and any recommendations for  
3 proposed legislation to the speaker of the house of representatives, the president of the senate, the  
4 house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~2024~~]  
5 **2029**.

6           3 Prospective Repeal Extended; Commission on the Environmental and Public Health Impacts  
7 of Perfluorinated Chemicals. Amend RSA 2019, 335:3, I to read as follows:

8           I. Section 2 of this act shall take effect November 1, [~~2024~~] **2029**.

9           4 Effective Date. This act shall take effect upon its passage.

Docket of HB1114		
11/28/2023	H	Introduced 01/03/2024 and referred to Resources, Recreation and Development
01/31/2024	H	Public Hearing: 02/07/2024 11:00 am LOB 305
02/13/2024	H	Executive Session: 02/07/2024 11:00 am LOB 305
02/13/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0267h (NT) 02/07/2024 (Vote 19-0; CC)
02/22/2024	H	Amendment # 2024-0267h: AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0267h: MA VV 02/22/2024 HJ 6
03/06/2024	S	Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6
04/24/2024	S	Hearing: 04/30/2024, Room 103, SH, 09:00 am; SC 17
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. N. Murphy

Rep. Rung

Rep. W. Thomas

Rep. Ebel

Rep. Meuse

Rep. Rombeau

Rep. W. MacDonald

Rep. Lascelles

Rep. Dunn

Rep. K. Perez

Sen. Bradley

Sen. Chandley

Sen. Soucy

Sen. Ricciardi

Sen. Carson

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**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](mailto: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

HB 1142 - AS AMENDED BY THE HOUSE

7Mar2024... 0653h

2024 SESSION

24-2811

08/10

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

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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.

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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 eligibility for permits for the septic system designer program.

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

1 1 Sewage Disposal Systems; Permit Eligibility; Exemption. Amend RSA 485-A:35, I(a) to read  
2 as follows:

3 (a) All applications, plans, and specifications submitted in accordance with this chapter  
4 for subsurface sewage or waste disposal systems shall be prepared and signed by the individual who  
5 is directly responsible for them and who has a permit issued by the department to perform the work.  
6 The department shall issue a permit to any individual who applies to the department, pays a fee of  
7 \$80, and demonstrates a sound working knowledge of the procedures and practices required in the  
8 site evaluation, design, and operation of subsurface sewage or waste disposal systems. The  
9 department shall require an oral or written examination or both to determine who may qualify for a  
10 permit. ***Individuals who do not pass the examination shall be required to demonstrate***  
11 ***additional training in the trade of septic system design to be eligible to take the***  
12 ***examination again.*** Permits shall be issued from January 1 and shall expire December 31 of every  
13 other year, subject to the grace periods specified in subparagraphs (c) and (d). Permits shall be  
14 renewable upon proper application, payment of a biennial permit fee of \$80, and documentation of  
15 compliance with the continuing education requirement of subparagraph (b). A permit issued to any  
16 individual may be suspended, revoked or not renewed only for just cause and after the permit holder  
17 has had a full opportunity to be heard by the department. An appeal from a decision to revoke,  
18 suspend, or not renew a permit may be taken pursuant to RSA 541. All fees shall be deposited in the  
19 subsurface systems fund established in RSA 485-A:30, I-b.

20 2 New Paragraph; Rulemaking; Permitted Septic System Designer Program. Amend RSA 485-  
21 A:35 by inserting after paragraph II the following new paragraph:

22 III. The commissioner shall adopt rules pursuant to RSA 541-A relative to the  
23 administration of the permitted septic system designer program.

24 3 System Installer Permit. Amend RSA 485-A:36, I(a) to read as follows:

25 (a) No individual shall engage in the business of installing subsurface sewage or waste  
26 disposal systems under this subdivision without first obtaining an installer's permit from the  
27 department. The permit holder shall be responsible for installing the subsurface sewage or waste  
28 disposal system in strict accordance with the approved plan. The department shall issue an  
29 installer's permit to any individual who submits an application provided by the department, pays a  
30 fee of \$80 and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read  
31 approved waste disposal plans. The department shall require an oral or written examination or both

HB 1142 - AS AMENDED BY THE HOUSE

- Page 2 -

1 to determine who may qualify for an installer's permit. *Individuals who do not pass the*  
2 *examination shall be required to demonstrate additional training in the trade of septic*  
3 *system installation to be eligible to take the examination again.* Permits shall be issued from  
4 January 1 and shall expire December 31 of every other year. Permits shall be renewable upon  
5 proper application, payment of a biennial permit fee of \$80, and documentation of compliance with  
6 the continuing education requirement of subparagraph (b). The installer's permit may be  
7 suspended, revoked or not renewed for just cause, including, but not limited to, the installation of  
8 waste disposal systems in violation of this subdivision or the refusal by a permit holder to correct  
9 defective work. The department shall not suspend, revoke or refuse to renew a permit except for just  
10 cause until the permit holder has had an opportunity to be heard by the department. An appeal  
11 from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14.  
12 All fees shall be deposited in the subsurface systems fund established in RSA 485-A:30, I-b.

13 4 New Paragraph; Rulemaking; Permitted Septic System Installer Program. Amend RSA 485-  
14 A:36 by inserting after paragraph II the following new paragraph:

15 III. The commissioner shall adopt rules pursuant to RSA 541-A relative to the  
16 administration of the permitted septic system installer program.

17 5 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1142		
11/28/2023	H	Introduced 01/03/2024 and referred to Resources, Recreation and Development
01/17/2024	H	Public Hearing: 01/24/2024 03:00 pm LOB 305
01/31/2024	H	==RECESSED== Executive Session: 02/07/2024 10:00 am LOB 305
02/07/2024	H	==CONTINUED== Executive Session: 02/14/2024 09:30 am LOB 305
02/20/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-0653h (NT) 02/14/2024 (Vote 18-2; RC) HC 9 P. 29
02/20/2024	H	Minority Committee Report: Refer for Interim Study
03/07/2024	H	Amendment # 2024-0653h: AA VV 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass with Amendment 2024-0653h: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7
04/17/2024	S	Hearing: 04/25/2024, Room 103, SH, 09:30 am; SC 16
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. McConkey

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**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.
  - 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. Spaulding.
- 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 Carboneau**  
**Connecticut Valley Design**

- Mr. Carboneau introduced himself as a licensed designer, installer, and evaluator who works closely with DES (Department of Environmental Services).
- Mr. Carboneau mentioned his familiarity with Gary Spaulding and expressed understanding of Chris's concerns, although they haven't met.
- Mr. Carboneau and his wife have considered teaching a class in the North Country, where they reside in Littleton.
- Mr. Carboneau 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. Carboneau emphasized the importance of proper preparation for the test, drawing from his own educational experiences.
- Mr. Carboneau 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. Carboneau praised the DES staff and acknowledged the challenges they face, but urged reconsideration of the test's effectiveness and alignment with teaching methods.
- Mr. Carboneau 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. Carboneau expressed a realization that he had previously mistaken his certification as a license, only to discover it was a permit.
- Mr. Carboneau stated that he saw no harm in changing it from a permit to a license.

HB 1143 - AS AMENDED BY THE HOUSE

22Feb2024... 0369h

2024 SESSION

24-2105

10/08

HOUSE BILL **1143**

AN ACT including control of cyanobacteria blooms under the New Hampshire clean lakes program.

SPONSORS: Rep. Rung, Hills. 12; Rep. J. MacDonald, Carr. 6; Rep. Crawford, Carr. 3; Rep. Coker, Belk. 2; Rep. Ebel, Merr. 7; Rep. Wolf, Merr. 7; Rep. Tanner, Sull. 5; Rep. Ball, Rock. 25

COMMITTEE: Resources, Recreation and Development

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ANALYSIS

This bill requires the department of environmental services to provide remedial actions for cyanobacteria blooms under the New Hampshire clean lakes program.

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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 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 1 New Hampshire Clean Lakes Program; Cyanobacteria Blooms. Amend RSA 487:17 to read as  
2 follows:

3 487:17 Program Established.

4 I. A program for the preservation and restoration of New Hampshire lakes and ponds  
5 eligible under RSA 487:20 shall be established and administered within the department of  
6 environmental services. Said program shall function to:

7 (a) Limit the eutrophication process in New Hampshire lakes by reducing nuisance  
8 growths of macrophyton and phytoplankton.

9 (b) **Monitor, manage and reduce the risk of cyanobacteria blooms.**

10 **I-a. [H] The program** shall reinforce and complement the [program] **programs** authorized  
11 by the federal program and shall serve [3] **the following** basic purposes:

12 (a) To diagnose degraded lakes and ponds and implement long-term solutions for the  
13 purpose of restoring water quality where such solutions are feasible and cost effective.

14 (b) To diagnose lakes and ponds and implement methods for long-term preservation of  
15 the water quality when such measures can be shown to be feasible and cost effective.

16 (c) To provide short-term remedial actions which can effectively maintain water quality  
17 conditions adequate for public recreation and enjoyment, including, but not limited to, the control or  
18 eradication of exotic aquatic weeds pursuant to paragraphs II and III.

19 (d) **To provide remedial actions which can effectively maintain water quality**  
20 **conditions adequate for public recreation and enjoyment, including, but not limited to, the**  
21 **control of cyanobacteria blooms pursuant to paragraphs III and IV.**

22 II. The department is directed to prevent the introduction and further dispersal of exotic  
23 aquatic weeds and to manage, control, or eradicate exotic aquatic weed infestations in the surface  
24 waters of the state. The department is authorized to:

25 (a) Display and distribute promotional material and engage in educational efforts  
26 informing boaters of the problems with exotic aquatic weed control.

27 (b) Control or eradicate infestations of exotic aquatic weeds, according to the following  
28 criteria:

29 (1) The department shall have determined that the exotic aquatic weed can in fact  
30 be controlled or eradicated in the waterbody.

1           (2) The most environmentally sound treatment technique relative to the specific  
2 infestation will be used, which also meets the requirements of state rules, including rules adopted  
3 under RSA 430. Notwithstanding any law or interagency agreement to the contrary, the  
4 department's recommendation to use herbicide applications shall be made in consultation with the  
5 fish and game department and shall be implemented only if the department of agriculture, markets,  
6 and food issues the permit pursuant to RSA 430:33, with or without the concurrence of the  
7 department of fish and game.

8           (c) Develop an emergency response protocol to control or eradicate small new  
9 infestations. The protocol may include contractual agreements with one or more licensed pesticide  
10 applicators that would enable the prompt treatment of exotic aquatic weeds with herbicides  
11 consistent with the criteria provided in subparagraph (b).

12           (d) Designate, in consultation with the department of fish and game and the division of  
13 state police, department of safety, restricted use of exotic aquatic weed control areas.

14           III. After notice and opportunity for hearing and comment, the department may make  
15 financial grants to lakefront associations, private businesses, citizens, and local governmental  
16 agencies for the management of exotic aquatic weeds *and /or the control of cyanobacteria*  
17 *blooms*. All applications for grants by such groups shall be approved by the department, in  
18 consultation with the fish and game department, and shall meet state rule requirements.

19           ***IV. The department is directed to reduce, control, and prevent the nutrient inputs***  
20 ***which cause cyanobacteria blooms. The department may:***

21           ***(a) Display and distribute promotional material and engage in educational***  
22 ***efforts informing the public of the problems with cyanobacteria blooms.***

23           ***(b) Control the level of phosphorus using chemical or physical in-lake***  
24 ***treatments, according to the following criteria:***

25           ***(1) The department shall have determined that the prevalence of***  
26 ***cyanobacteria blooms may be controlled with chemical or physical in-lake treatments.***

27           ***(2) The most environmentally sound treatment technique determined by***  
28 ***water quality analysis shall be used, which also meets the requirements adopted in***  
29 ***administrative rules, including rules adopted under RSA 430. Notwithstanding any law or***  
30 ***interagency agreement to the contrary, the department's recommendation to use chemical***  
31 ***applications or physical treatments shall be made in consultation with the fish and game***  
32 ***department.***

33           2 New Paragraph; New Hampshire Clean Lakes Program; Rulemaking. Amend RSA 487:24 by  
34 inserting after paragraph VII-c the following new paragraph:

35           VII-d. The issuance of permits for in-lake management projects including but not limited to  
36 the use of chemical or physical in-lake treatments for the specific purposes of preventing or  
37 remediating cyanobacteria blooms.

**HB 1143 - AS AMENDED BY THE HOUSE**

**- Page 3 -**

1           3 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1143		
11/28/2023	H	Introduced 01/03/2024 and referred to Resources, Recreation and Development
01/22/2024	H	Public Hearing: 01/31/2024 10:00 am LOB 305
01/31/2024	H	Executive Session: 02/07/2024 10:00 am LOB 305
02/13/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0369h 02/07/2024 (Vote 20-0; CC)
02/22/2024	H	Amendment # 2024-0369h: AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0369h: MA VV 02/22/2024 HJ 6
03/06/2024	S	Introduced 02/21/2024 and Referred to Energy and Natural Resources; SJ 6
04/24/2024	S	Hearing: 04/30/2024, Room 103, SH, 09:10 am; SC 17
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Rung

Rep. J. MacDonald

Rep. Crawford

Rep. Coker

Rep. Ebel

Rep. Wolf

Rep. Tanner

Rep. Ball

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**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](mailto: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](mailto: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.
  - 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

HB 1179-FN - AS AMENDED BY THE HOUSE

1Feb2024... 0192h

2024 SESSION

24-2153

12/08

HOUSE BILL

***1179-FN***

AN ACT

relative to state park system fees for retired members of the armed forces.

SPONSORS:

Rep. Horgan, Straf. 1; Rep. McGough, Hills. 12; Rep. Pauer, Hills. 36; Rep. Calabro, Hills. 45; Rep. J. Harvey-Bolia, Belk. 3; Rep. Creighton, Hills. 30; Rep. Porcelli, Rock. 19

COMMITTEE:

State-Federal Relations and Veterans Affairs

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ANALYSIS

This bill amends state park fees for retired members of the armed forces.

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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 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 1 Fees for Park System. Amend RSA 216-A:3-g, V to read as follows:

2 V.(a) Upon presentation of military identification, any active member of the armed  
3 forces who meets the minimum requirements for satisfactory membership, **or any retired member**  
4 **of the armed forces, or any spouse or unmarried surviving spouse of a retired member of**  
5 **the armed forces** as defined in federal regulations, shall not be charged a fee for admission to day-  
6 use areas of the state park system **provided that retired members of the armed forces and**  
7 **spouses or unmarried surviving spouses of a retired member of the armed forces provides**  
8 **proof of New Hampshire residency.** In this section, "armed forces" means armed forces as defined  
9 in RSA 21:50, II and includes active, **retired**, and reserve members of the New Hampshire national  
10 guard.

11 ~~[(b) Any New Hampshire national guard member who retired in pay grade E6 or below~~  
12 ~~shall not be charged a fee for day-use admission to the state park system.]~~

13 ~~[(e)]~~ (b) Any fees for the use of enterprise activities as described in paragraph II of this  
14 section shall be charged.

15 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1179-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0192h)

AN ACT relative to state park system fees for retired members of the armed forces.

**FISCAL IMPACT:**     State             County             Local             None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
<b>Revenue</b>	\$0	Indeterminable Decrease (\$126,000+) to \$0	Indeterminable Decrease (\$126,000+) to \$0	Indeterminable Decrease (\$126,000+) to \$0
<i>Revenue Fund(s)</i>	State Park Fund			
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  N/A
- Does this bill authorize new positions to implement this bill?  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

Docket of HB1179		
12/01/2023	H	Introduced 01/03/2024 and referred to State-Federal Relations and Veterans Affairs
01/05/2024	H	Public Hearing: 01/12/2024 01:00 pm LOB 206-208
01/09/2024	H	Executive Session: 01/19/2024 02:00 pm LOB 206-208
01/24/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0192h 01/19/2024 (Vote 20-0; RC) HC 4 P. 16
02/01/2024	H	Amendment # 2024-0192h: AA VV 02/01/2024 HJ 3 P. 36
02/01/2024	H	Ought to Pass with Amendment 2024-0192h: MA VV 02/01/2024 HJ 3 P. 36
02/01/2024	H	Referred to Ways and Means 02/01/2024 HJ 3 P. 36
02/15/2024	H	Public Hearing: 02/20/2024 10:00 am LOB 202-204
02/15/2024	H	Full Committee Work Session: 02/20/2024 01:00 pm LOB 202-204
02/15/2024	H	Executive Session: 02/20/2024 01:30 pm LOB 202-204
02/23/2024	H	Committee Report: Ought to Pass 02/20/2024 (Vote 19-0; CC) HC 9 P. 16
03/07/2024	H	Ought to Pass: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7
03/20/2024	S	Hearing: 03/26/2024, Room 103, SH, 09:45 am; SC 12
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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

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**Sponsors:**

Rep. Horgan

Rep. McGough

Rep. Pauer

Rep. Calabro

Rep. J. Harvey-Bolia

Rep. Creighton

Rep. Porcelli

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**Who supports the bill:** Rep. James Horgan, Rep. James Spillane, Rep. Diane Pauer, Janet Lucas, Daniel Richardson, and Eric Pauer.

**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.
  - 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.

PT  
Date Hearing Report completed: March 26, 2024

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.

SPONSORS: Rep. Granger, Straf. 2; Rep. Bailey, Straf. 2; Rep. Burnham, Straf. 2; Rep. Gerhard, Merr. 25; Rep. Cushman, Hills. 28; Rep. Belcher, Carr. 4

COMMITTEE: Environment and Agriculture

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AMENDED ANALYSIS

This bill establishes a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

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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 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            1    Committee Established.    There is established a committee to study ways to facilitate  
2    municipal compliance with Clean Water Act requirements.

3            2    Membership and Compensation.

4            I.    The members of the committee shall be as follows:

5                    (a)    Three members of the house of representatives, appointed by the speaker of the  
6    house of representatives.

7                    (b)    One member of the senate, appointed by the president of the senate.

8            II.    Members of the committee shall receive mileage at the legislative rate when attending to  
9    the duties of the committee.

10           3    Duties.    The committee shall review RSA 426 and RSA 434 and assess the following:

11                    I.    Would having the department of environmental services assume National Pollutant  
12    Discharge Elimination System (NPDES) permitting authority help municipalities better meet the  
13    requirements of the Clean Water Act?

14                    II.    How can the state help municipalities acquire more funding to meet Clean Water Act  
15    NPDES requirements?

16    Would enabling legislation for regional sewage management programs help smaller municipalities  
17    meet Clean Water Act NPDES requirements?

18           4    Chairperson; Quorum.    The members of the study committee shall elect a chairperson from  
19    among the members.    The first meeting of the committee shall be called by the first-named house  
20    member.    The first meeting of the committee shall be held within 45 days of the effective date of this  
21    section.    Three members of the committee shall constitute a quorum.

22           5    Report.    The committee shall report its findings and any recommendations for proposed  
23    legislation to the speaker of the house of representatives, the president of the senate, the house  
24    clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

25           6    Effective Date.    This act shall take effect upon its passage.

LBA  
24-2171  
Amended 2/23/24

**HB 1294-FN- FISCAL NOTE**  
**AS AMENDED BY THE HOUSE (AMENDMENT #2024-0487h)**

AN ACT                    establishing a committee to study ways to facilitate municipal compliance with  
Clean Water Act requirements.

**FISCAL IMPACT:**     State             County         Local         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

Docket of HB1294		
12/06/2023	H	Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1
01/05/2024	H	Public Hearing: 01/08/2024 11:00 am LOB 301-303
01/16/2024	H	Full Committee Work Session: 01/22/2024 02:30 pm LOB 301-303
01/30/2024	H	Executive Session: 02/06/2024 10:00 am LOB 301-303
02/09/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0487h (NT) 02/06/2024 (Vote 20-0; CC)
02/22/2024	H	Amendment # 2024-0487h: AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0487h: MA VV 02/22/2024 HJ 6
02/22/2024	H	Referred to Finance 02/22/2024 HJ 6
02/28/2024	H	Referral Waived by Committee Chair per House Rule 47(f) 02/27/2024
03/13/2024	S	Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7
04/17/2024	S	Hearing: 04/23/2024, Room 103, SH, 09:40 am; SC 17
05/01/2024	S	Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Granger

Rep. Bailey

Rep. Burnham

Rep. Gerhard

Rep. Cushman

Rep. Belcher

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**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.

PT  
Date Hearing Report completed: April 25, 2024

HB 1360 - AS AMENDED BY THE HOUSE

7Mar2024... 0492h

2024 SESSION

24-2294

10/08

HOUSE BILL **1360**

AN ACT relative to emergency authority on the public or coastal waters of the state.

SPONSORS: Rep. Wolf, Merr. 7; Rep. Tanner, Sull. 5; Rep. B. Boyd, Hills. 12; Rep. Ebel, Merr. 7; Rep. Stapleton, Sull. 6; Rep. B. Sullivan, Sull. 1

COMMITTEE: Resources, Recreation and Development

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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.

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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 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           1 Supervision of Navigation; Enforcement; Emergencies. Amend RSA 270:12-a, VI(c) to read as  
2 follows:

3                   (c) The commissioner of the department of safety may establish a safety and security  
4 zone, ***including the establishment of a no wake zone for a period not to exceed 10 days due***  
5 ***to weather or environmental conditions***, on any public or coastal waters of the state in case of an  
6 emergency requiring prompt action.

7           2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1360		
12/06/2023	H	Introduced 01/03/2024 and referred to Resources, Recreation and Development HJ 1
01/31/2024	H	Public Hearing: 02/07/2024 02:00 pm LOB 305
02/14/2024	H	Executive Session: 02/21/2024 10:00 am LOB 305
02/27/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0492h 02/21/2024 (Vote 20-0; CC) HC 9 P. 14
03/07/2024	H	Amendment # 2024-0492h: AA VV 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass with Amendment 2024-0492h: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7
04/24/2024	S	Hearing: 04/30/2024, Room 103, SH, 09:20 am; SC 17
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Wolf

Rep. Tanner

Rep. B. Boyd

Rep. Ebel

Rep. Stapleton

Rep. B. Sullivan

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**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](mailto: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](mailto: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.

HB 1371 - AS INTRODUCED

2024 SESSION

24-2441

12/05

HOUSE BILL **1371**

AN ACT relative to allowing the land use master plan to include a section on waste reduction.

SPONSORS: Rep. Ebel, Merr. 7; Rep. M. Murray, Hills. 37; Rep. Stavis, Graf. 13; Rep. Rochefort, Graf. 1; Rep. Wolf, Merr. 7; Rep. Preece, Hills. 17; Rep. Massimilla, Graf. 1; Rep. Rung, Hills. 12; Rep. Germana, Ches. 1; Rep. Stapleton, Sull. 6; Sen. Avard, Dist 12; Sen. Watters, Dist 4; Sen. Pearl, Dist 17; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Municipal and County Government

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ANALYSIS

This bill allows town master plans to include a waste reduction section.

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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 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           1   Municipal Land Use Master Plan; Waste Reduction Section. Amend RSA 674:2, III by  
2 inserting after subparagraph (o) the following new subparagraph:

3                   (p) A waste reduction section outlining a municipality's solid waste reduction plan,  
4 including ways to reduce solid waste disposal, such as increasing reuse, recycling, composting,  
5 hazardous and electronic waste management. Such efforts may include education and outreach, a  
6 needs analysis, grant funding, community polling, a town waste committee, and regional  
7 cooperation.

8           2   Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1371		
12/06/2023	H	Introduced 01/03/2024 and referred to Municipal and County Government HJ 1
02/15/2024	H	Public Hearing: 02/21/2024 01:00 pm LOB 307
03/06/2024	H	Executive Session: 03/11/2024 09:30 am LOB 301-303
03/15/2024	H	Committee Report: Inexpedient to Legislate 03/11/2024 (Vote 17-1; CC)
03/21/2024	H	Ought to Pass: MA VV 03/21/2024 HJ 9
03/26/2024	S	Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8
04/24/2024	S	Hearing: 04/30/2024, Room 103, SH, 09:30 am; SC 17
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Ebel

Rep. M. Murray

Rep. Stavis

Rep. Rochefort

Rep. Wolf

Rep. Preece

Rep. Massimilla

Rep. Rung

Rep. Germana

Rep. Stapleton

Sen. Avard

Sen. Watters

Sen. Pearl

Sen. Perkins Kwoka

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**Who supports the bill:** Rep. Nancy Murphy (Hillsborough – District 12), Rep. Rosemarie Rung (Hillsborough – District 12), Rep. Chuck Grassie (Strafford – District 8), Natch Greyes (NH Municipal Association), Sarah Yukas Kirn (NH Department of Environmental Services), Carol Foss (NH Audubon), Clark Corson (Collaborative Solid Waste Strategies), Eric Pauer, Janet Lucas, Maureen Ellermann, Robin Mower, Andrew Jones, Gary Devore, Elissa Rasmussen, Richard DeMark, Patricia Beffa-Negrini, Dorothea Vecchiotti, and Lois Cote.

**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. Yuhus 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. Yuhus 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.

PT  
Date Hearing Report completed: April 30, 2024

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.

SPONSORS: Rep. Ammon, Hills. 42; Rep. Harrington, Straf. 18; Rep. D. Thomas, Rock. 16; Rep. See, Merr. 26; Rep. P. Schmidt, Straf. 14; Rep. Cambrils, Merr. 4; Rep. A. Lekas, Hills. 38; Rep. T. Lekas, Hills. 38; Rep. Osborne, Rock. 2; Sen. Pearl, Dist 17; Sen. Watters, Dist 4

COMMITTEE: Science, Technology and Energy

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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.

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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 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

1 this state unless ~~[he]~~ **the person** shall have first obtained a license or permit for the activity ~~[in~~  
2 ~~which he proposes to engage]~~ **proposed** from the United States ~~[Atomic Energy]~~ **Nuclear**  
3 **Regulatory** Commission, if, pursuant to the Atomic Energy Act of 1954, **as amended**, the  
4 commission requires a license or permit to be obtained by persons proposing to engage in activities of  
5 the same type over which it has jurisdiction.

6 2 Conduct of Studies; Publication. RSA 162-B:3 is repealed and reenacted to read as follows:

7 162-B:3 Conduct of Studies; Publication.

8 I. The coordinator of nuclear development and regulatory activities established under RSA  
9 162 B:4 shall have the duty to pursue continuing studies as to the need, if any, for changes in the  
10 laws and regulations administered by the departments and agencies of the state that would arise  
11 from the presence within the state of special nuclear materials and by-product materials and from  
12 the operation herein of production or utilization facilities, and, on the basis of such studies, to make  
13 such recommendations for the enactment of laws or amendments to laws in effect and such proposals  
14 for amendments to the regulations adopted under RSA 541-A as may appear necessary and  
15 appropriate. In pursuing these continuing studies, the coordinator of nuclear development and  
16 regulatory activities shall consult with following state departments and agencies:

17 (a) The department of health and human services, particularly as to hazards, if any, to  
18 the public health and safety.

19 (b) The department of labor, particularly as to hazardous working conditions, if any, the  
20 time and character of proof of claims of injuries and the extent of the compensation allowable  
21 therefor.

22 (c) The department of transportation, particularly as to the transportation of special  
23 nuclear materials and by-product materials on highways of the state.

24 (d) The public utilities commission and the department of energy, particularly as to the  
25 transportation of special nuclear materials and by-product materials by common carriers or public or  
26 private air carriers not in interstate commerce and as to the participation by public utilities subject  
27 to their jurisdiction in projects looking to the development of production or utilization facilities for  
28 industrial or commercial use.

29 (e) The department of insurance, particularly as to the insurance of persons and  
30 property from hazards to life and property resulting from atomic nuclear development.

31 (f) The council on resources and development, particularly as to the hazards, if any, to  
32 the natural resources of the state, including wildlife, and as to the protection, if necessary, of rivers,  
33 streams, and airspace from pollution.

34 (g) The department of business and economic affairs, particularly as to how matters  
35 relating to nuclear development may affect the overall economic well-being of the state.

1 (h) Such other departments and agencies including departments and agencies of political  
2 subdivisions of the state as the coordinator of nuclear development and regulatory activities, the  
3 commissioner or the department of energy or the governor may deem appropriate.

4 II. The coordinator of nuclear development and regulatory activities shall also examine the  
5 ongoing costs versus benefits of existing and proposed new nuclear developments in the state  
6 including, but not limited to, the impact on meeting projected energy requirements; any required  
7 upgrades that may be required to the existing transmission and distribution infrastructure; how the  
8 development of additional nuclear production capacity may affect electricity reliability; and what  
9 impact additional capacity may have on seasonal fluctuations in electricity prices.

10 III. The department of energy shall publish a public report, prepared by the coordinator of  
11 nuclear development and regulatory activities, at least once every three years beginning with a  
12 report due not later than December 1, 2025.

13 3 New Paragraph; Continuing Studies; Department of Energy; Advanced Nuclear Reactors.  
14 Amend RSA 162-B:3 by inserting after paragraph VII the following new paragraph:

15 VIII. The department of energy shall study state and federal policies, technologies, supply  
16 chains, and potential siting locations related to advanced nuclear reactors.

17 4 Coordination of Studies; Commission of Energy. RSA 162-B:4 is repealed and reenacted to  
18 read as follows:

19 162-B:4 Coordination of Studies and Development Activities; Position Established.

20 I. The commissioner of the department of energy or a designee from within the department  
21 shall be the senior adviser to the governor with respect to the development and regulatory activities  
22 of the state government relating to the industrial and commercial uses of nuclear energy; and as  
23 deputy of the governor in matters relating to nuclear energy, including participation in the activities  
24 of any committee formed by the New England states to represent their interest in such matters and  
25 also cooperation with other states and with the government of the United States.

26 II. To assist the commissioner of the department of energy in his or her role as senior  
27 adviser to the governor with respect to the development and regulatory activities of the state  
28 government relating to the industrial and commercial uses of nuclear energy, the position of  
29 coordinator of nuclear development and regulatory activities is established in the department of  
30 energy, office of energy innovation.

31 III. The coordinator of nuclear development and regulatory activities shall have the duty to  
32 coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies  
33 conducted, and the recommendations and proposals made, in this state with like activities in New  
34 England and other states and with the policies and regulations of the United States Nuclear  
35 Regulatory Commission.

36 IV. All departments and agencies of the state government are directed to keep the  
37 coordinator of nuclear development and regulatory activities fully and currently informed as to their

**HB 1465-FN - AS AMENDED BY THE HOUSE**  
**- Page 4 -**

1 activities relating to nuclear energy. No administrative rule or amendment to a rule applying  
2 specifically to a nuclear energy matter shall be adopted under RSA 541-A until it has been submitted  
3 to the coordinator, unless the governor declares it an emergency need.

4 V. The coordinator of nuclear development and regulatory activities shall keep the  
5 commissioner of the department of energy, the governor and council and the several interested  
6 departments and agencies informed at least biennially as to private and public activities affecting  
7 nuclear industrial development and shall enlist their cooperation in taking action to further such  
8 development as is consistent with the health, safety and general welfare of this state.

9 5 New Paragraph; Definition Added; Advanced Nuclear Reactor. Amend RSA 162-B:6 by  
10 inserting after paragraph I the following new paragraph:

11 I-a. The term "advanced nuclear reactor" means the same as defined in 42 U.S.C. section  
12 16271(b)(1).

13 6 Office of Offshore Wind Industry Development. Amend the subdivision heading preceding  
14 RSA 12-O:51 to read as follows:

Office of [~~Offshore Wind Industry Development~~] **Energy Innovation**

16 7 Offshore Wind Industry Workforce Training Center Committee. Amend RSA 12-O:51-a, I(k)  
17 to read as follows:

18 (k) The director of the office of [~~offshore wind industry development~~] **energy innovation**  
19 under RSA 12-P:7-b.

20 8 Office of Offshore Wind Industry Development. Amend the section heading of RSA 12-P:7-b to  
21 read as follows:

12-P:7-b Office of [~~Offshore Wind Industry Development~~] **Energy Innovation** Established.

23 9 Office of Offshore Wind Industry Development Established. Amend RSA 12-P:7-b, I to read as  
24 follows:

25 I. There is established in the department of energy the office of [~~offshore wind industry~~  
26 ~~development~~] **energy innovation**. The office shall be under the supervision of a classified director  
27 of the office of [~~offshore wind industry development~~] **energy innovation**, who shall serve under the  
28 supervision of the commissioner. The director shall provide administrative oversight and ensure  
29 that the responsibilities of the office described in this section are fulfilled.

30 10 Office of Offshore Wind Industry Development Established. Amend introductory paragraph  
31 RSA 12-P:7-b, II to read as follows:

II. The office of [~~offshore wind industry development~~] **energy innovation** shall:

33 11 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

34 I. There is hereby established a renewable energy fund. This nonlapsing special fund shall  
35 be continually appropriated to the department of energy to be expended in accordance with this  
36 section; provided that at the start of the period in which there is no adopted state operating budget,  
37 the department of energy shall in a timely manner seek the approval of the fiscal committee of the

**HB 1465-FN - AS AMENDED BY THE HOUSE**

**- Page 5 -**

1 general court to continue using moneys from the renewable energy fund to support renewable energy  
2 rebate and grant programs in order to ensure there are no interruptions to the programs. The state  
3 treasurer shall invest the moneys deposited therein as provided by law. Income received on  
4 investments made by the state treasurer shall also be credited to the fund. All payments to be made  
5 under this section shall be deposited in the fund. Any remaining moneys paid into the fund under  
6 paragraph II of this section, excluding class II moneys, shall be used by the department of energy to  
7 support thermal and electrical renewable energy initiatives and offshore wind initiatives, including  
8 the office of [~~offshore wind industry development~~] **energy innovation**. Class II moneys shall  
9 primarily be used to support solar energy technologies in New Hampshire. All initiatives supported  
10 out of these funds shall be subject to audit by the department of energy as deemed necessary. All  
11 fund moneys including those from class II may be used to administer this chapter, but all new  
12 employee positions shall be approved by the fiscal committee of the general court. No new employees  
13 shall be hired by the department of energy due to the inclusion of useful thermal energy in class I  
14 production.

15 12 Offshore Wind and Port Development; Commission Established. Amend RSA 374-F:10, VI to  
16 read as follows:

17 VI. The commission shall receive staff support and other services, including research and  
18 facilities assessments, from the department of energy, office of [~~offshore wind industry development~~]  
19 **energy innovation** established in RSA 12-P:7-b.

20 13 Effective Date. This act shall take effect June 30, 2025.

**HB 1465-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to studies of nuclear energy technologies.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund Insurance Department Assessment and Highway Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  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

1 Amend RSA 162-B:4, II as inserted by section 4 of the bill by replacing it with the following:

2

3 II. To assist the commissioner of the department of energy in his or her role as senior  
4 adviser to the governor with respect to the development and regulatory activities of the state  
5 government relating to the industrial and commercial uses of nuclear energy, the position of  
6 coordinator of nuclear development and regulatory activities is established in the department of  
7 energy, office of offshore wind industry development and energy innovation.

8

9 Amend the bill by replacing all after section 5 with the following:

10

11 6 Office of Offshore Wind Industry Development. Amend the subdivision heading preceding  
12 RSA 12-O:51 to read as follows:

13 Office of Offshore Wind Industry Development **and Energy Innovation**

14 7 Offshore Wind Industry Workforce Training Center Committee. Amend RSA 12-O:51-a, I(k)  
15 to read as follows:

16 (k) The director of the office of offshore wind industry development **and energy**  
17 **innovation** under RSA 12-P:7-b.

18 8 Office of Offshore Wind Industry Development. Amend the section heading of RSA 12-P:7-b to  
19 read as follows:

20 12-P:7-b Office of Offshore Wind Industry Development **and Energy Innovation** Established.

21 9 Office of Offshore Wind Industry Development and Energy Innovation Established. Amend  
22 RSA 12-P:7-b, I to read as follows:

23 I. There is established in the department of energy the office of offshore wind industry  
24 development **and energy innovation**. The office shall be under the supervision of a classified  
25 director of the office of offshore wind industry development **and energy innovation**, who shall  
26 serve under the supervision of the commissioner. The director shall provide administrative  
27 oversight and ensure that the responsibilities of the office described in this section are fulfilled.

28 10 Office of Offshore Wind Industry Development and Energy Innovation Established. Amend  
29 RSA 12-P:7-b, II to read as follows:

30 II. The office of offshore wind industry development **and energy innovation** shall:

**Amendment to HB 1465-FN**  
**- Page 2 -**

1           (a) Support the work of the New Hampshire members of the Intergovernmental  
2 Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management  
3 (BOEM).

4           (b) Support the work of the offshore wind commission established in RSA 374-F:10.

5           (c) Assist the offshore wind commission to develop and implement offshore wind  
6 development strategies including:

7                   (1) Assessment of port facilities.

8                   (2) Economic impact analyses.

9                   (3) Supply chain analyses.

10                  (4) Outcome and performance measurements.

11           (d) Collaborate with key state agencies and partners on offshore wind industry  
12 development initiatives.

13           (e) Coordinate offshore wind industry economic development policy, including:

14                   (1) Development of workforce.

15                   (2) Identification of and recruitment of offshore wind development employers.

16                   (3) Identification and recruitment of offshore wind supply chain employers.

17                   (4) Promotion of New Hampshire's benefits to the various components of the offshore  
18 wind industry.

19                   (5) Provide updates and guidance to the general court with regard to policy and  
20 funding.

21           (f) Advise the governor, state agencies, the public utilities commission, and the  
22 legislature on the development of clean energy resources in the Gulf of Maine and the purchase of  
23 power by New Hampshire public utilities from these resources.

24           ***(g) Fulfill the duties outlined in RSA 162-B:4.***

25           11 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

26           I. There is hereby established a renewable energy fund. This nonlapsing special fund shall  
27 be continually appropriated to the department of energy to be expended in accordance with this  
28 section; provided that at the start of the period in which there is no adopted state operating budget,  
29 the department of energy shall in a timely manner seek the approval of the fiscal committee of the  
30 general court to continue using moneys from the renewable energy fund to support renewable energy  
31 rebate and grant programs in order to ensure there are no interruptions to the programs. The state  
32 treasurer shall invest the moneys deposited therein as provided by law. Income received on  
33 investments made by the state treasurer shall also be credited to the fund. All payments to be made  
34 under this section shall be deposited in the fund. Any remaining moneys paid into the fund under  
35 paragraph II of this section, excluding class II moneys, shall be used by the department of energy to  
36 support thermal and electrical renewable energy initiatives and offshore wind initiatives, including  
37 the office of offshore wind industry development ***and energy innovation***. Class II moneys shall

**Amendment to HB 1465-FN**  
**- Page 3 -**

1 primarily be used to support solar energy technologies in New Hampshire. All initiatives supported  
2 out of these funds shall be subject to audit by the department of energy as deemed necessary. All  
3 fund moneys including those from class II may be used to administer this chapter, but all new  
4 employee positions shall be approved by the fiscal committee of the general court. No new employees  
5 shall be hired by the department of energy due to the inclusion of useful thermal energy in class I  
6 production.

7 12 Offshore Wind and Port Development; Commission Established. Amend RSA 374-F:10, VI to  
8 read as follows:

9 VI. The commission shall receive staff support and other services, including research and  
10 facilities assessments, from the department of energy, office of offshore wind industry development  
11 ***and energy innovation*** established in RSA 12-P:7-b.

12 13 Effective Date. This act shall take effect upon its passage.

**Amendment to HB 1465-FN**  
**- Page 4 -**

2024-1691s

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 offshore wind industry development and energy innovation.

Docket of HB1465		
12/11/2023	H	Introduced 01/03/2024 and referred to Science, Technology and Energy HJ 1
01/17/2024	H	Public Hearing: 01/29/2024 09:45 am LOB 302-304
01/22/2024	H	Full Committee Work Session: 01/30/2024 01:30 pm LOB 302-304
01/22/2024	H	==RECESSED== Executive Session: 01/30/2024 03:00 pm LOB 302-304
02/07/2024	H	Full Committee Work Session: 02/01/2024 10:00 am LOB 302-304
02/07/2024	H	==CONTINUED== Executive Session: 02/13/2024 01:00 pm LOB 302-304
02/13/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-0650h (NT) 02/13/2024 (Vote 17-3; RC)
02/13/2024	H	Minority Committee Report: Inexpedient to Legislate
02/22/2024	H	Amendment # 2024-0650h: AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0650h: MA VV 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 01:00 pm LOB 212
03/13/2024	H	Executive Session: 03/19/2024 10:00 am LOB 210-211
03/26/2024	H	Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; CC) HC 14 P. 6
04/11/2024	H	Ought to Pass: MA VV 04/11/2024 HJ 11
04/16/2024	S	Introduced 04/11/2024 and Referred to Energy and Natural Resources; SJ 10
04/17/2024	S	Hearing: 04/25/2024, Room 103, SH, 09:00 am; SC 16
05/01/2024	S	Committee Report: Ought to Pass with Amendment #2024-1691s, 05/16/2024, Vote 4-0; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**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

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**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

**HB 1504-FN - AS AMENDED BY THE HOUSE**

28Mar2024... 1210h

2024 SESSION

24-2720  
08/10

HOUSE BILL            ***1504-FN***

AN ACT                relative to architectural paint recycling.

SPONSORS:            Rep. Parshall, Ches. 8; Rep. Dutzy, Hills. 6

COMMITTEE:          Environment and Agriculture

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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.

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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 1 New Subdivision; Architectural Paint Recycling Program. Amend RSA 149-M by inserting  
2 after section 63 the following new subdivision:

3 Architectural Paint Recycling Program

4 149-M:64 Purpose.

5 I. The general court recognizes that it is unusual for any painting project to use all of the  
6 paints purchased for the project, and that current disposal practices for the remaining paints are  
7 inefficient and can be costly. The general court further recognizes that the recycling cannot be done  
8 efficiently and economically, and in a way that allows a level playing field for producer competition,  
9 without the collaboration of all paint producers. The general court thus establishes a paint  
10 stewardship program to support and encourage the collection and recycling of latex paint and of oil-  
11 based paints and stains that can be exempt from regulation as hazardous waste if properly managed.

12 II. The goals of the paint stewardship program are:

13 (a) To reduce the amount of unwanted paint generated and promote the reuse and  
14 recycling of such paint.

15 (b) To establish collection points for post-consumer paints that are convenient and  
16 accessible to all areas of the state; to manage post-consumer paint collected at the collection points  
17 established under the program using environmentally-sound management practices.

18 (c) To manage post-consumer paint and paint containers using environmentally-sound  
19 management practices in an economically sound manner, while adhering to the waste management  
20 hierarchy of source reduction, reuse, recycling, energy recovery, and disposal; and to generate  
21 sufficient revenues to cover all costs of the paint stewardship program.

22 149-M:65 Definitions. In this chapter:

23 I. "Architectural paint" or "paint" means any interior or exterior architectural coating sold in  
24 containers of 5 gallons or less which is either latex-based paint, oil-based paint, or stain that, if  
25 properly managed, can be exempt from regulation as hazardous waste under RSA 147-A and has  
26 been exempted by rules adopted by the commissioner under RSA 147-A.

27 II. "Collection point" means a location that is under the direct supervision and control of a  
28 retailer, producer, or political subdivision at which there is a suitable container dedicated to  
29 collecting and consolidating post-consumer paint.

30 III. "Consumer" means a purchaser or user of architectural paint.

1 IV. "Costs of the paint stewardship program" means the actual costs incurred by the  
2 stewardship organization to establish and maintain the program plus the actual costs of the  
3 department for program oversight and compliance assurance.

4 V. "Distributor" means a business that has a contractual relationship with one or more  
5 producers to market and sell architectural paint to retailers in the state.

6 VI. "Energy recovery" means recovery in which all or a part of solid waste materials is  
7 processed in order to use the heat content or other forms of energy of or from the materials.

8 VII. "Environmentally-sound management practices" means procedures for the collection,  
9 storage, transportation, reuse, recycling, and disposal of post-consumer paint to be implemented to  
10 ensure compliance with all applicable federal, state, and local laws, regulations, rules, and  
11 ordinances and protection of human health and the environment. Such procedures shall include  
12 adequate recordkeeping, tracking, and documentation of the final disposition of collected materials  
13 both within the state and beyond, as well as adequate environmental liability coverage for  
14 professional services and for the operations of the contractors working on behalf of the stewardship  
15 organization.

16 VIII. "Final disposition" means the point after which no further processing takes place and  
17 the paint has been transformed for reuse as a feedstock in producing new products or is disposed of,  
18 including for energy recovery, at permitted facilities.

19 IX. "Paint stewardship assessment" means the amount added to the purchase price of  
20 architectural paint sold in the state to cover the costs of the paint stewardship program.

21 X. "Paint stewardship program" or "program" means a program for management of post-  
22 consumer paint to be operated by a stewardship organization.

23 XI. "Post-consumer paint" means architectural paint that was purchased by or for a  
24 consumer that was not used and is no longer wanted by the consumer.

25 XII. "Producer" means a manufacturer of architectural paint that sells, offers for sale, or  
26 distributes such paint in the state under the producer's own name or brand.

27 XIII. "Recycling rate" means the percentage of the total amount of post-consumer paint  
28 collected by a stewardship organization in a calendar year that is recycled within 12 months of being  
29 collected.

30 XIV. "Recycling" means any process by which discarded products, components, and  
31 byproducts are transformed into new, usable, or marketable materials in a manner in which the  
32 original products may lose their identity but does not include energy recovery or energy generation  
33 by means of combusting discarded products, components, and by products with or without other  
34 waste products, for purposes of this subdivision.

35 XV. "Representative organization" means a nonprofit organization created by producers to  
36 operate a paint stewardship program that is open to all producers on a nondiscriminatory basis.

1 XVI. "Retailer" means a person that offers architectural paint for sale directly to consumers  
2 in the state, whether from a physical location or through catalogs or electronically via the Internet or  
3 similar conduits.

4 XVII. "Reuse" means the return of a product into the economic stream for use in the same  
5 kind of application as originally intended.

6 XVIII. "Stewardship organization" means a producer or representative organization that has  
7 submitted a paint stewardship program plan in accordance with RSA 149-M:66 and has received  
8 approval for the plan pursuant to RSA 149-M:67, II.

9 149-M:66 Proposals to Establish a Paint Stewardship Program.

10 I. Any producer or representative organization that wishes to become the stewardship  
11 organization shall, by January 1, 2025, submit a plan for the establishment of a paint stewardship  
12 program to the department for approval, together with a non-refundable application fee as specified  
13 in paragraph III and established in rules.

14 II. A retailer or political subdivision, may participate in being a collection site, but paint  
15 manufacturers shall participate in the paint stewardship program and fees associated within the  
16 state of New Hampshire to ensure the paint stewardship program remains viable for years to come.

17 III. The plan required by paragraph I shall include:

18 (a) A description of the applicant, including whether it is a producer or a representative  
19 organization, how it is managed and operated, how it is funded, and whether it is operating or has  
20 operated a paint stewardship program or similar product stewardship program in another  
21 jurisdiction and, if so, a description of that program.

22 (b) A description of how the applicant proposes to collect, transport, recycle, and process  
23 post-consumer paint covered by the program to meet the goals stated in RSA 149-M:64, II, including  
24 the number and location of proposed collection points, which shall be situated so as to ensure that at  
25 least 90 percent of state residents have a permanent collection point within a 25-mile radius of their  
26 residence.

27 (c) A description of how containers used to collect and consolidate post-consumer paint  
28 will be managed and protected against damage that could result in a spill, leak, or other discharge.

29 (d) The proposed initial amount of the paint stewardship assessment and the  
30 information on which the initial amount was determined, together with a description of the process  
31 by which the applicant will review and propose adjustments to the assessment, and the frequency of  
32 such review and proposed adjustments. A description of the financial assurance mechanism the  
33 applicant proposes to use as required by RSA 149-M:70.

34 IV. A non-refundable application fee shall be paid by an applicant for review of a paint  
35 stewardship plan the application fee structure shall be determined in rulemaking. The applicant  
36 shall pay such costs prior to the department issuing a decision under RSA 149-M:67.

37 149-M:67 Approval of Plan.

1 I. The department shall review a plan submitted under RSA 149-M:66 as provided in RSA  
2 541-A:29. The department shall publish a notice on its web site that the plan is available for public  
3 review at least 30 days prior to making a determination of whether to approve the plan.

4 II. The department shall approve a plan and send written notification of such approval to  
5 the organization that submitted the plan upon determining that:

6 (a) The organization submitting the plan appears capable of implementing the plan;

7 (b) The proposed methods of collecting, transporting, and processing post-consumer  
8 paint appear adequate to meet the goals stated in RSA 149-M:64, II; and

9 (c) The funding mechanism proposed in the plan appears adequate to meet the  
10 requirements of RSA 149-M:68, I; and the proposed financial assurance mechanism meets applicable  
11 requirements.

12 III. If the department does not approve the plan, the department shall provide written  
13 notification to the organization that submitted the plan of the reason for the denial. Such denial  
14 shall not preclude the organization from submitting an amended plan.

15 149-M:68 Paint Stewardship Program Funding.

16 I. The stewardship organization shall administer the paint stewardship assessment for all  
17 architectural paint sold by participating producers in the state. The amount of the assessment shall  
18 be set so as to recover the costs of the paint stewardship program without exceeding such costs,  
19 based on a good faith estimate of those costs. If the funds generated by the assessment exceed the  
20 amount necessary to recover the costs of the program, the excess funds shall be used by the  
21 stewardship organization as stated in the approved plan to reduce future paint stewardship  
22 assessments and to improve services under the program. The department shall approve such  
23 changes in services before they are instituted.

24 (a) The original assessment shall not be more than: \$3.50 for cans above one gallon and  
25 no less than \$0.75 for quantities less than or equal to one pint. Otherwise, these fees, as set forth in  
26 the rulemaking process, shall be reviewed annually to ensure the fees continue to meet the cost of  
27 the program. However, nothing in this section shall be construed to require the product stewardship  
28 organization to implement the paint stewardship program if the amount of the approved assessment  
29 does not recover the costs of the paint stewardship program based on a good faith estimate of those  
30 costs.

31 (b) By July 1, 2025 the department shall establish the assessment by rule. Any change  
32 in the assessment shall be proposed by the department with the approval of the joint legislative  
33 committee on administrative rules and copies of the proposal shall be sent to the chairs of the house  
34 and senate ways and means committees at least 2 weeks before the public hearing.

35 II. All paint manufacturers shall add the paint stewardship assessment to the cost of all  
36 architectural paint sold for sale or other distribution in the state. Each producer/manufacture shall

1 remit the assessments collected to the stewardship organization. Collection of the paint stewardship  
2 assessment shall commence no later than July 1, 2025.

3 III. A retailer or distributor shall include the paint stewardship assessment in the  
4 consumer's purchase price of the architectural paint sold by that retailer or distributor. The  
5 organization managing the program shall provide sample language to be displayed in the paint  
6 department explaining the paint stewardship program.

7 IV. No additional charge of any type shall be made at the time of post-consumer paint  
8 collection by a retailer or distributor.

9 V. The department shall send an invoice to the stewardship organization in each quarter  
10 that accrued costs exceed \$100, with documentation of the costs being invoiced to the organization.  
11 The stewardship organization shall pay such costs within 30 days of the date of the invoice. In any  
12 quarter that the department's costs do not exceed \$100, the amounts shall continue to accrue and be  
13 invoiced when the total exceeds \$100. All funds received at the department as recovered costs shall  
14 be deposited to the hazardous waste cleanup fund established under RSA 147-B:3.

15 149-M:69 Operation of Paint Stewardship Program.

16 I. The stewardship organization shall implement the approved plan within 3 months of  
17 receiving approval under RSA 149-M:67, II.

18 II. Upon implementation of the plan, no producer shall sell or offer for sale architectural  
19 paint in the state unless the producer participates in the paint stewardship program. The  
20 stewardship organization shall notify the department within 30 days of which producers are  
21 participating in that organization's paint stewardship program.

22 III.(a) The stewardship organization shall provide consumers and retailers with educational  
23 materials regarding the paint stewardship assessment and paint stewardship program. Such  
24 materials shall include information regarding available end-of-life management options for  
25 architectural paint offered through the paint stewardship program; promote waste prevention, reuse  
26 and recycling; and notify consumers that the assessment to fund the paint stewardship program is  
27 included in the purchase price of architectural paint sold in the state and that state law prohibits  
28 consumers from being charged any fee at the point of collection of waste paint.

29 (b) The materials provided pursuant to subparagraph (a) may include the following:

30 (1) Signage that is prominently displayed and easily visible to consumers;

31 (2) Printed materials and templates of materials for reproduction by retailers to be  
32 provided to the consumer at the time of purchase or delivery;

33 (3) Advertising or other promotional materials that include references to the paint  
34 stewardship program; and

35 (4) A manual for the operator of a collection point to ensure the use of  
36 environmentally-sound management practices when handling architectural paints.

1 IV. The stewardship organization shall notify the department in writing within 30 days of  
2 establishing any additional collection points, changing the location of a collection point, or  
3 terminating a collection point.

4 V. If the stewardship organization wishes to change the paint stewardship assessment, the  
5 stewardship organization shall submit a request to change the assessment to the department. The  
6 organization shall explain in detail the basis for the change and include audited financial reports to  
7 support the request. The department shall submit the request to the joint legislative committee on  
8 administrative rules by the process provided in RSA 149-M:68, I(b) if it determines that the change  
9 is necessary to cover the actual reasonable costs of the program.

10 VI. The stewardship organization that organizes the collection, transportation, and  
11 processing of post-consumer paint, in accordance with the paint stewardship program approved by  
12 the department under this subdivision, shall be exempt from RSA 356 with respect to any claims of a  
13 violation of antitrust arising from conduct undertaken in accordance with the paint stewardship  
14 program.

15 VII. Paint received at a collection location shall be considered universal waste pursuant to  
16 rules adopted by the department of environmental services. Nothing in this section shall otherwise  
17 reclassify paint as universal waste elsewhere in statute. This classification applies only to the paint  
18 stewardship collection receiving locations under the oversight of the nonprofit organization.

19 149-M:70 Financial Assurance Required.

20 I. Upon receiving approval of a proposed paint stewardship program, the stewardship  
21 organization shall take such steps as are necessary to ensure that financial assurance is in place. No  
22 post-consumer paint shall be collected until financial assurance is in place.

23 II. Financial assurance shall be in the form of a bond, letter of credit, or some other financial  
24 mechanism, with or without a trust or standby trust, provided that whatever mechanism is used  
25 shall:

26 (a) Be in an amount sufficient to remove all collected post-consumer paint if the  
27 stewardship organization terminates the program unexpectedly or fails to provide collection services  
28 that are consistent with the approved plan.

29 (b) Insure to the benefit of, and be payable to, the state of New Hampshire, department  
30 of environmental services, upon presentation of appropriate documentation; and require at least 120  
31 days prior notice to the department prior to termination.

32 149-M:71 Annual Report Required.

33 I. The stewardship organization shall submit a report to the department annually, with the  
34 first report due 90 days after completion of the first year of program implementation, and in no case  
35 later than 18 months from the date the plan was approved pursuant to RSA 149-M:67, II.  
36 Thereafter, annual reports shall be submitted within 90 days after the end of each operating year.  
37 Such reports shall include:

1 (a) A description of the methods used to collect, transport, reduce, reuse, and process  
2 post-consumer paint in the state, including the location of each collection point;

3 (b) The volume and type of post-consumer paint collected in the state by method of  
4 disposition, including reuse, recycling, and other methods of processing; and whether the recycling  
5 rate has increased, decreased, or remained the same;

6 (c) The total costs of the paint stewardship program, as determined by an independent  
7 financial audit which may be funded from the paint stewardship assessment, that includes a  
8 breakdown of administration, collection, transportation, disposition, and communication costs; a  
9 summary of all outreach and educational activities undertaken and samples of educational materials  
10 provided to consumers of architectural paint;

11 (d) The total volume of post-consumer paint collected by the paint stewardship program  
12 and a breakdown of the volume collected at each collection site;

13 (e) Based on the paint stewardship assessment collected by the paint stewardship  
14 program, an estimate of the total volume of architectural paint sold in the state during the preceding  
15 year;

16 (f) An evaluation of the effectiveness of the paint stewardship program compared to  
17 prior years and anticipated steps the stewardship organization plans to take to improve performance  
18 throughout the state, if needed; and

19 (g) A report on how the stewardship organization has ensured environmental compliance  
20 at all collection points within the program.

21 II. Reports submitted to the department under this section shall be posted on the  
22 department's website, except that proprietary information submitted to the department in a plan, in  
23 an amendment to a plan, or pursuant to reporting requirements of this section that is identified by  
24 the submitter as proprietary information shall be subject to the exception for confidential  
25 information in RSA 91-A. As used in this paragraph, "proprietary information" means information  
26 that is a trade secret or production, commercial, or financial information, the disclosure of which  
27 would impair the competitive position of the submitter and would make available information not  
28 otherwise publicly available. Such an exclusion shall not be used to conceal information necessary to  
29 the understanding of the finances of the program or in opposition to any rules adopted by the  
30 department of environmental services or regulations enacted by the Environmental Protection  
31 Agency.

32 III. The department shall append to each annual report submitted under this section its own  
33 accounting of its activities and finances relative to this chapter, and shall provide the combined  
34 report to the chairs of the house and senate environmental and ways and means committees.

35 149-M:72 Retailers.

36 I. Beginning July 1, 2025 or 3 months after a plan is approved by the commissioner under  
37 RSA 149-M:67, whichever occurs later, no retailer shall sell architectural paint unless, on the date

1 the retailer ordered the architectural paint from the producer or the producer's agent, the producer  
2 or the paint brand is listed by the department as provided under RSA 149-M:73 as implementing or  
3 participating in an approved paint stewardship program.

4 II. Any retailer may serve as a paint collection point under the paint stewardship program  
5 provided the retailer complies with all applicable requirements of the paint stewardship program,  
6 including using environmentally-sound management practices.

7 149-M:73 List of Producers and Brands. The department shall maintain a list of producers  
8 participating and the brands included in the paint stewardship program. Such list shall be made  
9 available to the public on the department's web site and by other means as the department deems  
10 appropriate.

11 149-M:74 Liability for Discharges.

12 I. Any person who causes or suffers a spill, leak, or other discharge of materials collected  
13 under this program shall be liable for all costs of containment and removal of the discharged paint  
14 and, if the spill, leak, or discharge was onto or into any land surface, sewer or storm water collection  
15 network, surface water, or wetland, or in any area where the paint could reach surface water or  
16 groundwater, also shall be liable for the costs of cleanup and restoration of the site and surrounding  
17 environment.

18 II. Any person who causes or suffers a spill, leak, or other discharge of materials collected  
19 under this program due to gross negligence or reckless disregard, or by intention, shall be subject to  
20 the applicable penalty provisions of RSA 149-M and RSA 147-A.

21 III. Any person who agrees to operate a collection point and who responsibly implements  
22 environmentally-sound management practices in good faith shall not be subject to penalties for the  
23 acceptance or storage of, or for any spill, leak, or discharge of collected paint, or other materials that  
24 are inadvertently accepted pursuant to the program, and which occurs despite the implementation of  
25 such practices.

26 149-M:75 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

27 I. The content and structure of applications under RSA 149-M:66, including information and  
28 other materials to be submitted by an applicant.

29 II. The amount of the assessments for the stewardship organization.

30 III. The types of financial assurance that may be used to comply with RSA 149-M:70.

31 IV. The content and structure of annual reports under RSA 149-M:71, including information  
32 and other materials to be submitted by the stewardship organization.

33 V. Procedures for filing and review of requests to change the paint stewardship assessment.

34 VI. Environmentally-sound management practices at collection points.

35 VII. Definitions of terms not defined in this chapter.

36 VIII. Standards for granting any waivers from RSA 149-M:64-74.

37 2 Effective Date. This act shall take effect July 1, 2024.

**HB 1504-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1210h)

AN ACT relative to architectural paint recycling.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	Hazardous Waste Cleanup Fund			
<b>Expenditures</b>	\$0	In excess of \$87,000	In excess of \$112,000	In excess of \$116,000
<i>Funding Source(s)</i>	Hazardous Waste Cleanup Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  No

<b>Estimated Political Subdivision Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	\$0	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0		
<b>Local Expenditures</b>	\$0	\$0	Indeterminable	Indeterminable

**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



Docket of HB1504		
12/11/2023	H	Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1
01/31/2024	H	Public Hearing: 02/06/2024 03:30 pm LOB 301-303
02/06/2024	H	Full Committee Work Session: 02/13/2024 10:00 am LOB 210-211
02/16/2024	H	Subcommittee Work Session: 02/20/2024 09:00 am LOB 301-303
02/21/2024	H	Full Committee Work Session: 03/05/2024 10:45 am LOB 301-303
03/08/2024	H	Full Committee Work Session: 03/13/2024 11:30 am LOB 301-303
03/13/2024	H	Full Committee Work Session: 03/19/2024 10:00 am LOB 301-303
03/13/2024	H	Executive Session: 03/19/2024 10:30 am LOB 301-303
03/20/2024	H	Committee Report: Ought to Pass with Amendment # 2024-1210h 03/19/2024 (Vote 20-0; CC) HC 12 P. 13
03/28/2024	H	Amendment # 2024-1210h: AA VV 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 2024-1210h: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8
04/11/2024	S	Hearing: 04/18/2024, Room 103, SH, 01:00 pm; SC 15
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-1; SC 19

# Senate Energy and Natural Resources Committee

*Ryan Meleedy 271-4151*

**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.

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**Sponsors:**

Rep. Parshall

Rep. Dutzy

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**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 a 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 1620-FN - AS AMENDED BY THE HOUSE

7Mar2024... 0738h

2024 SESSION

24-2490

10/05

HOUSE BILL

***1620-FN***

AN ACT

relative to suspending the issuance of new landfill permits until 2031.

SPONSORS:

Rep. Rochefort, Graf. 1; Rep. Germana, Ches. 1; Rep. Fedolfi, Hills. 30; Rep. Grote, Rock. 24; Rep. Massimilla, Graf. 1

COMMITTEE:

Environment and Agriculture

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AMENDED ANALYSIS

This bill requires the suspension of approval of new landfill permits by the department of environmental services until 2028.

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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 suspending the issuance of new landfill permits until 2031.

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

1       1 Solid Waste Management; Department of Environmental Services; Applications for New  
2 Landfills Suspended. In order to ensure that any new landfills are sited properly, meet the need of  
3 public benefit, and are aligned with New Hampshire’s solid waste goals, the statutory process for  
4 issuing permits for the construction of a new landfill under RSA 149-M:9 are hereby suspended until  
5 July 1, 2028. The department shall continue to accept and investigate applications, provided that  
6 any time frames for required action by the department under RSA 149-M are also suspended.

7       2 Application of Suspension; Expansion or Modification of Landfill Facilities. Nothing in section  
8 one of this act shall be construed to prohibit the expansion or modification of any landfill facilities on  
9 any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully  
10 permitted. For the purposes of this section, the term “site” shall mean a single parcel or adjacent  
11 parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2022, including  
12 a site where one or more public utility easements traverse the site; perennial water bodies traversing  
13 a footprint shall still be monitored in accordance with or exceeding United States Environmental  
14 Protection Agency regulations and guidelines.

15       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:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	\$0	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	Various Government Funds			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  No

<b>Estimated Political Subdivision Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	\$0	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	\$0	Indeterminable Increase	Indeterminable Increase

**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

Docket of HB1620		
12/15/2023	H	Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1
02/06/2024	H	Public Hearing: 02/13/2024 02:45 pm LOB 210-211
02/06/2024	H	Full Committee Work Session: 02/14/2024 03:30 pm LOB 301-303
02/14/2024	H	Executive Session: 02/20/2024 10:00 am LOB 301-303
02/27/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0738h 02/20/2024 (Vote 18-0; CC) HC 9 P. 8
03/07/2024	H	Amendment # 2024-0738h: AA VV 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass with Amendment 2024-0738h: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Energy and Natural Resources; SJ 7
03/27/2024	S	Hearing: 04/02/2024, Room 103, SH, 09:45 am; SC 13
05/01/2024	S	Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 3-1; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

**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.

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**Sponsors:**

Rep. Rochefort

Rep. Germana

Rep. Fedolfi

Rep. Grote

Rep. Massimilla

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**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](mailto: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](mailto: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](mailto: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.
  - 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 highlighted settled common law indicating that changes in law to protect public welfare do not grant grandfathering rights, referencing Fisher v. New Hampshire State Building Code Review (2006).
- 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.
  - Sen. Watters raised the question regarding the impact of a moratorium on ongoing considerations.
  - Sen. Watters speculated on the potential for legal challenges, suggesting that the bill could lead to lawsuits.
  - 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 siting 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 siting 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 landfilling 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, representing Rockingham 11 Exeter, expressed concerns about ongoing permit evaluations amid a 10-year rulemaking update.
- 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.
  - 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.
  - 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.



HB 1632-FN - AS INTRODUCED

2024 SESSION

24-3141

08/05

HOUSE BILL            ***1632-FN***

AN ACT                relative to out-of-state solid waste.

SPONSORS:            Rep. Rochefort, Graf. 1; Rep. Germana, Ches. 1; Rep. Fedolfi, Hills. 30; Rep. Simpson, Rock. 33; Rep. Massimilla, Graf. 1; Sen. Avard, Dist 12

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill prohibits newly permitted solid waste facilities from accepting more than 15 percent of solid waste transported from out-of-state.

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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 out-of-state solid waste.

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

1           1 New Paragraph; Limit on Out-of-State Solid Waste. Amend RSA 149-M:9 by inserting after  
2 paragraph XV the following new paragraph:

3           XVI. Any solid waste facility that receives a permit on or after the effective date of this  
4 paragraph shall not accept any more than 15 percent of solid waste transported from out-of-state.  
5 This paragraph shall not apply to any solid waste facility fully permitted under this section prior to  
6 the effective date of this paragraph or any application for expansion of such permitted solid waste  
7 facility.

8           2 Effective Date. This act shall take effect upon its passage.

**HB 1632-FN- FISCAL NOTE**  
 AS INTRODUCED

AN ACT relative to out-of-state solid waste.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	Various Government Funds			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  No

<b>Estimated Political Subdivision Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**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

Docket of HB1632		
12/15/2023	H	Introduced 01/03/2024 and referred to Environment and Agriculture HJ 1
02/06/2024	H	Public Hearing: 02/14/2024 02:00 pm LOB 301-303
02/14/2024	H	Full Committee Work Session: 02/20/2024 11:00 am LOB 301-303
02/21/2024	H	Full Committee Work Session: 03/06/2024 10:00 am LOB 301-303
03/13/2024	H	Executive Session: 03/19/2024 10:30 am LOB 301-303
03/20/2024	H	Committee Report: Ought to Pass 03/19/2024 (Vote 20-0; CC) HC 12 P. 14
03/28/2024	H	Ought to Pass: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Energy and Natural Resources; SJ 8
04/11/2024	S	Hearing: 04/18/2024, Room 103, SH, 01:30 pm; SC 15
05/01/2024	S	Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 3-1; SC 19

# Senate Energy and Natural Resources Committee

*Philip Tatro 271-1403*

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.

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**Sponsors:**

Rep. Rochefort

Rep. Germana

Rep. Fedolfi

Rep. Simpson

Rep. Massimilla

Sen. Avard

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**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](mailto: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](mailto: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](mailto: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 Aron, 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.

PT

Date Hearing Report completed: April 22, 2024

**HB 1309 - AS INTRODUCED**

2024 SESSION

24-2276

08/10

HOUSE BILL            **1309**

AN ACT                relative to the secretary of state's procedures for enrolled bills.

SPONSORS:            Rep. Weber, Ches. 5; Rep. Mooney, Hills. 12

COMMITTEE:          Legislative Administration

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ANALYSIS

This bill requires the secretary of state to publish the location of enrolled bills and resolutions on its public website.

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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 secretary of state's procedures for enrolled bills.

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

1            1 Presentation for Approval; Tracking. Amend RSA 14:8 to read as follows:

2            14:8 Enrollment of Laws.

3            ***I.*** All bills and resolutions which have passed both branches of the legislature shall be  
4 forwarded to the office of legislative services to be there enrolled and prepared for submission to the  
5 governor. After such enrollment the bill or resolution shall be forwarded by the secretary of state to  
6 the committee on enrolled bills for final approval. The secretary of state shall keep such bills and  
7 resolutions as public records of the state.

8            ***II.*** ***The secretary of state shall publish the location of any bill or joint resolution***  
9 ***that has been enrolled and approved as provided in this section on its public website, or on***  
10 ***a public website linked to its public website, until such bill or joint resolution is signed or***  
11 ***vetoed by the governor or becomes law without the governor's signature.***

12            2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1309		
12/06/2023	H	Introduced 01/03/2024 and referred to Legislative Administration HJ 1
01/05/2024	H	Public Hearing: 01/10/2024 01:00 pm LOB 301-303
01/17/2024	H	Executive Session: 01/25/2024 10:00 am LOB 203
01/29/2024	H	Committee Report: Ought to Pass 01/25/2024 (Vote 16-0; CC)
02/08/2024	H	Ought to Pass: MA VV 02/08/2024 HJ 4 P. 10
02/16/2024	S	Introduced 02/15/2024 and Referred to Executive Departments and Administration; SJ 5
02/21/2024	S	Hearing: 03/06/2024, Room 103, SH, 09:45 am; SC 9
05/01/2024	S	Committee Report: Inexpedient to Legislate, 05/16/2024, Vote 4-1; SC 19

# Senate Executive Departments and Administration Committee

*Kevin Condict 271-7875*

**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.

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**Sponsors:**

Rep. Weber

Rep. Mooney

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**Who supports the bill:** Rep. Alexis Simpson, Janet Lucas, Paul Dargie, Patricia Anastasia, Terri Donovan, Rep. Julie Gilman, Rep. Maureen Mooney, Rep. Mark Vallone, Christine Caldwell, Karen Daniell, and Karen Ebel.

**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.

KC  
Date Hearing Report completed: March 12, 2024

HB 322 - AS AMENDED BY THE SENATE

3Jan2024... 2365h  
04/11/2024 1428s

2023 SESSION

23-0422  
09/04

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.

SPONSORS: Rep. M. Pearson, Rock. 34; Rep. J. Murphy, Graf. 12; Rep. MacKay, Merr. 18; Rep. McMahon, Rock. 17; Rep. Mooney, Hills. 12; Rep. T. Dolan, Rock. 16

COMMITTEE: Health, Human Services and Elderly Affairs

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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.

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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 322 - AS AMENDED BY THE SENATE

3Jan2024... 2365h  
04/11/2024 1428s

23-0422  
09/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

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 1 Committee Established. There is established a committee to study the New Hampshire board  
2 of medicine.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Four members of the house of representatives, appointed by the speaker of the house  
6 of representatives, 2 of whom shall be from the health, human services, and elderly affairs  
7 committee and 2 from the executive departments and administration committee. Each set of 2 from  
8 each committee shall have one member form the majority party and one from the minority party.

9 (b) Two members of the senate, appointed by the president of the senate, one from the  
10 majority party and one from the minority party.

11 II. Members of the committee shall receive mileage at the legislative rate when attending to  
12 the duties of the committee.

13 3 Duties.

14 I. The committee shall:

15 (a) Provide a forum within which stakeholders in the proceedings of the board of  
16 medicine have an opportunity to hear and review public comments on the operations of the board.

17 (b) To permit and facilitate organizations which are linked to the board of medicine such  
18 as hospitals, the medical association, the association of nurses, the association of nurse practitioners  
19 and others to hold regular meetings to share their views on the operation of the board of medicine.

20 (c) Offer reports to the oversight committee established in RSA 126-A:13 regarding  
21 suggested needs for legislation to guide the operations of the board of medicine.

22 (d) The committee's scope of inquiry as to the board of medicine and its operations shall  
23 include:

24 (1) Adequacy of staffing and funding to maintain the highest possible transparency  
25 for the public

26 (2) Appropriateness of procedures to ensure timely consideration of complaints and  
27 reporting to complainants of the disposition of those complaints.

28 (3) Construction and maintenance of means to make the decisions of the board of  
29 medicine accessible to public view in a timely manner.

**HB 322 - AS AMENDED BY THE SENATE**  
**- Page 2 -**

1           (4) The maintenance of robust systems to investigate reports of lapses in physician  
2 practice as well as complaints of such lodged by professionals, organizations, or public citizens.

3           (e) To ensure a breadth of expertise the following shall be requested to be in regular  
4 attendance but shall not be voting members of the committee:

5           (1) The commissioner of the department of health and human services or a designee.

6           (2) A physician appointed by the New Hampshire Medical Society.

7           (3) The president of the board of medicine or a designee.

8           (4) A member of the New Hampshire Nurses' Association

9           (5) A member of the New Hampshire Nurse Practitioner Association.

10          (6) The president of the New Hampshire Hospital Association or designee.

11          (7) A lawyer experienced with malpractice rules and procedures appointed by the  
12 attorney general.

13          (8) The executive director of the office of professional licensure and certification or a  
14 designee.

15          (9) The president of the New Hampshire Osteopathic Association, or a designee.

16          (10) A medical ethicist to be named by the elected chair of the committee.

17          (11) A trial lawyer for the plaintiffs in malpractice cases to be named by the elected  
18 chair of the committee.

19          (12) A trial lawyer for the defense in malpractice cases to be named by the elected  
20 chair of the committee.

21          II. Legislative members of the committee shall receive mileage at the legislative rate when  
22 attending to the duties of the committee.

23          4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
24 among the members. The first meeting of the committee shall be called by the first-named house  
25 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
26 section. Four members of the committee shall constitute a quorum.

27          5 Report. The committee shall report its findings and any recommendations for proposed  
28 legislation to the speaker of the house of representatives, the president of the senate, the house  
29 clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

30          6 Department of Health and Human Services; Certain Licensed Nursing Facilities;  
31 Appropriation. Any licensed nursing facilities serving individuals covered by Medicaid with a  
32 change in ownership effective in state fiscal year 2023, whose daily Medicaid rate has remained  
33 below the state average nursing facility daily rate as calculated by the department of health and  
34 human services for the period from July 1, 2022, through the January 1, 2024, rate change shall be  
35 eligible for a one-time general fund payment from a pro rata share of a funding pool. Therefore, for  
36 the biennium ending June 30, 2025, the sum of \$750,000 is hereby appropriated to the department of

**HB 322 - AS AMENDED BY THE SENATE**

**- Page 3 -**

1 health and human services for the purposes of this section. The governor is authorized to draw a  
2 warrant for said sum out of any money in the treasury not otherwise appropriated.

3 7 Effective Date.

4 I. Section 6 of this act shall take effect July 1, 2024.

5 II. The remainder of this act shall take effect upon its passage.

**HB 322- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2024-1428s)

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:**     State             County             Local             None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$750,000		\$0	\$0
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations</b>	\$750,000		\$0	\$0
<i>Funding Source(s)</i>	General Fund			

- Does this bill provide sufficient funding to cover estimated expenditures?  Yes
- Does this bill authorize new positions to implement this bill?  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

1 Amend subparagraph I(a) as inserted by section 2 of the bill by replacing it with the following:

2

3 (a) Four members of the house of representatives, appointed by the speaker of the house  
4 of representatives, 2 of whom shall be from the health, human services, and elderly affairs  
5 committee and 2 from the executive departments and administration committee. Each set of 2 from  
6 each committee shall have one member from the majority party and one from the minority party.

7

8 Amend the bill by replacing all after section 6 with the following:

9

10 7 Department of Health and Human Services; Certain Licensed Nursing Facilities; Conditions  
11 for Appropriation.

12 I. Nursing facilities eligible for any amount of the appropriation in section 6 of this act shall  
13 ensure that:

14 (a) At least one individual who possessed an operating and ownership interest in the  
15 nursing facility upon acquisition in state fiscal year 2023 maintains an operating and ownership  
16 interest at a level no less than the operating and ownership level such individual had in the nursing  
17 facility upon the acquisition for a period of at least 5 years from the effective date of this section;

18 (b) The facility complies with applicable state and federal licensing rules and  
19 regulations; and

20 (c) The facility continues to accept Medicaid as a payment source.

21 II. In the event a nursing facility eligible for any amount of the appropriation in section 6 of  
22 this act violates the conditions of this section, the department of health and human services shall  
23 have a right to recover 1/5 of the payment made to the facility for each year any of the conditions of  
24 this section were not satisfied.

25 8 Effective Date.

26 I. Sections 6 and 7 of this act shall take effect July 1, 2024.

27 II. The remainder of this act shall take effect upon its passage.

**Amendment to HB 322**  
**- Page 2 -**

2024-1716s

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.

Docket of HB322		
01/09/2023	H	Introduced (in recess of) 01/05/2023 and referred to Health, Human Services and Elderly Affairs HJ 3 P. 11
02/03/2023	H	Public Hearing: 02/08/2023 10:00 am LOB 210-211
02/01/2023	H	Executive Session: 02/09/2023 02:30 pm LOB 201-203
03/01/2023	H	Executive Session: 03/08/2023 11:00 am LOB 201-203
03/13/2023	H	Retained in Committee
05/18/2023	H	Full Committee Work Session: 05/24/2023 10:00 am LOB 205-207
10/02/2023	H	Subcommittee Work Session: 10/06/2023 09:00 am LOB 205-207 HC 40
10/30/2023	H	Executive Session: 11/06/2023 11:00 am LOB 205-207 HC 44
11/16/2023	H	Committee Report: Ought to Pass with Amendment # 2023-2365h 11/06/2023 (Vote 20-0; CC) HC 49 P. 15
01/03/2024	H	Amendment # 2023-2365h: AA VV 01/03/2024 HJ 1 P. 56
01/03/2024	H	Ought to Pass with Amendment 2023-2365h: MA VV 01/03/2024 HJ 1 P. 56
02/22/2024	S	Introduced 02/21/2024 and Referred to Health and Human Services; SJ 6
02/09/2024	S	Hearing: 03/06/2024, Room 101, LOB, 09:00 am; SC 9
02/22/2024	S	==ROOM CHANGE== Hearing: 04/03/2024, Room 100, SH, 09:00 am, on proposed amendment # 2024-1371s; SC 13A
04/09/2024	S	Committee Report: Ought to Pass with Amendment # 2024-1428s, 04/11/2024; Vote 5-0; CC; SC 14
04/10/2024	S	Committee Amendment # 2024-1428s, AA, VV; 04/11/2024; SJ 9
04/11/2024	S	Ought to Pass with Amendment 2024-1428s, MA, VV; Refer to Finance Rule 4-5; 04/11/2024; SJ 9
05/01/2024	S	Committee Report: Ought to Pass with Amendment #2024-1716s, 05/16/2024, Vote 6-0; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. M. Pearson

Rep. J. Murphy

Rep. MacKay

Rep. McMahan

Rep. Mooney

Rep. T. Dolan

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**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.

cml

Date Hearing Report completed: April 5, 2024

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. M. Pearson

Rep. J. Murphy

Rep. MacKay

Rep. McMahon

Rep. Mooney

Rep. T. Dolan

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**Who supports the bill:** David Conway, MD, Jon Eddinger, MD, Ava Hawkes (NHMS), Dr. Nick Perencevich, Rep. Mark Pearson (Rockingham – District 34), Rep. Maureen Mooney (Hillsborough – District 12), and Lisa Patterson.

**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.
  - 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.
  - 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.
  - 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.

cml

Date Hearing Report completed: March 12, 2024

HB 1191-FN - AS INTRODUCED

2024 SESSION

24-2023  
12/05

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.

SPONSORS:            Rep. Healey, Hills. 12; Rep. Mooney, Hills. 12; Rep. Rung, Hills. 12; Rep. Wallner, Merr. 19; Rep. N. Murphy, Hills. 12; Sen. Chandley, Dist 11; Sen. Lang, Dist 2

COMMITTEE:          Ways and Means

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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.

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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 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           1 New Paragraph; Exemption to Meals and Rooms Tax; Restaurant Voucher Program. Amend  
2 RSA 78-A:6-c by inserting after paragraph X the following new paragraph:

3           XI. Meals consumed at or provided by a restaurant, café or other food service establishment  
4 that are redeemed through the bureau of elderly and adult services restaurant voucher program.

5           2 Effective Date. This act shall take effect July 1, 2024.

**HB 1191-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to the establishment of an exemption to the meals and rooms tax for participants in the restaurant voucher program.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	Indeterminable Decrease (\$86,000 to \$172,000)	Indeterminable Decrease (\$86,000 to \$172,000)	Indeterminable Decrease (\$86,000 to \$172,000)
<i>Revenue Fund(s)</i>	General Fund			
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund Meals and Rooms Municipal Revenue Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  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:

	A	B	C	D
	Number of Meals Per Year	Cost Per Meal	M&R Tax Rate	Total M&R Tax for Meals Provided (Col A*Col B*Col C)
Contract Agency 1	9,000	\$12.00	8.5%	\$9,180
Contract Agency 2	69,000	\$13.00	8.5%	\$76,245
Total Fiscal Impact				\$85,425

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

Docket of HB1191		
12/01/2023	H	Introduced 01/03/2024 and referred to Ways and Means
01/05/2024	H	Public Hearing: 01/09/2024 11:00 am LOB 202-204
01/31/2024	H	Full committee Work Session: 02/05/2024 10:00 am LOB 202-204
01/31/2024	H	Executive Session: 02/06/2024 01:00 pm LOB 202-204
02/09/2024	H	Committee Report: Ought to Pass 02/06/2024 (Vote 20-0; CC)
02/22/2024	H	Ought to Pass: MA VV 02/22/2024 HJ 6
03/06/2024	S	Introduced 02/21/2024 and Referred to Ways and Means; SJ 6
03/27/2024	S	Hearing: 04/10/2024, Room 100, SH, 09:30 am; SC 13
04/10/2024	S	Committee Report: Ought to Pass, 04/18/2024, Vote 3-0; SC 15
04/18/2024	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 04/18/2024; SJ 10
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 5-1; SC 19

# Senate Ways and Means Committee

*Sonja Caldwell 271-2117*

**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.

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**Sponsors:**

Rep. Healey

Rep. Mooney

Rep. Rung

Rep. Wallner

Rep. N. Murphy

Sen. Chandley

Sen. Lang

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**Who supports the bill:** Rep. Wallner, Jon Enriquezzo (Meals on Wheels), Rep. Healey, Dick Bouley (Senior Meals on Wheels), Sen. Lang, Susan Buxton (Office of Long-Term Care Ombudsman), Dawn McKinney (NH Alliance for Healthy Aging), Wendy Chase, Lois Cote, Janet Lucas, Cynthia Rodenhauer Stewart, Sen. Altschiller, Phil Hatcher, Rep. Mooney, Jennifer Smith, Susan Moore

**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. Eriquezzo** 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

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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.

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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 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 1 Retirement System; Accidental Disability Retirement Allowance; Supplemental Appropriation.

2 I. An additional one-time allowance of \$500 shall be paid during state fiscal year 2024 to  
3 retired members of the retirement system receiving an allowance, or any beneficiary of such a  
4 member who is receiving a survivorship pension benefit, who are eligible as follows:

5 (a) The member is receiving an accidental disability retirement allowance under RSA  
6 100-A:6;

7 (b) The member retired and has been receiving an allowance for at least 5 years prior to  
8 or on July 1, 2023; and

9 (c) The annual retirement allowance of the member on June 30, 2023 was not greater  
10 than \$50,000.

11 II. The additional allowance shall not become a permanent addition to the member's base  
12 retirement allowance.

13 III. The total cost of the additional allowances, as determined by the actuary and certified by  
14 the board of trustees of the retirement system, shall be funded from the state general fund in the  
15 fiscal year ending June 30, 2024. The sum necessary is hereby appropriated to the board of trustees.  
16 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
17 otherwise appropriated.

18 2 New Subparagraph; Accidental Disability Retirement Benefits; Cost of Living Adjustments.  
19 Amend RSA 100-A:6, II(d) by inserting after subparagraph (3) the following new subparagraph:

20 (4) Any member who is receiving an accidental disability retirement allowance  
21 under subparagraph (d) shall be granted any supplemental allowance or COLA authorized by the  
22 legislature without regard to a minimum number of years of creditable service for eligibility to  
23 receive the supplemental allowance or COLA. This subparagraph shall apply to any one-time  
24 supplemental allowance or COLA authorized by the legislature on or after the effective date of this  
25 subparagraph unless the terms of such authorizing legislation specifically provide otherwise.

26 3 Effective Date. This act shall take effect June 30, 2024.

**HB 1307-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT providing a supplemental appropriation for members of the retirement system receiving a disability retirement allowance.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$401,000	\$0	\$0	\$0
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations</b>	\$401,000	\$0	\$0	\$0
<i>Funding Source(s)</i>	General Fund			

- Does this bill provide sufficient funding to cover estimated expenditures?  Yes
- Does this bill authorize new positions to implement this bill?  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

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

2

3 1 Retirement System; Accidental Disability Retirement Allowance; Supplemental Appropriation.

4 I. An additional one-time allowance of \$500 shall be paid during state fiscal year 2025 to  
5 retired members of the retirement system receiving an allowance, or any beneficiary of such a  
6 member who is receiving a survivorship pension benefit, who are eligible as follows:

7 (a) The member is receiving an accidental disability retirement allowance under RSA  
8 100-A:6;

9 (b) The member retired and has been receiving an allowance for at least 5 years prior to  
10 or on July 1, 2023; and

11 (c) The annual retirement allowance of the member on June 30, 2023 was not greater  
12 than \$50,000.

13 II. The additional allowance shall not become a permanent addition to the member's base  
14 retirement allowance.

15 III. The total cost of the additional allowances, as determined by the actuary and certified by  
16 the board of trustees of the retirement system, shall be funded from the state general fund in the  
17 fiscal year ending June 30, 2025. The sum necessary is hereby appropriated to the board of trustees.  
18 The governor is authorized to draw a warrant for said sum out of any money in the treasury not  
19 otherwise appropriated.

20 2 New Subparagraph; Accidental Disability Retirement Benefits; Cost of Living Adjustments.  
21 Amend RSA 100-A:6, II(d) by inserting after subparagraph (3) the following new subparagraph:

22 (4) Any member who is receiving an accidental disability retirement allowance  
23 under subparagraph (d) shall be granted any supplemental allowance or COLA authorized by the  
24 legislature without regard to a minimum number of years of creditable service for eligibility to  
25 receive the supplemental allowance or COLA. This subparagraph shall apply to any one-time  
26 supplemental allowance or COLA authorized by the legislature on or after the effective date of this  
27 subparagraph unless the terms of such authorizing legislation specifically provide otherwise.

28 3 Effective Date. This act shall take effect July 1, 2024.

Docket of HB1307		
12/06/2023	H	Introduced 01/03/2024 and referred to Executive Departments and Administration HJ 1
01/05/2024	H	Public Hearing: 01/11/2024 02:45 pm LOB 306-308
01/22/2024	H	Subcommittee Work Session: 01/31/2024 09:00 am LOB 306-308
01/31/2024	H	Executive Session: 02/07/2024 10:30 am LOB 306-308
02/09/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0510h 02/07/2024 (Vote 20-0; RC)
02/22/2024	H	Amendment # 2024-0510h: AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0510h: MA VV 02/22/2024 HJ 6
02/22/2024	H	Referred to Finance 02/22/2024 HJ 6
02/28/2024	H	Division Work Session: 03/06/2024 03:05 pm LOB 212
03/13/2024	H	Executive Session: 03/19/2024 10:00 am LOB 210-211
03/26/2024	H	Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; RC) HC 14 P. 10
04/11/2024	H	Ought to Pass: MA DV 363-17 04/11/2024 HJ 11
04/16/2024	S	Introduced 04/11/2024 and Referred to Finance; SJ 10
04/17/2024	S	Hearing: 04/23/2024, Room 103, SH, 01:45 pm; SC 16
05/01/2024	S	Committee Report: Ought to Pass with Amendment #2024-1719s, 05/16/2024, Vote 6-0; SC 19

# Senate Finance Committee

*Deb Martone 271-4980*

**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.

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**Sponsors:**  
Rep. Damon

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**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

bill? 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.

dm  
Date Hearing Report completed: April 24, 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.

SPONSORS:

Rep. W. Thomas, Hills. 12; Rep. Newell, Ches. 4; Rep. A. Murray, Hills. 20; Rep. M. Perez, Hills. 43; Rep. Wheeler, Hills. 33

COMMITTEE:

Health, Human Services and Elderly Affairs

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ANALYSIS

This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

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

3            IV. "Cultivation location" means a locked and enclosed site, under the control of an  
4 alternative treatment center where cannabis is cultivated, secured with one or more locks or other  
5 security devices in accordance with the provisions of this chapter, ***or under the control of a***  
6 ***qualifying patient or designated caregiver where cannabis is cultivated and which meets***  
7 ***the requirements of this chapter.***

8            2 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, VI to read as follows:

9            VI. "Designated caregiver" means an individual who:

10            (a) Is at least 21 years of age;

11            (b)(1) Has agreed to assist with one or more (not to exceed 5) qualifying ~~[patient's]~~  
12 ***patients in the*** therapeutic use of cannabis, except if the qualifying patient and designated  
13 caregiver each live greater than 50 miles from the nearest alternative treatment center, ~~[in which~~  
14 ~~ease]~~ the designated caregiver may assist with the therapeutic use of cannabis for up to 9 qualifying  
15 patients; ***or***

16                            ***(2) Has agreed to cultivate cannabis for therapeutic use pursuant to this***  
17 ***chapter for no more than one qualifying patient;***

18            (c) Has never been convicted of a felony or any felony drug-related offense; and

19            (d) Possesses a valid registry identification card issued pursuant to RSA 126-X:4.

20            3 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1  
21 by inserting after paragraph VI-a the following new paragraphs:

22            VI-b. "Immature cannabis plant" means a cannabis plant that has not flowered and which  
23 does not have buds that may be observed by visual examination and which is at least 12 inches tall.

24            VI-c. "Mature cannabis plant" means a cannabis plant that has flowered and that has buds  
25 that may be observed by visual examination.

26            4 Use of Therapeutic Cannabis; Definitions. Amend RSA 126-X:1, XIII(c) to read as follows:

27            (c) Cultivation by a designated caregiver or qualifying patient, ***except as provided***  
28 ***under RSA 126-X:2, II-a and II-b.***

29            5 New Paragraphs; Use of Therapeutic Cannabis Purposes; Protections. Amend RSA 126-X:2 by  
30 inserting after paragraph II the following new paragraphs:

1 II-a. Except as provided in RSA 126-X:3, VII(b), a qualifying patient or designated caregiver  
2 who has reported to the department a cultivation location that meets the requirements of this  
3 chapter, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under  
4 state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in  
5 accordance with this chapter, if, at the cultivation location, while transporting cannabis and  
6 cannabis plants and seedlings to a new cultivation location that has been reported to the department  
7 within the prior 21 days, or while transporting cannabis seedlings from an alternative treatment  
8 center to the cultivation location, the qualifying patient or designated caregiver possesses or  
9 cultivates an amount of cannabis that does not exceed the following:

- 10 (a) Eight ounces of usable cannabis;  
11 (b) Any amount of unusable cannabis; and  
12 (c) Three mature cannabis plants, 3 immature cannabis plants, and 12 seedlings.

13 II-b. A cultivation location under the control of a qualifying patient or designated caregiver  
14 shall meet the following requirements:

- 15 (a) It shall be at the qualifying patient's or designated caregiver's residence.  
16 (b) It shall be reported to the department, except that either the qualifying patient or  
17 their designated caregiver, but not both, shall report a cultivation location to the department.  
18 (c) It shall be locked and enclosed.  
19 (d) The cannabis plants shall not be subject to public view, including from another  
20 private property, without the use of optical aids.  
21 (e) It shall have a canopy of no more than 50 square feet, except that if more than one  
22 qualifying patient, designated caregiver, or both, share a cultivation location, the total canopy of all  
23 cannabis plants shall not exceed 100 square feet.

24 6 Use of Therapeutic Cannabis; Purposes; Protections. Amend RSA 126-X:2, III to read as  
25 follows:

26 III. A designated caregiver may receive compensation for costs, ***not to exceed \$500 per***  
27 ***calendar year***, not including labor, associated with assisting a qualifying patient who has  
28 designated the [~~designated~~] caregiver to assist him or her with the therapeutic use of cannabis.  
29 Such compensation shall not constitute the sale of [~~controlled substances~~] ***a controlled drug***  
30 ***pursuant to RSA 318-B.***

31 7 Use of Therapeutic Cannabis; Protections. Amend RSA 126-X:2, XV to read as follows:

32 XV. A laboratory, ***and the employees thereof***, which conducts testing of cannabis [~~required~~  
33 ~~under rules for~~] ***delivered to it by*** alternative treatment centers, [~~adopted under this chapter, and~~  
34 ~~the employees thereof~~] ***qualifying patients, or designated caregivers***, shall not be subject to  
35 arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or  
36 search, for acting pursuant to this chapter and department rules to possess cannabis on the premises

1 of the laboratory for the purposes of testing, and, in the case of a laboratory employee, denied any  
2 right or privilege for working for such a laboratory.

3 8 Use of Therapeutic Cannabis; Prohibitions and Limits. Amend RSA 126-X:3, I to read as  
4 follows:

5 I. A qualifying patient may use ***and a qualifying patient or designated caregiver may***  
6 ***cultivate*** cannabis on privately-owned real property only with written permission of the property  
7 owner or, in the case of leased property, with the permission of the tenant in possession of the  
8 property, except that a tenant shall not allow a qualifying patient to smoke cannabis on rented  
9 property if smoking on the property violates the lease or the lessor's rental policies that apply to all  
10 tenants at the property. ***A tenant or guest of a tenant shall not cultivate cannabis on rented***  
11 ***property if the lessor has prohibited therapeutic cannabis cultivation.*** However, a tenant  
12 may permit a qualifying patient to use cannabis on leased property by ingestion or inhalation  
13 through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of  
14 this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the  
15 cannabis.

16 9 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA  
17 126-X:4, I by inserting after subparagraph (h) the following new subparagraph:

18 (i) The qualifying patient's cultivation location, if any.

19 10 New Subparagraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend  
20 RSA 126-X:4, II by inserting after subparagraph (h) the following new subparagraph:

21 (i) The designated caregiver's cultivation location, where he or she may cultivate  
22 cannabis on behalf of a single qualifying patient who has not reported a cultivation location.

23 11 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, IX(a) to  
24 read as follows:

25 IX.(a) A qualifying patient shall notify the department before changing his or her designated  
26 caregiver ***or cultivation location.*** ***A designated caregiver shall notify the department before***  
27 ***changing his or her cultivation location.***

28 12 Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA 126-X:4, XI to read  
29 as follows:

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

HB 1231 - AS AMENDED BY THE HOUSE

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1 (b)(1) Except as specifically provided in this chapter, no person shall have access to any  
2 information about qualifying patients or designated caregivers in the department's confidential  
3 registry, or any information otherwise maintained by the department about providers and  
4 alternative treatment centers, except for authorized employees of the department in the course of  
5 their official duties and local and state law enforcement personnel who have detained or arrested an  
6 individual who claims to be engaged in the therapeutic use of cannabis.

7 (2) If a local or state law enforcement officer submits a sworn affidavit to the  
8 department affirming that he or she has probable cause to believe cannabis is possessed **or**  
9 **cultivated** at a specific address, an authorized employee for the department may disclose whether  
10 the location is associated with a qualifying patient, designated caregiver, or cultivation location [~~of~~  
11 ~~an alternative treatment center~~].

12 (3) If a local or state law enforcement officer submits a sworn affidavit to the  
13 department affirming that he or she has probable cause to believe a specific individual possesses **or**  
14 **cultivates** cannabis, an authorized employee for the department may disclose whether the person is  
15 a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the  
16 person's name and address or name and date of birth.

17 (4) Requests by law enforcement officials under this section to the department  
18 pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or not the name  
19 or address was found in the registry, shall be confidential under this chapter and exempt from  
20 disclosure under RSA 91-A. Aggregate data relative to such requests may be made public if it does  
21 not contain any identifying information regarding the specific law enforcement request.

22 (5) Counsel for the department may notify law enforcement officials about falsified  
23 or fraudulent information submitted to the department where counsel has reason to believe the  
24 information is false or falsified.

25 13 New Paragraph; Use of Therapeutic Cannabis; Registry Identification Cards. Amend RSA  
26 126-X:4 by inserting after paragraph XII the following new paragraph:

27 XIII.(a) No later than December 1, 2024, the department shall allow existing and new  
28 qualifying patients and designated caregivers to report a cultivation location provided that:

29 (1) A qualifying patient may report a cultivation location only if he or she does not  
30 have a designated caregiver who has reported a cultivation location.

31 (2) A designated caregiver may report a cultivation location only if he or she does not  
32 have a qualifying patient who has reported a cultivation location.

33 (b) No individual shall report a cultivation location if such individual's permission to  
34 cultivate has been revoked pursuant to RSA 126-X:3, VIII(b).

35 14 Use of Therapeutic Cannabis; Affirmative Defense. Amend RSA 126-X:5, I to read as follows:

36 I. It shall be an affirmative defense for any person charged with manufacturing, possessing,  
37 having under his or her control, selling, purchasing, prescribing, administering, transporting, or

1 possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation  
2 containing cannabis, if:

3 (a) The actor is a qualifying patient who has been issued a valid registry identification  
4 card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter,  
5 and was engaged in the therapeutic use of cannabis;

6 (b) The actor is a designated caregiver who has been issued a valid registry  
7 identification card, was in possession of cannabis in a quantity and location permitted pursuant to  
8 this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient; or

9 (c) The actor is an employee of a laboratory conducting testing required for alternative  
10 treatment centers pursuant to rules adopted under this chapter ***or that tests cannabis provided***  
11 ***to it by qualifying patients and designated caregivers.***

12 15 New Subparagraph; Use of Therapeutic Cannabis; Alternative Treatment Centers. Amend  
13 RSA 126-X:8, XIII by inserting after subparagraph (c) the following new subparagraph:

14 (d) A qualifying patient or designated caregiver shall not obtain from an alternative  
15 treatment center more than 12 seedlings during a 3-month period.

16 16 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limits. Amend RSA 126-X:3,  
17 VII to read as follows:

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

23 (b) ***The department may revoke a qualifying patient's or designated caregiver's***  
24 ***permission to cultivate cannabis for a violation of the rules adopted by the department or***  
25 ***for a violation of any provision of this chapter.***

26 17 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-  
27 X:8, XV(a) to read as follows:

28 XV.(a)(1) An alternative treatment center shall not possess or cultivate cannabis in excess  
29 of the following quantities:

30 ~~[(1)]~~ (A) Eighty ***mature*** cannabis plants, 160 ~~[seedlings]~~ ***immature cannabis***  
31 ***plants***, and 80 ounces of usable cannabis ~~[or 6 ounces of usable cannabis per qualifying patient];~~  
32 and

33 ~~[(2)]~~ (B) Three mature cannabis plants, 12 ~~[seedlings]~~ ***immature cannabis plants***,  
34 and 6 ounces ***of usable cannabis*** for each qualifying patient registered ~~[as a qualifying patient]~~  
35 under this chapter.

36 (2) ***An alternative treatment center shall not be limited in the number of***  
37 ***seedlings it can possess or cultivate.***

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1           18 Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6,  
2 III(a)(15) to read as follows:

3                   (15) Procedures for determining and enforcing the daily maximum amount of  
4 therapeutic cannabis which an alternative treatment center may cultivate or possess pursuant to  
5 RSA 126-X:8, XV(a)(1).

6           19 Effective Date. This act shall take effect July 1, 2024.

Docket of HB1231		
12/01/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs
01/05/2024	H	Public Hearing: 01/18/2024 02:00 pm LOB 210-211
02/15/2024	H	Executive Session: 02/21/2024 11:00 am LOB 203
03/05/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-0887h 02/21/2024 (Vote 15-4; RC)
03/05/2024	H	Minority Committee Report: Inexpedient to Legislate
03/14/2024	H	Amendment # 2024-0887h: AA VV 03/14/2024 HJ 8
03/14/2024	H	Ought to Pass with Amendment 2024-0887h: MA RC 294-66 03/14/2024 HJ 8
03/26/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/11/2024	S	Hearing: 04/18/2024, Room 101, LOB, 01:30 pm; SC 15
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-2; SC 19

# Senate Health and Human Services Committee

*Sonja Caldwell 271-2117*

**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.

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**Sponsors:**

Rep. W. Thomas

Rep. Newell

Rep. A. Murray

Rep. M. Perez

Rep. Wheeler

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**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 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.

HB 1283-FN - AS AMENDED BY THE HOUSE

21Mar2024... 0808h

2024 SESSION

24-2049  
05/10

HOUSE BILL            ***1283-FN***

AN ACT                relative to end of life options.

SPONSORS:            Rep. M. Smith, Straf. 10; Rep. Dutzy, Hills. 6; Rep. D. Paige, Carr. 1; Rep. Haskins, Rock. 11; Rep. Woodcock, Carr. 1; Rep. Phillips, Rock. 7; Rep. Lynn, Rock. 17; Rep. Wolf, Merr. 7; Rep. Bolton, Graf. 8; Sen. Altschiller, Dist 24

COMMITTEE:          Judiciary

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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.

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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 end of life options.

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

1 1 New Chapter; End of Life Options. Amend RSA by inserting after chapter 137-L the following  
2 new chapter:

3 CHAPTER 137-M

4 END OF LIFE OPTIONS

5 137-M:1 Definitions. In this chapter, unless the context otherwise requires, the following  
6 definitions shall apply:

7 I. "Adult" means an individual 18 years of age or older.

8 II. "Consulting health care provider" means a health care provider who is qualified by  
9 specialty or experience to make a professional diagnosis and prognosis regarding the individual's  
10 disease.

11 III. "Dispensing health care provider" means a health care provider who is authorized to  
12 dispense prescription medications.

13 IV. "Health care entity" means an entity or institution, other than an individual, that is  
14 licensed to provide any form of health care in the state, including a hospital, clinic, hospice agency,  
15 home health agency, long-term care facility, pharmacy, group medical practice, or any similar entity.

16 V. "Health care provider" means any of the following individuals authorized by law to  
17 prescribe or dispense medications to be used in medical assistance in dying:

18 (a) A physician licensed pursuant to RSA 329;

19 (b) An osteopathic physician licensed pursuant to RSA 329;

20 (c) An advanced practice registered nurse licensed pursuant to RSA 326-B; or

21 (d) A pharmacist licensed pursuant to RSA 318; provided, however, that a pharmacist  
22 shall not qualify as a prescribing health care provider under RSA 137-M:1, X or as a consulting  
23 health care provider under RSA 137-M:1, II.

24 VI. "Informed decision" means a decision by a mentally competent individual to request and  
25 obtain a prescription for medications pursuant to this chapter, and that the qualified individual may  
26 elect to self-administer the medications to bring about the individual's peaceful death. The informed  
27 decision shall be based on the individual's appreciation of the relevant facts, after being fully  
28 informed by the prescribing provider and consulting provider of:

29 (a) The individual's diagnosis and prognosis;

30 (b) The potential risk associated with taking the medications to be prescribed;

31 (c) The probable result of taking the medications to be prescribed;

1 (d) The feasible end-of-life care and treatment options for the individual's terminal  
2 condition, including, but not limited to comfort care, palliative care, hospice care, and pain control,  
3 and the risks and benefits of each; and

4 (e) The individual's right to withdraw a request pursuant this chapter, or consent for  
5 any other treatment, at any time.

6 VII. "Medical assistance in dying" means the practice wherein a health care provider  
7 evaluates a request, determines qualification, performs the duties described in RSA 137-M:6 and  
8 137-M:7 and prescribes medications to a qualified individual who may self-administer the  
9 medications to bring about a peaceful death.

10 VIII. "Mental capacity" means an individual's ability to understand and appreciate health  
11 care options available to that individual, including significant benefits and risks, and to make and  
12 communicate an informed health care decision. A determination of capacity shall be made only  
13 according to professional standards of care and the provisions of RSA 137-J.

14 IX. "Mental health professional" means a state-licensed psychiatrist, psychologist, master  
15 social worker, psychiatric nurse practitioner or professional clinical mental health counselor.

16 X. "Prescribing health care provider" means a health care provider who is qualified by  
17 specialty or experience to make a professional diagnosis and prognosis regarding the individual's  
18 disease, and prescribes medical assistance-in-dying medication.

19 XI. "Prognosis of 6 months or less" means the terminal condition will, within reasonable  
20 medical judgment, result in death within 6 months.

21 XII. "Qualified individual" means an individual who has met the requirements to receive  
22 medical assistance in dying pursuant to the provisions of this chapter.

23 XIII. "Self-administer" means taking an affirmative, conscious, voluntary action to take the  
24 prescribed medications.

25 XIV. "Terminal" means a condition that is incurable and irreversible and will result in  
26 death.

27 137-M:2 Prescribing Health Care Provider Determination; Patient Form. A prescribing health  
28 care provider may provide a prescription for medical-assistance-in-dying medications to an  
29 individual only after the prescribing health care provider has:

30 I. Determined that the individual has:

- 31 (a) Mental capacity;  
32 (b) A terminal condition;  
33 (c) Prognosis of 6 months or less, or is enrolled in Medicare-certified hospice;  
34 (d) Voluntarily made the request for medical assistance in dying; and  
35 (e) The ability to self-administer the medical assistance in dying medications.

36 II. Determined that the individual is making an informed decision after discussing with the  
37 individual:

- 1 (a) The individual's medical diagnosis and prognosis;
- 2 (b) The potential risks associated with self-administering the medical assistance in  
3 dying medications that the individual has requested the health care provider to prescribe;
- 4 (c) The probable result of self-administering the medical assistance in dying medications  
5 to be prescribed;
- 6 (d) The individual's option of choosing to obtain the medical-assistance-in-dying  
7 medications and then deciding not to use them; and
- 8 (e) The feasible alternatives, including condition-directed treatment options, as well as  
9 hospice care and palliative care focused on relieving symptoms and reducing suffering.

10 III. Determined in good faith that the individual's request does not arise from coercion or  
11 undue influence by another person, institution, or other party.

12 IV. Noted in the individual's health record the prescribing health care provider's  
13 determination that the individual qualifies to receive medical assistance in dying.

14 V.(a) Confirmed that the individual is either:

- 15 (1) Enrolled in a Medicare-certified hospice program; or
- 16 (2) Eligible to receive medical assistance in dying after the prescribing health care  
17 provider has referred the individual to a consulting health care provider; and
- 18 (b) That the consulting health care provider has:
  - 19 (1) Examined the individual;
  - 20 (2) Reviewed the individual's relevant medical records; and
  - 21 (3) Confirmed that the consulting health care provider has independently  
22 determined and documented that the individual meets all of the requirements of RSA 137-M:2, I, II,  
23 and III.

24 VI. Provided substantially the following form to the individual and enters the form into the  
25 individual's health record after the form has been completed with all of the required signatures and  
26 initials:

27 **REQUEST FOR MEDICATIONS TO END MY LIFE IN A PEACEFUL MANNER**

28 I, (patient name), am an adult of sound mind. I am suffering from a terminal condition that is  
29 incurable and irreversible and that, according to reasonable medical judgment, will result in my  
30 death within 6 months. My health care provider has determined that the condition is in its terminal  
31 phase. (Patient Initials)

32 I have been fully informed of my diagnosis and prognosis, the nature of the medical-assistance-in-  
33 dying medications to be prescribed and the potential associated risks, the expected result, as well as  
34 feasible alternative, concurrent, or additional treatment opportunities, including hospice care and  
35 palliative care focused on relieving symptoms and reducing suffering. (Patient Initials)

36 I request that my health care provider prescribe medications and that a pharmacist dispense those  
37 medications that will end my life in a peaceful manner if I choose to self-administer the medications,

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**- Page 4 -**

1 and I authorize my health care provider to contact a willing pharmacist to fulfill this request.  
2 (Patient Initials)

3 I further understand that although most deaths occur within 3 hours, my death may take longer.  
4 My health care provider has counseled me about this possibility.

5 I understand that I have the right to rescind this request at any time. (Patient Initials)

6 I understand the full import of this request, and I expect to die if I self-administer the medical  
7 assistance in dying medications prescribed. (Patient Initials)

8 I make this request voluntarily, on my own without coercion or undue influence from other  
9 individuals, institutions, or other parties and without reservation.

10 Signed:

11 Date:                      Time:

12 DECLARATION OF WITNESSES:

13 We declare that the person signing this request:

- 14 1. is personally known to us or has provided proof of identity;
- 15 2. signed this request in our presence;
- 16 3. appears to be of sound mind and not under duress, fraud, or undue influence; and
- 17 4. is not a patient for whom either of us is a health care provider.

18 Witness 1:                      Witness 2:

19 Signature:

20 Printed Name:

21 Relationship to Patient:

22 Date:                      .

23 NOTE: No more than one witness shall be a relative by blood, marriage or adoption of the person  
24 signing this request. No more than one witness shall own, operate, or be employed at a health care  
25 facility where the person signing this request is a patient or resident.

26 137-M:3 Standard of Care.

27 I. Care that complies with this chapter meets the medical standard of care.

28 II. Nothing in this chapter exempts a health care provider or other medical personnel from  
29 meeting medical standards of care for an individual's treatment that the individual is willing to  
30 accept.

31 137-M:4 Determining Mental Capacity. If either the prescribing health care provider or the  
32 consulting health care provider has doubts as to whether the individual is mentally competent and is  
33 unable to confirm that the individual is competent of making an informed decision, the prescribing  
34 health care provider or consulting health care provider shall refer the individual to a mental health  
35 professional for a determination regarding mental capacity.

1 I. The mental health professional who evaluates the individual under this section shall  
2 submit to the requesting prescribing or consulting health care provider a written determination of  
3 whether the individual has the mental capacity to make informed health care decisions.

4 II. If the mental health professional determines that the individual does not have the  
5 mental capacity to make informed health care decisions, the individual shall not be deemed a  
6 qualified individual and the prescribing health care provider shall not prescribe medication to the  
7 individual under this chapter.

8 137-M:5 Waiting Period. A prescription for medical-assistance-in-dying medications shall:

9 I. Not be filled until 48 hours after the prescription for medical assistance in dying  
10 medications has been written, unless the qualified individual's prescribing health care provider has  
11 medically confirmed that the qualified individual may, within reasonable medical judgment, die  
12 before the expiration of the 48-hour waiting period identified herein, in which case, the prescription  
13 may be filled once the prescribing health care provider affirms that all requirements have been  
14 fulfilled pursuant to RSA 137-M:2; and

15 II. Indicate the date and time that the prescription for medical assistance in dying  
16 medications was written and indicate the first allowable date and time when it may be filled.

17 137-M:6 Eligibility and Due Diligence.

18 I. A mentally competent individual that meets the criteria in RSA 137-M:2 is eligible to  
19 request a prescription for medications under this chapter. The individual may make the requests in  
20 person or via telehealth pursuant to RSA 167:4-d.

21 II. The prescribing and consulting providers of an eligible individual shall have met all the  
22 requirements of RSA 137-M:2 and RSA 137-M:6.

23 III. At the time of the second consultation, the consulting health care provider shall offer the  
24 individual an opportunity to rescind the request.

25 IV. Requests for medical assistance in dying may be made only by the eligible individual and  
26 shall not be made by the individual's surrogate decision-maker, guardian, health care proxy,  
27 attorney-in-fact for health care, nor via advance health care directive.

28 V. If a requesting individual decides to transfer care to an alternative provider, the records  
29 custodian of the transferor provider shall transfer to the transferee provider all relevant medical  
30 records within 2 business days, including written documentation of the dates of the individual's  
31 request concerning medical assistance in dying.

32 137-M:7 Right to Know. A health care provider shall inform a terminally ill patient of all  
33 reasonable options related to the patient's care that are legally available to terminally ill patients  
34 that meet the medical standards of care for end-of-life care.

35 137-M:8 Immunities and Conscience-based Decisions.

1 I. An individual, a health care provider, health care entity, or professional organization or  
2 association shall not be subject to criminal liability, civil liability, licensing sanctions, or other  
3 professional disciplinary action for:

4 (a) Participating in medical assistance in dying in good faith compliance with this  
5 chapter.

6 (b) Being present when a qualified patient self-administers the prescribed medical  
7 assistance in dying medications to end the qualified individual's life in accordance with the  
8 provisions of this chapter.

9 (c) Refusing, for reasons of conscience, to provide information on medical assistance in  
10 dying to a patient and refusing to refer a patient to any entity or individual who is able and willing  
11 to assist the patient in obtaining medical assistance in dying. A party who for reasons of conscience  
12 expects to refuse to participate in any part of the chapter shall so inform the qualified individual at  
13 or before the time of their request.

14 II. A health care entity, health insurer, managed care organization or health care provider  
15 shall not subject a person to censure, discipline, suspension, loss or denial of license, credential,  
16 privileges or membership or other penalty for participating, or refusing to participate, in the  
17 provision of medical assistance in dying in good faith compliance with the provisions of this chapter.

18 III. No health care provider who objects for reasons of conscience to participating in the  
19 provision of medical assistance in dying shall be required to participate in the provision of assistance  
20 in dying under any circumstance. If a health care provider is unable or unwilling to carry out an  
21 individual's request pursuant to the chapter, that health care provider shall so inform the individual  
22 at the time of the request and may refer the individual to a health care provider who is able and  
23 willing to carry out the individual's request or to another individual or entity to assist the requesting  
24 individual in seeking medical assistance in dying. The prior health care provider shall transfer,  
25 upon request, a copy of the individual's relevant medical records to the new health care provider.

26 IV. A health care entity that chooses not to participate in providing medical assistance in  
27 dying shall not forbid nor otherwise sanction a health care provider in its employ from providing  
28 medical assistance in dying in accordance with the this chapter unless the health care entity has  
29 given written notice to the health care provider of the prohibiting entity's written policy forbidding  
30 participation in medical assistance in dying and the health care provider participates in medical  
31 assistance in dying in violation of the policy after receiving such notice. If the health care entity's  
32 policy prohibits its health care provider employees from providing medical assistance in dying both  
33 on and off the premises of the health care entity, and whether or not the health care provider  
34 employee is acting within the course and scope of employment, the policy shall explicitly so state.

35 V. Nothing in this section shall be construed to prevent an individual who seeks medical  
36 assistance in dying from contracting with the individual's prescribing health care provider or

1 consulting health care provider to act outside the course and scope of the provider's affiliation with a  
2 health care entity.

3 VI. Participating, or not participating, in medical assistance in dying shall not be the basis  
4 for a report of unprofessional conduct.

5 VII. A health care entity that prohibits medical assistance in dying shall accurately and  
6 clearly articulate this in a readily accessible location on any website maintained by the entity and  
7 notify patients in writing of its policy with regard to medical assistance in dying.

8 137-M:9 Prohibited Acts.

9 I. Nothing in the chapter shall be construed to authorize a physician or any other person to  
10 end an individual's life by lethal injection, mercy killing, or euthanasia. Actions taken in accordance  
11 with this chapter shall not be construed, for any purpose, to constitute suicide, assisted suicide,  
12 euthanasia, mercy killing, homicide, or adult abuse under the law.

13 II. Notwithstanding any other law, a person shall not be subject to civil or criminal liability  
14 solely because the person was present when the qualified individual self-administers the prescribed  
15 assistance-in-dying medications. A person who is present may, without civil or criminal liability, or  
16 any discipline for professional licensees, assist the qualified individual by preparing the assistance-  
17 in-dying medications.

18 III. Any person who knowingly does any of the following with the intent to cause, interfere  
19 with, or prevent a qualified individual's death against the qualified individual's wishes shall be  
20 guilty of a class B felony:

21 (a) Altering, forging, concealing, or destroying a request for a terminal prescription  
22 without the qualified individual's authorization.

23 (b) Concealing or destroying a withdrawal or rescission of a request for a terminal  
24 prescription without the qualified individual's authorization.

25 (c) Concealing or destroying a qualified individual's terminal prescription without the  
26 qualified individual's authorization, or preventing a qualified individual from self-administering the  
27 terminal prescription.

28 (d) Coercing or exerting undue influence on a qualified individual to request or to self-  
29 administer a terminal prescription for the purpose of ending the qualified individual's life.

30 (e) Coercing or exerting undue influence on a qualified individual to prevent the  
31 qualified individual from requesting or self-administering a terminal prescription.

32 IV. Nothing in this section limits civil liability or damages arising from negligent conduct or  
33 intentional misconduct by a health care provider or health care entity.

34 V. The penalties specified in this chapter do not preclude criminal penalties applicable  
35 under other laws for conduct inconsistent with this chapter.

36 137-M:10 Reporting.

1 I. A health care provider who prescribes medical assistance in dying to a qualified individual  
2 in accordance with the provisions of this chapter shall provide a report of that provider's  
3 participation. The department of health and human services shall adopt rules pursuant to RSA 541-  
4 A that establish the time frames and forms for reporting pursuant to this section and shall limit the  
5 reporting of data relating to qualified individuals who received prescriptions for medical assistance  
6 in dying medications to the following:

7 (a) The qualified individual's age at death;

8 (b) The qualified individual's race and ethnicity;

9 (c) The qualified individual's gender;

10 (d) Whether the qualified individual was enrolled in hospice prior to or at the time of  
11 death;

12 (e) The qualified individual's underlying medical condition; and

13 (f) Whether the qualified individual self-administered the medical assistance in dying  
14 medications and, if so, the date that this occurred.

15 II. The department of health and human services shall promulgate an annual statistical  
16 report, containing aggregated data, on the information collected pursuant to paragraph I on the total  
17 number of medical assistance in dying medications prescriptions written statewide and on the  
18 number of health care providers who have issued prescriptions for medical assistance in dying  
19 medications during that year. Data reported pursuant to this section shall not contain individually  
20 identifiable health information and are exempt from disclosure pursuant to the right-to-know law,  
21 RSA 91-A.

22 137-M:11 Effect on Construction of Wills, Contracts, and Statutes.

23 I. No provision in a contract, will, or other agreement, whether written or oral, that would  
24 determine whether an individual may make or rescind a request pursuant to this chapter is valid.

25 II. No obligation owing under any currently existing contract shall be conditioned or affected  
26 by an individual's act of making or rescinding a request pursuant to this chapter.

27 III. It is unlawful for an insurer to deny or alter health care benefits otherwise available to  
28 an individual with a terminal disease based on the availability of medical assistance in dying or  
29 otherwise attempt to coerce an individual with a terminal disease to make a request for medical  
30 assistance-in-dying medications.

31 137-M:12 Insurance and Annuity Policies.

32 I. The sale, procurement, or issuance of a life, health, or accident insurance or annuity  
33 policy, or the rate charged for such policy shall not be conditioned upon or affected by an individual's  
34 act of making or rescinding a request for medications pursuant to this chapter.

35 II. A qualified individual's act of self-administering medications pursuant to this chapter  
36 does not invalidate any part of a life, health, or accident insurance, or annuity policy.

1 III. No insurer shall deny or alter benefits to an individual with a terminal disease, who is a  
2 covered beneficiary of a health insurance plan, based on the availability of medical assistance in  
3 dying, his or her request for medications pursuant to this chapter, or the absence of a request for  
4 medications pursuant to this chapter.

5 IV. Any insurer in violation of this section shall be subject to the penalties set forth in RSA  
6 400-A:15, or such other section of Title XXXVII as may be applicable, including, but not limited to  
7 RSA 420-J and RSA 417.

8 137-M:13 Death Certificate.

9 I. Unless otherwise prohibited by law, the prescribing provider may sign the death  
10 certificate of a qualified individual who obtained and self-administered a prescription for  
11 medications pursuant to this chapter.

12 II. When a death has occurred in accordance with this chapter, the death shall be attributed  
13 to the underlying terminal disease.

14 III. Death following self-administering medications under that chapter alone does not  
15 constitute grounds for post-mortem inquiry.

16 IV. Death in accordance with this chapter shall not be designated suicide or homicide.

17 V. A qualified individual's act of self-administering medications prescribed pursuant to this  
18 chapter shall not be indicated on the death certificate.

19 VI. A coroner may conduct a preliminary investigation to determine whether an individual  
20 received a prescription for medications under this chapter.

21 2 Severability. If a part of this act is invalid, all valid parts that are severable from the invalid  
22 part remain in effect. If a part of this act is invalid in one or more of its applications, the part  
23 remains in effect in all valid applications that are severable from the invalid applications.

24 3 Effective Date. This act shall take effect January 1, 2025.

**HB 1283-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to end of life options.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Revenue Fund(s)</i>	Insurance premium tax revenue			
<b>Expenditures</b>	\$0	Under \$3,000	Under \$3,000	Under \$3,000
<i>Funding Source(s)</i>	None			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  N/A
- Does this bill authorize new positions to implement this bill?  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](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

Docket of HB1283		
12/06/2023	H	Introduced 01/03/2024 and referred to Judiciary HJ 1
01/17/2024	H	Public Hearing: 02/07/2024 10:00 am LOB 210-211
02/06/2024	H	==RECESSED== Executive Session: 02/15/2024 10:00 am LOB 206-208
02/27/2024	H	==CONTINUED== Executive Session: 03/06/2024 10:00 am LOB 206-208
03/12/2024	H	Majority Committee Report: Ought to Pass with Amendment # 2024-0808h 03/06/2024 (Vote 13-7; RC)
03/12/2024	H	Minority Committee Report: Inexpedient to Legislate
03/21/2024	H	Lay HB1283 on Table (Rep. Hoell): MF RC 155-217 03/21/2024 HJ 9
03/21/2024	H	Amendment # 2024-0808h: AA VV 03/21/2024 HJ 9
03/21/2024	H	Indefinitely Postpone (Rep. Cordelli): MF RC 150-212 03/21/2024 HJ 9
03/21/2024	H	Ought to Pass with Amendment 2024-0808h: MA RC 179-176 03/21/2024 HJ 9
03/22/2024	H	Notice of Reconsideration (Rep. Ouellet) 03/22/2024 HJ 9
03/28/2024	H	Reconsider OTPA (Rep. Ouellet): MF DV 147-210 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/18/2024	S	==ROOM CHANGE== Hearing: 04/24/2024, Room 103, SH, 10:00 am; SC 16
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 3-2; SC 19

# 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.

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**Sponsors:**

Rep. M. Smith

Rep. Dutzy

Rep. D. Paige

Rep. Haskins

Rep. Woodcock

Rep. Phillips

Rep. Lynn

Rep. Wolf

Rep. Bolton

Sen. Altschiller

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**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.
  - 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.
  - 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.
  - 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.
  - 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 an 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.
  - 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 vegetative 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. Stapleton said the Canadian MAID program was expanded to include people with mental illness in March of 2024 but that expansion was paused.
- Rep. Stapleton 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. Stapleton 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. Stapleton said the General Court is always tweaking the laws and will receive requests to expand the MAID program.
- Rep. Stapleton said once health insurers offer coverage for MAID, there will be a cost/benefit limitation to other forms of care.
- Rep. Stapleton 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. Stapleton 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 McConnell**

- Ms. McConnell is a clinical social worker. She supports HB 1283-FN.
- Ms. McConnell 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. McConnell 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. McConnell said people with a terminal illness are not planning an escape but are seeking help to avoid intolerable pain.
- Ms. McConnell 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. McConnell 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 4<sup>th</sup> 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 HB 1283-FN counters the intentions of suicide prevention.
- 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 decided 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.

cml

Date Hearing Report completed: April 29, 2024

HB 1330-FN - AS AMENDED BY THE HOUSE

22Feb2024... 0818h

2024 SESSION

24-2377

10/05

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

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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.

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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 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 1 Emergency Medical and Trauma Services; Disciplinary Review. The introductory paragraph  
2 of RSA 153-A:13, I is repealed and reenacted to read as follows:

3 I. The EMS disciplinary review panel under paragraph IV shall deny an application for  
4 issuance or reissuance of a license, or suspend, or revoke a license, when the panel finds that the  
5 applicant is guilty of any of the following acts or offenses:

6 2 Procedures for Disciplinary Review. Amend RSA 153-A:13, III to read as follows:

7 III. A denial, suspension, or revocation under this section **by the EMS disciplinary review**  
8 **panel under paragraph IV** shall be in accordance with RSA 541-A.

9 3 New Paragraphs; Emergency Medical Services; Disciplinary Review Panel Established.  
10 Amend RSA 153-A:13 by inserting after paragraph III the following new paragraphs:

11 IV.(a) There is established an EMS disciplinary review panel comprised of 3 members, one  
12 representing each of the following New Hampshire EMS boards or committees: the emergency  
13 medical and trauma services coordinating board; the medical control board; and the trauma medical  
14 review committee. Panel members and/or their designee shall be members of, and appointed by the  
15 body they will represent, in a process determined by that body.

16 (b) The disciplinary review panel shall be provided and review the findings of the  
17 director's investigation pursuant to RSA 153-A:14; and by majority decision of the full panel, shall  
18 approve license denials, the reissuance of licenses, and the suspension or revocation of a license.

19 (c) Unless a time-frame extension is deemed necessary to complete its work, the panel  
20 shall review and act on a matter before it within 90 days. The panel shall provide a status update to  
21 the director every 30 days thereafter, until the matter is resolved. The director shall provide timely  
22 written notification to the licensee indicating any need for an extension, and a brief status update  
23 every 30 days thereafter, until the matter is resolved.

24 (d) Nothing in this section shall prevent the director from issuing a letter of concern or  
25 an emergency suspension of an EMS provider's license. In such cases, the emergency suspension  
26 shall remain in place pending further action by the disciplinary review panel.

27 V. The division shall remove a licensee's name from its public list of the issuance of  
28 suspensions, or revocations 7 years from the date of disciplinary action; or in the event of a licensee's  
29 death, within 30 days of a request for removal and verification of death by the New Hampshire  
30 department of state's division of vital records administration, or equivalent agency of another state.

**HB 1330-FN - AS AMENDED BY THE HOUSE**

**- Page 2 -**

1           4 Emergency Medical and Trauma Services; Investigation. Amend RSA 153-A:14 to read as  
2 follows:

3           153-A:14 Investigations. The director shall investigate any complaint regarding the actions of  
4 any licensee licensed under this chapter or when the director has reason to believe that any licensed  
5 or unlicensed individual or entity is in violation of this chapter or any rules adopted pursuant to this  
6 chapter. ***The findings of the investigation shall be referred to the disciplinary review panel***  
7 ***for a determination of disciplinary action.***

8           5 Effective Date. This act shall take effect January 1, 2025.

**HB 1330-FN- FISCAL NOTE**  
 AS AMENDED BY THE HOUSE (AMENDMENT #2024-0818h)

AN ACT relative to establishing an emergency medical services disciplinary review panel, and relative to procedures for removal of records of discipline.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures</b>	\$0	\$23,350	\$35,000	\$35,000
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  No
- Does this bill authorize new positions to implement this bill?  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

Docket of HB1330		
12/06/2023	H	Introduced 01/03/2024 and referred to Criminal Justice and Public Safety HJ 1
01/09/2024	H	Public Hearing: 01/18/2024 12:00 pm LOB 202-204
02/07/2024	H	Executive Session: 02/12/2024 09:30 am LOB 202-204
02/13/2024	H	Majority Committee Report: Inexpedient to Legislate 02/12/2024 (Vote 12-7; RC)
02/13/2024	H	Minority Committee Report: Ought to Pass
02/22/2024	H	Inexpedient to Legislate: MF DV 54-320 02/22/2024 HJ 6
02/22/2024	H	FLAM # 2024-0818 (Rep. Proulx): AA VV 02/22/2024 HJ 6
02/22/2024	H	Ought to Pass with Amendment 2024-0818: MA VV 02/22/2024 HJ 6
02/22/2024	H	Referred to Finance 02/22/2024 HJ 6
02/28/2024	H	Division Work Session: 03/05/2024 01:25 am LOB 209
03/13/2024	H	Executive Session: 03/19/2024 10:00 am LOB 210-211
03/26/2024	H	Committee Report: Ought to Pass 03/26/2024 (Vote 25-0; CC) HC 14 P. 6
04/11/2024	H	Ought to Pass: MA VV 04/11/2024 HJ 11
04/16/2024	S	Introduced 04/11/2024 and Referred to Health and Human Services; SJ 10
04/25/2024	S	Hearing: 05/01/2024, Room 101, LOB, 09:30 am; SC 17
05/01/2024	S	Committee Report: Referred to Interim Study, 05/16/2024, Vote 5-0; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**  
Rep. Proulx

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**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.
  - Rep. Proulx said she did, because she was right.
- Sen. Avard asked if it took 11 months.
  - 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.
  - 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.

HB 1349-FN - AS INTRODUCED

2024 SESSION

24-2196

02/05

HOUSE BILL **1349-FN**

AN ACT relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

SPONSORS: Rep. H. Howard, Straf. 4; Rep. Vail, Hills. 6; Rep. A. Murray, Hills. 20; Rep. Newell, Ches. 4; Rep. Seibert, Hills. 21; Rep. T. Mannion, Hills. 1

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill adds generalized anxiety disorder as a qualifying medical condition for the use of therapeutic cannabis.

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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 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            1 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Qualifying Medical Condition;  
2 Generalized Anxiety Disorder. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (6) the  
3 following new subparagraph:

4                            (7) Generalized anxiety disorder.

5            2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1349-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes			
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  Yes
- Does this bill authorize new positions to implement this bill?  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



Docket of HB1349		
12/06/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/05/2024	H	Public Hearing: 01/18/2024 10:30 am LOB 210-211
02/15/2024	H	Executive Session: 02/21/2024 11:00 am LOB 203
02/23/2024	H	Committee Report: Ought to Pass 02/21/2024 (Vote 19-0; CC) HC 9 P. 9
03/07/2024	H	Ought to Pass: MA VV 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7
04/11/2024	S	Hearing: 04/18/2024, Room 101, LOB, 01:45 pm; SC 15
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19

# Senate Health and Human Services Committee

*Sonja Caldwell 271-2117*

**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.

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**Sponsors:**

Rep. H. Howard

Rep. Vail

Rep. A. Murray

Rep. Newell

Rep. Seibert

Rep. T. Mannion

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**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.

SPONSORS: Rep. Cordelli, Carr. 7; Rep. Hill, Merr. 2; Rep. Cushman, Hills. 28; Rep. Mazur, Hills. 44; Rep. T. Lekas, Hills. 38; Rep. Ammon, Hills. 42; Rep. Verville, Rock. 2; Rep. Phillips, Rock. 7; Rep. Kofalt, Hills. 32

COMMITTEE: Education

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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.

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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 1 Medicaid to Schools Program; Parental Consent Required. Amend RSA 186-C:25, VII to read  
2 as follows:

3 VII. Beginning on September 1, 2018, the commissioner of the department of health and  
4 human services shall submit an annual report to the senate president, the speaker of the house of  
5 representatives, ***the chairpersons of the house and senate policy committees with***  
6 ***jurisdiction over education, the chairpersons of the house and senate policy committees***  
7 ***with jurisdiction over health and human services***, and the chairpersons of the house and senate  
8 finance committees regarding the total cost of the Medicaid to schools program and the number of  
9 students who received services through the program during the prior school year.

10 ***VIII. Written parental consent shall be obtained for each new service provided to a***  
11 ***Medicaid enrolled child pursuant to RSA 200:27-a. For the purpose of this paragraph and***  
12 ***RSA 200:27-a, each new service shall mean each new Medicaid International Classification***  
13 ***of Diseases (ICD) diagnostic code.***

14 2 School Health Services; Consent of Parent or Legal Guardian Required. Amend RSA 200:27-a  
15 to read as follows:

16 200:27-a Consent of Parent or Legal Guardian Required. A child's participation in any program that  
17 provides medical or dental treatment in any school setting shall require the explicit written consent  
18 of the child's parent or legal guardian ***for each new service as defined by a new diagnostic***  
19 ***billing code.***

20 3 Effective Date. This act shall take effect January 1, 2025.

Docket of HB1616		
12/15/2023	H	Introduced 01/03/2024 and referred to Education HJ 1
01/31/2024	H	Public Hearing: 02/06/2024 02:45 pm LOB 205-207
02/05/2024	H	Executive Session: 02/13/2024 09:45 am LOB 205-207
02/22/2024	H	==RECESSED== Executive Session: 03/06/2024 09:30 am LOB 205-207
03/07/2024	H	Executive Session: 03/18/2024 10:00 am LOB 205-207
03/20/2024	H	Committee Report: Without Recommendation 03/18/2024 (Vote 10-10; RC) HC 12 P. 27
03/28/2024	H	Amendment # 2024-0716h: AA VV 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 2024-0716h: MA DV 190-187 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Health and Human Services; SJ 8
04/10/2024	S	Hearing: 04/17/2024, Room 100, SH, 09:30 am; SC 15
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Cordelli

Rep. Hill

Rep. Cushman

Rep. Mazur

Rep. T. Lekas

Rep. Ammon

Rep. Verville

Rep. Phillips

Rep. Kofalt

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**Who supports the bill:** In total, **71** individuals signed 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.

- Rep. Horrigan said that there would be a cost.
- Sen. Avarad asked why there is no fiscal note attached to the bill.
  - 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

24-2634

05/10

HOUSE BILL            ***1660-FN***

AN ACT                relative to coverage of certain procedures for minor children under the state's Medicaid program.

SPONSORS:            Rep. Kofalt, Hills. 32; Rep. Sirois, Hills. 32; Rep. See, Merr. 26; Rep. Osborne, Rock. 2; Sen. Avard, Dist 12; Sen. Innis, Dist 7

COMMITTEE:          Health, Human Services and Elderly Affairs

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ANALYSIS

This bill provides that the state Medicaid plan shall not include gender reassignment treatment for minors.

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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 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           1 New Section; Coverage of Gender Reassignment Procedures for Minors Excluded Under State  
2 Medicaid Program. Amend RSA 167 by inserting after section 3-m the following new section:

3           167:3-n State Medicaid Plan; Sex Reassignment Excluded. Medical assistance provided under  
4 the state Medicaid plan shall not include any form of gender reassignment surgery for a person  
5 under 18 years of age.

6           2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1660-FN- FISCAL NOTE**  
 AS INTRODUCED

AN ACT relative to coverage of certain procedures for minor children under the state's Medicaid program.

**FISCAL IMPACT:**     State             County             Local             None

<b>Estimated State Impact - Increase / (Decrease)</b>				
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>				
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund Federal matching funds			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  See Below
- Does this bill authorize new positions to implement this bill?  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

Docket of HB1660		
12/15/2023	H	Introduced 01/03/2024 and referred to Health, Human Services and Elderly Affairs HJ 1
01/19/2024	H	Public Hearing: 01/31/2024 10:00 am SH Reps Hall
02/07/2024	H	Executive Session: 02/14/2024 09:30 am LOB 210-211
02/21/2024	H	Committee Report: Without Recommendation 02/15/2024 (Vote 10-10; RC) HC 9 P. 23
03/07/2024	H	Lay HB1660 on Table (Rep. A. Murray): MF RC 174-188 03/07/2024 HJ 7
03/07/2024	H	Ought to Pass: MA RC 193-169 03/07/2024 HJ 7
03/07/2024	H	Reconsider HB1660 (Rep. Sweeney): MF DV 171-192 03/07/2024 HJ 7
03/13/2024	S	Introduced 03/07/2024 and Referred to Health and Human Services; SJ 7
04/10/2024	S	Hearing: 04/17/2024, Room 100, SH, 10:00 am; SC 15
05/01/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 3-2; SC 19

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**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.

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**Sponsors:**

Rep. Kofalt

Rep. Sirois

Rep. See

Rep. Osborne

Sen. Avard

Sen. Innis

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**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.
  - 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.
  - 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.
  - 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.
  - 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.
  - Rep. Kofalt said it was.
- Sen. Whitley asked if he was aware that conversion therapy was never covered by the Medicaid program.
  - Rep. Kofalt said he was not.
- Senator Bradley asked if HB 1660-FN was still necessary if HB 619-FN became law.
  - 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.
  - 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.
  - 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.
  - 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

HB 1158 - AS AMENDED BY THE HOUSE

14Mar2024... 0903h

2024 SESSION

24-2164  
10/08

HOUSE BILL            **1158**

AN ACT                relative to establishing an exception to vessel registration.

SPONSORS:            Rep. Lynn, Rock. 17; Rep. Kuttab, Rock. 17

COMMITTEE:          Transportation

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AMENDED ANALYSIS

This bill exempts certain persons from requiring a certificate of operation for a commercial vessel so long as they meet certain requirements.

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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 establishing an exception to vessel registration.

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

1           1 New Paragraph; Minimum Age for Operation; Commercial Vessel Exception. Amend RSA  
2 270:30 by inserting after paragraph III the following new paragraph:

3           III-a. A person 14 years of age or older, but under 18 years of age may operate a commercial  
4 vessel on any of the public waters of the state without a valid certificate to act as operator of a  
5 commercial vessel if all of the following conditions are met:

6                   (a) The vessel shall be 16 feet in length or less.

7                   (b) The vessel may be operated only for the selling of pre-packaged food and/or non-  
8 alcoholic beverages.

9                   (c) The vessel shall not be operated for the safety support of other boaters, swimmers, or  
10 other persons in or on the water, or for incidental transportation of passengers, towing of other  
11 vessels, refueling, or servicing.

12                   (d) The vessel shall not tow any water skiers, aquaplane, or similar devices.

13           2 Effective Date. This act shall take effect 60 days after passage.

Docket of HB1158		
11/28/2023	H	Introduced 01/03/2024 and referred to Transportation
03/06/2024	H	Public Hearing: 01/16/2024 01:00 pm LOB 203
01/25/2024	H	==RECESSED== Executive Session: 01/30/2024 02:00 pm LOB 203
02/07/2024	H	==RECESSED== Executive Session: 02/13/2024 10:00 am LOB 203
02/15/2024	H	==CANCELLED== Full Committee Work Session: 02/20/2024 10:00 am LOB 203
02/15/2024	H	==CANCELLED== Executive Session: 02/20/2024 01:00 pm LOB 203
02/28/2024	H	Public Hearing on non-germane Amendment # 2024-0870h: 03/05/2024 09:30 am LOB 203
02/28/2024	H	Full Committee Work Session: 03/05/2024 10:30 am LOB 203
02/28/2024	H	Executive Session: 03/05/2024 01:00 pm LOB 203
03/06/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0903h 03/05/2024 (Vote 16-0; CC)
03/14/2024	H	Amendment # 2024-0903h: AA VV 03/14/2024 HJ 8
03/14/2024	H	Ought to Pass with Amendment 2024-0903h: MA VV 03/14/2024 HJ 8
03/26/2024	S	Introduced 03/21/2024 and Referred to Transportation; SJ 8
03/28/2024	S	Hearing: 04/02/2024, Room 101, LOB, 01:00 pm; SC 13
04/17/2024	S	Committee Report: Ought to Pass, 05/02/2024; Vote 5-0; CC; SC 17
05/02/2024	S	Sen. Ricciardi Moved to Remove HB 1158 from the Consent Calendar; 05/02/2024; SJ 11
05/02/2024	S	Special Order to 05/16/2024, Without Objection, MA; 05/02/2024 SJ 11
05/02/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 5-0; SC 19

# 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.

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**Sponsors:**

Rep. Lynn

Rep. Kuttab

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**Who supports the bill:** Rep. Bob Lynn, Tim Dunleavy (Department of Safety – Marine Patrol), Eric Pauer, and Rep. Diane Pauer.

**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 Winnepesaukee. 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.

HB 1542-FN - AS AMENDED BY THE HOUSE

28Mar2024... 0745h

2024 SESSION

24-2501

11/10

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

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ANALYSIS

This bill allows electronic copies of safe boater education certificates for possession and presentation to marine patrol.

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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 possession and presentation of safe boater education certificates.

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

1 1 Safe Boater Education; Possession of Certificate; Electronic Copy. Amend RSA 270-D:11, I to  
2 read as follows:

3 I. Any person required to have a safe boater education certificate shall:

4 (a) Possess the certificate when operating a motorized vessel with any type of power  
5 motor in excess of 25 horsepower on the public waters of the state. ***The certificate shall be a***  
6 ***physical original or copy, or an electronic copy, or a photograph of the certificate on an***  
7 ***electronic device. Any electronic copy or photograph of the certificate shall contain the***  
8 ***front and back of the physical original.***

9 (b) Present the certificate ***or the copy*** upon the demand of a marine patrol officer.

10 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1542-FN- FISCAL NOTE**  
 AS AMENDED BY THE HOUSE (AMENDMENT #2024-0745h)

AN ACT relative to possession and presentation of safe boater education certificates.

**FISCAL IMPACT:**     State             County             Local             None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
<b>Revenue</b>	\$0	(Indeterminable Decrease - Likely Not to Exceed \$30,000 Per Year)		
<i>Revenue Fund(s)</i>	Navigation Safety Fund			
<b>Expenditures</b>	\$0	(Indeterminable Decrease - Likely Not to Exceed \$10,638 per Year)		
<i>Funding Source(s)</i>	Navigation Safety Fund			
<b>Appropriations</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures?  N/A
- Does this bill authorize new positions to implement this bill?  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

Docket of HB1542		
12/11/2023	H	Introduced 01/03/2024 and referred to Resources, Recreation and Development HJ 1
02/14/2024	H	Public Hearing: 02/21/2024 02:00 pm LOB 305
03/06/2024	H	Executive Session: 03/13/2024 10:30 am LOB 305
03/19/2024	H	Committee Report: Ought to Pass with Amendment # 2024-0745h 03/13/2024 (Vote 20-0; CC) HC 12 P. 18
03/28/2024	H	Amendment # 2024-0745h: AA VV 03/28/2024 HJ 10
03/28/2024	H	Ought to Pass with Amendment 2024-0745h: MA VV 03/28/2024 HJ 10
04/02/2024	S	Introduced 03/21/2024 and Referred to Transportation; SJ 8
04/10/2024	S	Hearing: 04/16/2024, Room 101, LOB, 01:20 pm; SC 15
04/17/2024	S	Committee Report: Ought to Pass, 05/02/2024; Vote 5-0; CC; SC 17
05/02/2024	S	Sen. Ricciardi Moved to Remove HB 1542-FN from the Consent Calendar; 05/02/2024; SJ 11
05/02/2024	S	Special Order to 05/16/2024, Without Objection, MA; 05/02/2024 SJ 11
05/02/2024	S	Committee Report: Ought to Pass, 05/16/2024, Vote 5-0; SC 19

# Senate Transportation Committee

*Sophie Walsh 271-3469*

**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.

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**Sponsors:**  
Rep. Coker

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**Who supports the bill:** Rep. Matt Coker, Tim Dunleavy (Department of Safety – Marine Patrol), and Jodi Grimbilas (New Hampshire Marine Trades Association).

**Who opposes the bill:** Sen. Altschiller.

**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.