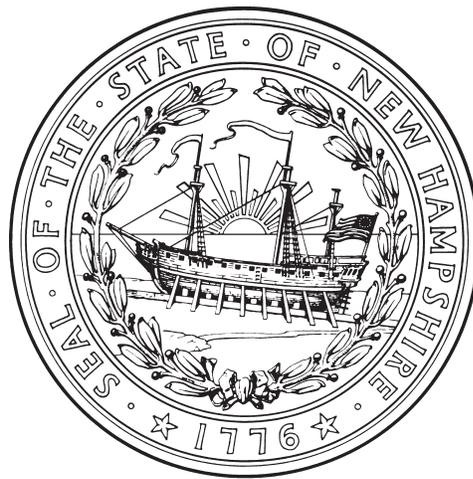


February 11, 2021  
Nos. 3-4

# STATE OF NEW HAMPSHIRE

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**First Year of the 167<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – FEBRUARY 4, 2021 SESSION  
COMMENCEMENT – FEBRUARY 11, 2021 SESSION**

# SENATE JOURNAL 3 *(continued)*

*February 4, 2021*

## INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

*RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted in recess.*

### First and Second Reading and Referral

21-0961

SB 140-FN-A, adopting omnibus legislation making appropriations to the department of health and human services. (Rosenwald, Dist 13; Health and Human Services)

21-0955

SB 141-FN, relative to the procedure for conducting firearm background checks. (Giuda, Dist 2; Avard, Dist 12; Burt, Hills. 39; Edwards, Rock. 4; Rhodes, Ches. 15; Gorski, Hills. 7; Kelsey, Hills. 7; Judiciary)

21-0891

SB 142-FN, adopting omnibus legislation relative to certain study commissions. (Birdsell, Dist 19; Executive Departments and Administration)

21-0943

SB 143-FN, adopting omnibus legislation relative to certain agency requests. (Carson, Dist 14; Executive Departments and Administration)

21-0940

SB 144-FN, relative to child care scholarships. (Whitley, Dist 15; Rosenwald, Dist 13; Perkins Kwoka, Dist 21; Watters, Dist 4; Hennessey, Dist 1; Prentiss, Dist 5; D'Allesandro, Dist 20; Soucy, Dist 18; Sherman, Dist 24; McWilliams, Merr. 27; Nordgren, Graf. 12; Wallner, Merr. 10; Health and Human Services)

21-0887

SB 145-FN-LOCAL, relative to a temporary change in the formula for school funding. (Kahn, Dist 10; Watters, Dist 4; Prentiss, Dist 5; Sherman, Dist 24; Rosenwald, Dist 13; Soucy, Dist 18; Cavanaugh, Dist 16; Perkins Kwoka, Dist 21; Myler, Merr. 10; Luneau, Merr. 10; Education)

21-0255

SB 146-FN, adopting omnibus legislation relative to the environment. (Watters, Dist 4; Energy and Natural Resources)

21-0933

SB 147-FN, adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs. (Kahn, Dist 10; Education)

21-0956

SB 148-FN, adopting omnibus legislation relative to vocational and career education, environmental education, and emergency plans for sports injuries. (Ward, Dist 8; Education)

21-1074

SB 149-FN, adopting omnibus legislation on health and human services. (Sherman, Dist 24; Health and Human Services)

21-0257

SB 150-FN, establishing a dental benefit under the state Medicaid program. (Rosenwald, Dist 13; Whitley, Dist 15; Watters, Dist 4; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Kahn, Dist 10; Sherman, Dist 24; Prentiss, Dist 5; Soucy, Dist 18; Perkins Kwoka, Dist 21; Bradley, Dist 3; Giuda, Dist 2; Nordgren, Graf. 12; Wallner, Merr. 10; Marsh, Carr. 8; Langley, Hills. 8; Health and Human Services)

21-0862

SB 151-FN, relative to renewable energy procurement. (Watters, Dist 4; Perkins Kwoka, Dist 21; Sherman, Dist 24; Rosenwald, Dist 13; Soucy, Dist 18; Cushing, Rock. 21; Energy and Natural Resources)

21-1026

SB 152-FN-A, relative to affordable housing program funding. (Gray, Dist 6; Health and Human Services)

21-1067

SB 153-FN, relative to retirement benefits for a police officer or firefighter disabled as a result of a violent injury. (Carson, Dist 14; Executive Departments and Administration)

21-1079

SB 154, prohibiting the state from enforcing a Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. (Bradley, Dist 3; Daniels, Dist 11; Gannon, Dist 23; Giuda, Dist 2; Avard, Dist 12; Carson, Dist 14; Weyler, Rock. 13; Osborne, Rock. 4; Rice, Hills. 37; Judiciary)

21-1080

SB 155-FN, codifying provisions included in select emergency orders issued by the governor in response to the COVID-19 pandemic. (Bradley, Dist 3; Executive Departments and Administration)

21-0879

SB 156, relative to management of the secure psychiatric unit facility at New Hampshire hospital. (French, Dist 7; Giuda, Dist 2; Gray, Dist 6; Carson, Dist 14; D'Allesandro, Dist 20; Birdsell, Dist 19; Sherman, Dist 24; Health and Human Services)

21-0914

SB 157-FN-A, relative to funding of children's mental health services and making an appropriation to fund positions in the department of health and human services contracts and procurement unit. (Whitley, Dist 15; Bradley, Dist 3; Rosenwald, Dist 13; Carson, Dist 14; Sherman, Dist 24; Wallner, Merr. 10; Cornell, Hills. 18; Mullen, Hills. 7; Long, Hills. 10; Health and Human Services)

21-1052

SB 158-FN-LOCAL, relative to the formula for funding an adequate education. (Kahn, Dist 10; Myler, Merr. 10; Luneau, Merr. 10; Education)

21-0971

SB 159-FN, establishing the department of children's services and juvenile justice. (Carson, Dist 14; Health and Human Services)

21-0915

SB 160-FN, relative to multiple employer welfare arrangements. (Bradley, Dist 3; Commerce)

21-0902

SB 161-FN, relative to non-fraud overpayments for unemployment benefits. (Whitley, Dist 15; Perkins Kwoka, Dist 21; Rosenwald, Dist 13; Prentiss, Dist 5; Schultz, Merr. 18; McWilliams, Merr. 27; Executive Departments and Administration)

21-0464

SB 162-FN, relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure. (Bradley, Dist 3; Health and Human Services)

Out of Recess. Call the Senate to Order.

#### MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0.

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 3

*February 11, 2021*

The Senate reconvened Remote Session in the House Chamber at 10:00 a.m., a quorum being present.

PRESIDENT MORSE: Welcome, I am Senate President Chuck Morse from District 22. Today we'll be holding the Senate session remotely. Before we get started, I'll read through a checklist to ensure that the meeting that we are holding is in compliance with the Right to Know Law.

As President of the New Hampshire Senate, I find that due to the state of emergency declared by the Governor as a result of Covid-19 pandemic, and in accordance with the Governor's Emergency Order 12, pursuant to Executive Order 2020-04 and its extensions, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to the meeting which was authorized pursuant to the Governor's Emergency Order.

In accordance with the emergency order, I am confirming that we are providing public access to the meeting with links provided on the General Court website and in the Senate calendar. We are utilizing Zoom for electronic meeting. All members of the Senate have the ability to communicate contemporaneously in this meeting through this platform and the public has access contemporaneously to watch and to listen to the meeting with links provided on the general court website and in the Senate calendar. Please note that the only public access to the session is through the live stream provided on the general court website and the Senate calendar. There is no access to Zoom other than by way of the livestream, just as there would be no access to the Senate floor other than by way of the Senate gallery or the livestream.

We have provided public notice of necessary information for accessing the meeting in the Senate calendar since Thursday February 4, 2021.

We are providing a mechanism for the public to alert the public body during the meeting if there are any problems with access. If anyone has a problem, please email [helpdesk@leg.state.nh.us](mailto:helpdesk@leg.state.nh.us) or call 603-271-2180.

In the event that technical problems on our end make it impossible for Senators to participate or for the members of the public to access the meeting, we will be adjourned and rescheduled.

Please note that all votes taken during this meeting shall be done by roll call and will be recorded in the *Permanent Journal*.

Finally, let's start the meeting by taking a roll call of attendance when each member states their presence. please also state where they are and if anyone else is in the room with you during this meeting. And if any other such person is present, each member will identify such person, which is required under the Right to Know Law.

The Clerk will now call the roll.

The Honorable Tammy L. Wright, Clerk of the Senate, called the Roll of the Senate for attendance.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0.

There were 24 members present.

The Father Stephen Lawson, Chaplain to the Senate, offered the following prayer:

Thank you, Mister Senate President, for the invitation this morning. I'm Father Steven Lawson from Saint Anselm College. Let us pray.

Merciful creator, thank you for guiding the servants of this hallowed body. Watch over and bless each Senator and staffer who are making sacrifices to serve you here today. Grant them a merciful hearts and patience as

they work in a spirit of civility and humility. Provide these public servants with the wisdom and courage to make difficult decisions and the laws that will help people of this great state. Continue to bless the peoples of New Hampshire with peace and safety. We ask you, our source of justice that you bless all of us here today to act justly and to walk humbly before their God. Amen.

Senator Watters led the Pledge of Allegiance.

PRESIDENT MORSE: Okay, Senator D'Allesandro while we were offline brought it up but, the Senate Clerk's Office does have exciting news; Jack and Lindsay Mullen have a new addition to their family, Everett Daniel Mullen. He was born Wednesday February 10 at 12:35 AM. His birth weight was 7 pounds 13 ounces, his birth height was 20 and a half inches, and Mom, Dad and the baby are doing great according to Tammy. So, congratulations Jack and Lindsay.

#### FN REPORT FOR FEBRUARY 11, 2021

*Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bill with a fiscal note or an appropriation of funds:*

#### CONSENT CALENDAR:

##### ELECTION LAW AND MUNICIPAL AFFAIRS

SB 79-FN, relative to the authority of the moderator to verify the device count.

*Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass / Ought to Pass with Amendment:*

#### CONSENT CALENDAR:

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 104-FN-A, adopting omnibus legislation relative to the classification of state employee positions, reverse auctions, and community health workers.

##### HEALTH AND HUMAN SERVICES

SB 98-FN, relative to the SNAP incentive program.

#### REGULAR CALENDAR:

##### COMMERCE

SB 44, establishing the New Hampshire workforce pathway program and commission.

##### ELECTION LAW AND MUNICIPAL AFFAIRS

SB 80-FN-A, establishing an independent advisory commission on redistricting—if Inexpedient to Legislate recommendation is overturned.

Senator Daniels moved to adopt today's FN Report.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

#### CONSENT CALENDAR REPORTS REMOVED

##### ELECTION LAW AND MUNICIPAL AFFAIRS

SB 43, by Senator Gannon

##### HEALTH AND HUMAN SERVICES

SB 98-FN, by Senator Whitley

#### CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought to Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

## COMMERCE

SB 35, relative to membership in risk pools.

Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

In 1995, SchoolCare was founded by five New Hampshire educational organizations. The purpose of SchoolCare was to provide school employees with access to more affordable health care options. When the life and health insurance risk pool program was created by SchoolCare, NEA-NH was the only founding member excluded from participating in it. Therefore, this bill would allow NEA-NH to participate in the existing risk pool program only after they have gained approval from the governing board of the risk pool. Significantly, this bill is narrowly tailored to prevent an unintended expansion of who can participate in risk pool programs that are covered under RSA 5-B.

## ELECTION LAW AND MUNICIPAL AFFAIRS

SB 79-FN, relative to the authority of the moderator to verify the device count.

Re-refer to Committee, Vote 5-0. Senator Birdsell for the committee.

This bill would authorize a moderator, regardless of reported inaccuracies, to conduct a verification count of machine-counted ballots on the day of the Election. Currently, there is another bill regarding audits of the ballot counting machines working its way through the legislative process. Given that the two bills are similar in their intent, to verify that the count is accurate, and that the latter bill will provide greater clarity of any discrepancies, the Committee decided to Re-Refer SB 79-FN.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 104-FN-A, adopting omnibus legislation relative to the classification of state employee positions, reverse auctions, and community health workers.

Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill adopts legislation relative to, in Part I, the classification of certain state employee positions, as requested by the Joint Committee on Employee Classification, in Part II, reverse auctions, as requested by the Department of Administrative Services, and, in Part III, establishing the position of community health worker in each of the state's regional public health networks. Part I of SB 104-FN-A is part of a multi-year effort to review and refine the various classifications for State employees to ensure their title and pay scale match their duties. Part II of SB 104-FN-A is a request of the Department of Administrative Services to allow the use of online reverse auctions. Part III of SB 104-FN-A will expand the public health networks across New Hampshire by establishing, and appropriating for, a community health worker in each of the 13 regional public health networks. Part III of SB 104-FN-A is a recommendation of the Governor's COVID-19 Equity Response Team. The Committee Amendment to SB 104-FN-A will give the Department of Health and Human Services three additional years to conduct their review of classified employee positions, which was requested due to delays caused by the COVID-19 pandemic.

Senate Executive Departments and Administration

February 3, 2021

2021-0217s

05/10

## Amendment to SB 104-FN-A

Amend Part I of section 2 of the bill by inserting after section 3 the following new section and renumbering the original section 4 to read as 5:

4 Compensation of Certain State Officers; Health and Human Services Review; Certain Unclassified Employees. Amend RSA 94:1-f, VI to read as follows:

VI. All reviews and recommendations shall be completed no later than [4] 7 years from the effective date of this section. The commissioner of the department of health and human services shall issue a progress report every 6 months from the effective date of this section to the fiscal committee of the general court until the process is completed.

SB 105, adopting omnibus legislation relative to memorials and commemorations.

Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

This bill adopts legislation relative to, in Part I, establishing "My 603" as a state song, in Part II, recognizing October 13 as metastatic breast cancer awareness day, and, in Part III, establishing April 8, 2024 as solar eclipse day. Part I of SB 105 will recognize "My 603" by Nicole Knox Murphy as

the 11<sup>th</sup> State Song under RSA 3:7, which has received many awards and much acclaim both in New Hampshire and nationally. Part II of SB 105 will recognize October 13 as Metastatic Breast Cancer Awareness Day, in recognition of metastatic breast cancer as the leading cause of breast cancer deaths despite receiving lesser acknowledgment or funding for research. The Committee Amendment to SB 105 will help to differentiate metastatic breast cancer from other types of breast cancer and ensure that it is recognized appropriately. Part III of SB 105 will recognize April 8, 2024 as Solar Eclipse Day. The April 8, 2024 solar eclipse will be 100% visible across Coos County and 95% visible across the rest of New Hampshire.

Senate Executive Departments and Administration  
February 3, 2021  
2021-0214s  
04/08

#### Amendment to SB 105

Amend the bill by replacing section 1 of Part II with the following:

1 New Section; Observances Proclaimed by the Governor; Metastatic Breast Cancer Awareness Day. Amend RSA 4 by inserting after section 13-cc the following new section:

4:13-dd Metastatic Breast Cancer Awareness Day. The governor shall proclaim October 13 as metastatic breast cancer awareness day. The governor shall encourage all citizens to mark the day with appropriate educational and memorial activities, including but not limited to, involvement with the #LightUpMBC campaign and the display of green, pink, and teal colors.

SB 106, adopting omnibus legislation relative to codes.  
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill adopts legislation, in Part I, relative to repealing the voluntary fire service equipment certification and, in Part II, establishing a committee to study adopting changes to the state fire and building codes. Part I of SB 106 is a request from the State Fire Marshal's Office to repeal a voluntary certification program that is not widely used and is generating very minimal revenue. The Fire Marshal's Office will work with stakeholders to determine the future of the program, but has requested that the current voluntary program be repealed. Part II of SB 106 is the next step in the multi-year process of reviewing and updating the various building codes in New Hampshire. While the fire-related codes have been reviewed and approved by the Board of Fire Safety, there have been delays in the Building Code Review Board's work due to the COVID-19 pandemic. Part II of SB 106 would create a legislative study committee to work with all stakeholders and move the process of adopting the 2018 building codes forward.

The question is on the adoption of the Consent Calendar.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 1. Adopted.

#### REGULAR CALENDAR

##### COMMERCE

SB 17, relative to brew pubs allowing customers to bring dogs to outdoor areas.  
Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Commerce  
January 19, 2021  
2021-0024s  
08/11

#### Amendment to SB 17

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

AN ACT relative to brew pubs allowing customers to bring dogs to outdoor areas and enabling nano breweries and brew pubs to enter into contracts with contract brewers.

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

2 New Paragraphs; Nano Brewery; Contract Brewing. Amend RSA 178:12-a by inserting after paragraph VIII the following new paragraphs:

IX. Each nano brewery shall have the right to transport the beverage it manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state border for transportation and sale outside the state. A nano brewer in a contract brewing arrangement may transport the beverage produced by the contract brewer in barrels, kegs, bottles, or other closed containers within the state for storage or to the state border for transportation and sale outside the state.

X. A nano brewer may enter into a contract brewing arrangement with a contract brewer brewing in the state of New Hampshire. Beverages produced by a contract brewer intended for sale outside the state may be warehoused at the nano brewer's facility or at some other facility accessible only to the nano brewer. A contract brewer shall not deliver beverages to on-premises and off-premises licensees within the state. A nano brewer shall file all contract brewing arrangements with the commission.

XI. Nano brewers and contract brewers shall be allowed to store beverages manufactured in accordance with the provisions of this title in a storage facility licensed by the commission. Nano brewers and contract brewers storing beverages in a warehouse licensed under RSA 178:11, or other facility approved by the commissioner for the purpose of storing alcohol, shall keep records of the type, quality and destination of beverages removed from storage. Such records shall be retained by the nano brewer or contract brewer using the facility and shall be made available to the commission upon request.

XII. Annual onsite production by a nano brewer shall not be less than their production prior to entering into an arrangement with a contract brewer. Total production shall not exceed 2,000 barrels annually.

XIII. All taxes due on product that is made by a contract brewer shall be paid by the nano brewer.

3 New Paragraphs; Brew Pub Contract Brewing. Amend RSA 178:13 by inserting after paragraph VIII the following new paragraphs:

IX. Each brew pub shall have the right to transport the beverage it manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state border for transportation and sale outside the state. A brew pub in a contract brewing arrangement may transport the beverage produced by the contract brewer in barrels, kegs, bottles, or other closed containers within the state for storage or to the state border for transportation and sale outside the state.

X. A brew pub may enter into a contract brewing arrangement with a contract brewer brewing in the state of New Hampshire. Beverages produced by a contract brewer intended for sale outside the state may be warehoused at the brew pub's facility or at some other facility accessible only to the brew pub. A contract brewer shall not deliver beverages to on-premises and off-premises licensees within the state. A brew pub shall file all contract brewing arrangements with the commission.

XI. Brew pubs and contract brewers shall be allowed to store beverages manufactured in accordance with the provisions of this title in a storage facility licensed by the commission. Brew pubs and contract brewers storing beverages in a warehouse licensed under RSA 178:11, or other facility approved by the commissioner for the purpose of storing alcohol, shall keep records of the type, quality and destination of beverages removed from storage. Such records shall be retained by the brew pub or contract brewer using the facility and shall be made available to the commission upon request.

XII. Annual onsite production by a brew pub shall not be less than their production prior to entering into an arrangement with a contract brewer. Total production shall not exceed 2,500 barrels annually.

XIII. All taxes due on product that is made by a contract brewer shall be paid by the brew pub.

4 Contract Brewers; Nano Brewers and Brew Pubs Added. Amend RSA 175:1, XXV-a-XXV-b to read as follows:

XXV-a. "Contract brewer" means a brewery hired by a beverage manufacturer, *nano brewery, or brew pub* to produce a beverage for the beverage manufacturer.

XXV-b. "Contract brewing arrangement" means a business relationship in which a beverage manufacturer, **nano brewery, or brew pub** pays another brewer to produce a beverage for the beverage manufacturer, **nano brewer, or brew pub** for sale.

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

2021-0024s

#### AMENDED ANALYSIS

This bill allows municipalities to adopt ordinances to allow dogs in outdoor areas of brew pubs.

This bill also enables nano breweries and brew pubs to enter into contracts with contract brewers.

The question is on the adoption of the Committee Amendment.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24

February 10, 2021

2021-0322s

08/11

#### Floor Amendment to SB 17

Amend the bill by replacing sections 2-3 with the following:

2 New Paragraphs; Nano Brewery; Contract Brewing. Amend RSA 178:12-a by inserting after paragraph VIII the following new paragraphs:

IX. Each nano brewery shall have the right to transport the beverage it manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state border for transportation and sale outside the state. A nano brewer in a contract brewing arrangement may transport the beverage produced by the contract brewer in barrels, kegs, bottles, or other closed containers within the state for storage or to the state border for transportation and sale outside the state.

X. A nano brewer may enter into a contract brewing arrangement with a contract brewer brewing in the state of New Hampshire after the nano brewer has been in operation for one year. Beverages produced by a contract brewer intended for sale outside the state may be warehoused at the nano brewer's facility or at some other facility accessible only to the nano brewer. A contract brewer shall not deliver beverages to on-premises and off-premises licensees within the state. A nano brewer shall file all contract brewing arrangements with the commission. A nano brewer shall not enter into a contract brewing arrangement with a contract brewer if it does not brew at least 10 barrels annually.

XI. Nano brewers and contract brewers shall be allowed to store beverages manufactured in accordance with the provisions of this title in a storage facility licensed by the commission. Nano brewers and contract brewers storing beverages in a warehouse licensed under RSA 178:11, or other facility approved by the commissioner for the purpose of storing alcohol, shall keep records of the type, quality and destination of beverages removed from storage. Such records shall be retained by the nano brewer or contract brewer using the facility and shall be made available to the commission upon request. A nano brewer shall not enter into a contract brewing arrangement with a contract brewer if it does not brew at least 10 barrels annually.

XII. Annual onsite production by a nano brewer shall not be less than their production for the calendar year prior to entering into an arrangement with a contract brewer. Total production, including tenant and contract brewers, shall be at least 10 barrels and shall not exceed 2,000 barrels annually.

XIII. The nano brewer shall submit to the liquor commission an annual report of all beverages by:

- (a) The nano brewer on-site.
- (b) Any tenant brewer.
- (c) Any contract brewer the nano brewer has contracted with under paragraph X.

XIV. All taxes due on product that is made by a contract brewer shall be paid by the nano brewer.

3 New Paragraphs; Brew Pub Contract Brewing. Amend RSA 178:13 by inserting after paragraph VIII the following new paragraphs:

IX. Each brew pub shall have the right to transport the beverage it manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state border for transportation and sale outside the state. A brew pub in a contract brewing arrangement may transport the beverage produced by the contract brewer in barrels, kegs, bottles, or other closed containers within the state for storage or to the state border for transportation and sale outside the state.

X. A brew pub may enter into a contract brewing arrangement with a contract brewer brewing in the state of New Hampshire after the brew pub has been in operation for one year. Beverages produced by a contract brewer intended for sale outside the state may be warehoused at the brew pub's facility or at some other facility accessible only to the brew pub. A contract brewer shall not deliver beverages to on-premises and off-premises licensees within the state. A brew pub shall file all contract brewing arrangements with the commission. A brew pub shall not enter into a contract brewing arrangement with a contract brewer if it does not brew at least 10 barrels annually.

XI. Brew pubs and contract brewers shall be allowed to store beverages manufactured in accordance with the provisions of this title in a storage facility licensed by the commission. Brew pubs and contract brewers storing beverages in a warehouse licensed under RSA 178:11, or other facility approved by the commissioner for the purpose of storing alcohol, shall keep records of the type, quality and destination of beverages removed from storage. Such records shall be retained by the brew pub or contract brewer using the facility and shall be made available to the commission upon request.

XII. Annual onsite production by a brew pub shall not be less than their production for the calendar year prior to entering into an arrangement with a contract brewer. Total production including tenant and contract brewers, shall be at least 10 barrels and shall not exceed 2,500 barrels annually.

XIII. The brew pub shall submit to the liquor commission an annual report of all beverages by:

- (a) The brew pub on-site.
- (b) Any tenant brewer.
- (c) Any contract brewer the brew pub has contracted with under paragraph X.

XIV. All taxes due on product that is made by a contract brewer shall be paid by the brew pub.

2021-0322s

#### AMENDED ANALYSIS

This bill allows municipalities to adopt ordinances to allow dogs in outdoor areas of brew pubs.

This bill also enables nano breweries and brew pubs to enter into contracts with contract brewers.

The question is on the adoption of the Floor Amendment.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: Soucy.

Roll Call, Yeas: 23 - Nays: 1. Adopted, bill ordered to Third Reading.

SB 44, establishing the New Hampshire workforce pathway program and commission.  
Ought to Pass, Vote 3-2. Senator Bradley for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: French, Reagan.

Roll Call, Yeas: 22 - Nays: 2. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 61, prohibiting collective bargaining agreements that require employees to join a labor union.  
Ought to Pass, Vote 3-2. Senator French for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call is required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Carson, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

SB 62, relative to electronic cigarettes and the disposal of electronic cigarette devices.  
Inexpedient to Legislate, Vote 4-1. Senator Bradley for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Cavanaugh, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 15 - Nays: 9. Adopted.

SB 64, extending unpaid leave benefits to employees for COVID-19 purposes.  
Re-refer to Committee, Vote 3-2. Senator Bradley for the committee.

Senator French moved to Lay on the Table.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

## ELECTION LAW AND MUNICIPAL AFFAIRS

SB 80-FN-A, establishing an independent advisory commission on redistricting. Inexpedient to Legislate, Vote 3-2. Senator Gray for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

Recess. Out of recess.

## HEALTH AND HUMAN SERVICES

SB 45, relative to the controlled drug prescription health and safety program. Ought to Pass with Amendment, Vote 4-0. Senator Sherman for the committee.

Health and Human Services

January 29, 2021

2021-0167s

10/05

## Amendment to SB 45

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

1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31, IV to read as follows:

IV. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-IV controlled substance, **and conduct medication reconciliation**, but does not include:

(a) A licensed hospital pharmacy **under RSA 318** that dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department or that dispenses for administration in the hospital;

(b) A practitioner, or other authorized person who administers such a substance;

(c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

(d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department to a patient; [or]

(e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV controlled substance to a patient; **or**

**(f) A practitioner who neither prescribes nor dispenses and who is not actively working as a pharmacist within a New Hampshire licensed pharmacy licensed under RSA 318 or New Hampshire health care facility licensed under RSA 151.**

2 New Paragraph; Controlled Drug Prescription Health and Safety Program Established. Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of information relating to the prescribing and dispensing of schedule II-IV controlled substances, by practitioners within the state and to establish secure connections between the program and a practitioner's electronic health record keeping system. The electronic health record keeping system may allow for the query and retrieval of program information for display and retention in the patient's medical information; provided that nothing in this section shall allow the electronic health record keeping system owner or license holder to perform data queries unrelated to individuals under the practitioner's care. The electronic health record keeping system owner or license holder shall be responsible for ensuring that only authorized individuals have access to program information.

3 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

II-a. A practitioner who intends to request and use information from the program about a patient shall post a sign that can be easily viewed by the public that discloses to the public that the practitioner may access and use information contained in the program. In lieu of posting a sign, the practitioner may provide such notice in written material provided to the patient.

4 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(a)(2) and (3) to read as follows:

(2) For reviewing information regarding prescriptions issued or dispensed by the requester; [or]

(3) For the purpose of investigating the death of an individual; *or*

**(4) For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA 329:13-b, and other participating health professional boards.**

5 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of professional licensure and certification to review certain information, is repealed.

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

2021-0167s

#### AMENDED ANALYSIS

This bill modifies the administration of the controlled drug prescription health and safety program administered by the office of professional licensure and certification

The question is on the adoption of the Committee Amendment.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 59, relative to the collaborative care model service delivery method.

Ought to Pass with Amendment, Vote 4-0. Senator Sherman for the committee.

Health and Human Services

January 29, 2021

2021-0165s

04/11

#### Amendment to SB 59

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Accident and Health Insurance; Individual Coverage for Collaborative Care. Amend RSA 415 by inserting after section 6-aa the following new section:

415:6-bb Individual Coverage for Collaborative Care.

## I. In this section:

(a) “Mental health and substance use disorder benefits” means benefits for the treatment of any condition or disorder that involves a mental health condition or substance use disorder that falls under any of the diagnostic categories listed in the mental disorders section of the current edition of the International Classification of Disease or that is listed in the mental disorders section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

(b) “The Psychiatric Collaborative Care Model” means the evidence-based, integrated behavioral health service delivery method described at 81 Federal Register 80230 which includes a formal collaborative arrangement among a primary care team consisting of a primary care provider, a care manager, and a psychiatric consultant, and includes, but is not limited to, the following elements:

- (1) Care directed by the primary care team.
- (2) Structured care management.
- (3) Regular assessments of clinical status using validated tools.
- (4) Modification of treatment as appropriate.

II. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, that provides coverage for mental health and substance use disorders, shall provide reimbursement to a primary care physician for the treatment of mental health and substance use disorders that are delivered through the psychiatric collaborative care model.

2 New Section; Accident and Health Insurance; Group Coverage for Collaborative Care. Amend RSA 415 by inserting after section 18-ee the following new section:

415:18-ff Group Coverage for Collaborative Care.

## I. In this section:

(a) “Mental health and substance use disorder benefits” means benefits for the treatment of any condition or disorder that involves a mental health condition or substance use disorder that falls under any of the diagnostic categories listed in the mental disorders section of the current edition of the International Classification of Disease or that is listed in the mental disorders section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

(b) “The Psychiatric Collaborative Care Model” means the evidence-based, integrated behavioral health service delivery method described at 81 Federal Register 80230 which includes a formal collaborative arrangement among a primary care team consisting of a primary care provider, a care manager, and a psychiatric consultant, and includes, but is not limited to, the following elements:

- (1) Care directed by the primary care team.
- (2) Structured care management.
- (3) Regular assessments of clinical status using validated tools.
- (4) Modification of treatment as appropriate.

II. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, that provides coverage for mental health and substance use disorders, shall provide reimbursement to a primary care physician for the treatment of mental health and substance use disorders that are delivered through the psychiatric collaborative care model.

The question is on the adoption of the Committee Amendment.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D’Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

#### CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the Bills that were removed from the consent calendar.

#### ELECTION LAW AND MUNICIPAL AFFAIRS

SB 43, relative to the allocation of electoral college votes.

Inexpedient to Legislate, Vote 5-0. Senator Gray for the committee.

Senator Gray moved to Lay on the Table.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

#### HEALTH AND HUMAN SERVICES

SB 98-FN, relative to the SNAP incentive program.

Ought to Pass, Vote 5-0. Senator Whitley for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

#### MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

The question is on the adoption of the motion to adjourn from the Early Session.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0.

Adopted. Adjournment from the Early Session.

#### LATE SESSION

#### LIST OF RULE 6-25'S FOR THE DAY

Senator Cavanaugh: SB 61

## ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'd like to make a point of personal privilege if I might. Mister President, both of us have been in the Senate a long time. One thing that this Senate takes pride in is the respect we have for one another. That's very important that we don't forget that. We're a body of twenty-four people elected by the people to do the people's work. When we're talking about a piece of legislation we talk about that piece of legislation. We refer directly to that piece of legislation not about the individual who sponsored that piece of legislation. We want to make any other personal comments they're side basket issues, you do them on your own, in your privacy. We respect one another, we never name call anyone or make any inclinations of that nature. This is a deliberative body of quality human beings who have committed themselves to doing the people's work. It's been that way since I've been here. And I know that I share your concern and everybody else's that we maintain that, we maintain that level of decorum that means so much. People have great respect for the Senate. The Senate is the, it's just a wonderful body. I'm proud to be part of it and when we make faux pas, we've got to correct them. I ask all of my colleagues to think long and hard. We're here to do good things together. We have differences of opinion, I understand that. But let's stick exclusively to the material that we're talking about. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I share the esteemed Senator D'Allesandro's concerns for the tenure of discussion. Particularly when that discussion leads to characterization of the party or the legislature that's duly elected by the people of the state. And so, I thank him for his remarks and look forward to continuing to work objectively in conducting the business of the Senate. Thank you, Mister President.

Senator Bradley moved that, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17).

The question is on the adoption of the motion that all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

PRESIDENT MORSE: Okay, let me just explain a few things as we start to head towards taking a break. I appreciate everything everyone's done in the Senate to move legislation through the process. Some of the Chairs have asked permission to look at setting up meetings next week. I've made it clear that everyone should be contacted on the committee if we're going to set up extra meetings. The times that have been asked for are Wednesday afternoon at 1:00. You will only have an hour. Thursday afternoon for two committees. Thursday morning we'll be in session. I think we have eight or nine pieces of legislation for next Thursday morning, so hopefully it's a short morning and then the committees can meet in the afternoon to exec. But at this point, we do need to look at some rule changes and I think next week on the 18th, not that we have to bring any rule changes that I've seen so far to the floor but I think we're probably going to have to make some changes in order to meet our own deadlines in the Senate. Remember, the ultimate goal is when we have crossover in the Senate. There's a lot of work to do between now and then, so I'm not giving up. There's just a lot of bills in committee and I'm trying to help the Chairs get through this. So, next week they're going to add three times that don't exist. Only if the body decides that that's the appropriate way to do things. So, we'll work through that and then we'll be in session next Thursday morning. Anyone have any comments? Well I thank everyone for all their hard work in that.

## LATE SESSION

## Third Reading and Final Passage

SB 17, relative to brew pubs allowing customers to bring dogs to outdoor areas and enabling nano breweries and brew pubs to enter into contracts with contract brewers.

SB 35, relative to membership in risk pools.

SB 45, relative to the controlled drug prescription health and safety program.

SB 61, prohibiting collective bargaining agreements that require employees to join a labor union.

SB 59, relative to the collaborative care model service delivery method.

SB 105, adopting omnibus legislation relative to memorials and commemorations.

SB 106, adopting omnibus legislation relative to codes.

#### MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, vacating bills, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

The question is on the adoption of the motion to recess to the Call of the Chair.

A roll call was required.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0.

Adopted. The Senate is in recess to the Call of the Chair.