CONSENT CALENDAR

March 18, 2026

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred SB 402-FN,

AN ACT eliminating certain non-compete agreements for physician associates. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. James Thibault

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Executive Departments and Administration**
Bill Number:	**SB 402-FN**
Title:	**eliminating certain non-compete agreements for physician associates.**
Date:	**March 18, 2026**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill eliminates non-compete agreements for physician associates going forward, with no impact on existing non-compete agreements. Non-compete agreements can make it more difficult to recruit professionals from other regions because it eliminates the opportunity to find a better fitting position, if needed, in the area where the physician associate moved in order to provide service to the community.

Vote 12-0.

Rep. James Thibault
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

SB 402-FN, eliminating certain non-compete agreements for physician associates. **OUGHT TO PASS.**

Rep. James Thibault for Executive Departments and Administration. This bill eliminates non-compete agreements for physician associates going forward, with no impact on existing non-compete agreements. Non-compete agreements can make it more difficult to recruit professionals from other regions because it eliminates the opportunity to find a better fitting position, if needed, in the area where the physician associate moved in order to provide service to the community. **Vote 12-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 402-FN

BILL TITLE: eliminating certain non-compete agreements for physician associates.

DATE: March 18, 2026

GP ROOM: 231

MOTIONS: **OUGHT TO PASS**

Moved by Rep. Thibault Seconded by Rep. DeRoy Vote: 12-0

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 402-FN

BILL TITLE: eliminating certain non-compete agreements for physician associates.

DATE: 3-18-26

GP ROOM: 231

MOTION: (Please check one box)

☒ OTP ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. THIBAULT Seconded by Rep. DeROY Vote: 12-0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: X **YES** ____ **NO**

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: _____

Rep John Sytek, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2026 10:20:46 AM
Roll Call Committee Registers Report

2026 SESSION

Executive Departments and Administration

Bill #: SB 402 **Motion:** OTP **AM #:** _____ **Exec Session Date:** 3-18-26

Members	YEAS	Nays	NV
Layon, Erica J Chairman	X		
Slottje, Jeremy Vice Chairman			
Sytek, John J Clerk	X		
Pearson, Stephen C.			
Bailey, Glenn	X		
Sellers, John	X		
Thibault, James R	X		
DeRoy, Susan G	X		
Kelley, Diane E.			
Grote, Jaci L	X		
Schmidt, Peter B	X		
Davis, Fred E	X		
Dargie, Paul P	X		
Howard, Heath	X		
de Vries, Erica R			
Long, Patrick N	X		
TOTAL VOTE:			

12-0
CC

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 402-FN

BILL TITLE: **eliminating certain non-compete agreements for physician associates.**

DATE: **March 18, 2026**

GP ROOM: **231** **Time Public Hearing Called to Order:** **10:10 am**

Time Adjourned: **10:17 am**

Committee Members: **Reps. Layon, Sytek, Bailey, Sellers, Thibault, DeRoy, Grote, F. Davis, Schmidt, Dargie, H. Howard and Long**

Bill Sponsors:

Sen. Gannon	**Sen. McGough**	**Sen. Prentiss**
Sen. Rosenwald	**Sen. Watters**	**Sen. Sullivan**
Sen. Avard	**Sen. Birdsell**	**Sen. Rochefort**
Sen. Fenton	**Sen. Reardon**	**Sen. Pearl**
Rep. Long	**Rep. Vose**	**Rep. M. Pearson**
Rep. Weyler	**Rep. Mandelbaum**	

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Gray introduced the bill in the absence of the prime sponsor and said it eliminates the non-competition agreements for Physicians Associates.

*David Cuzzi, NH Society of Physicians Associates described the bill as a straightforward removal of geographic barriers similar to that of APRNs. There was no change to present agreements in place or in scope of practice.

Respectfully submitted,

Rep. John Sytek, Clerk

SIGN UP SHEET

Register Your Opinion If Not Testifying

Committee: Executive Departments and Administration

Bill #: SB 402-FN **Date: 3/18/2026**

****Please Print All Information****

Name	Address	Phone	Representing	Pro	Con
David Cuzzi	72 N Main Concord 201	603 716 0569	AHSPA	X	

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB402 on 2026-03-18

Support: 17 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Rochefort, Senator David	Senate District 1, NH kathryn.cummings@gc.nh.gov	An Elected Official	Senate District 1	Support	No	No	3/10/2026 2:44 PM
Stone, Cory	DOVER, NH nordichammer212@outlook.com	A Member of the Public	Myself	Support	No	No	3/11/2026 6:15 PM
Osborne, Stephanie	Campton, NH Osbornestephanie46@gmail.com	A Member of the Public	Myself	Support	No	No	3/14/2026 8:26 PM
Osborne, Richard	Campton, NH Rgosborne23@gmail.com	A Member of the Public	Myself	Support	No	No	3/14/2026 8:27 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	An Elected Official	Myself	Support	No	No	3/15/2026 9:23 AM
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No	3/15/2026 10:48 AM
Kilar, Megan	Candia, NH empressith@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 10:47 AM
Rosenwald, Cindy	Nashua, NH cindy.rosenwald@gc.nh.gov	An Elected Official	SD 13	Support	No	No	3/16/2026 2:40 PM
Donahue, Sheila	Campton, NH smdonahue12@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 4:46 PM
Donahue, Nancy	Campton, NH NancyD114@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	3/16/2026 5:17 PM
Copeland Jr, William	Campton, NH BillHC3@aol.com	A Member of the Public	Myself	Support	No	No	3/17/2026 8:12 AM
Finney, Timothy	Bridgewater, NH timfinney@duck.com	A Member of the Public	Myself	Support	No	No	3/17/2026 8:18 AM
Arsenault, Diane	Campton, NH dlarsenault55@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 12:42 PM

Lenahan, Carol	Campton, NH peaseporridgehot@roadrunner.com	A Member of the Public	Myself	Support	No	No	3/17/2026 1:48 PM
Hauthaway, Malcolm	Exeter, NH malcolm.nh@gmail.com	A Member of the Public	NH Society of Physician Associates	Support	No	No	3/17/2026 10:32 PM
Reardon, Senator Tara	Concord, NH tara.reardon@gc.nh.gov	An Elected Official	District 15	Support	No	No	3/18/2026 8:30 AM
Harders, Pamela	Manchester, NH SageInvestingSBLLC@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 12:52 PM
Derynioski, Suzanna	Laconia, NH sederynioski@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 11:31 PM

NHSPA
New Hampshire Society of Physician Associates

March 18, 2026

The Honorable Erica Layon, Chair
Committee on Executive Departments and Administration
New Hampshire State House of Representatives
1 Granite Place South, Room 231
Concord, New Hampshire 03301

Dear Chairman Layon,

The NH Society of Physician Associates (NHSPA) supports SB 402, which would eliminate certain non-compete agreements for Physician Associates (PAs).

NHSPA thanks Senator Bill Gannon and his many co-sponsors for bringing forward this bi-partisan bill. SB 402 would eliminate non-compete agreements for PAs. The language is identical to last year's SB 172, which eliminated non-compete agreements for Nurse Practitioners (NPs). That bill passed both chambers unanimously and was signed into law by Governor Ayotte. SB 402 would bring New Hampshire PAs in line with their other healthcare provider colleagues, including physicians and NPs, and ensure PAs enjoy the same freedom to work where they choose.

It is important to note that should this bill become law, it would not apply to any existing non-compete agreements between PAs and their employers. Moreover, the bill would not, in any way, change a PAs scope of practice or any other laws or regulations that govern how a PA practices medicine. SB 402 improves the workforce environment for PAs and improves access to care for New Hampshire residents.

Thank you for your consideration of our support of SB 402. Please do not hesitate to contact me or our Concord representative, David Cuzzi (603-716-0569), if you have any questions or need additional information.

Sincerely,

Malcolm Hauthaway, PA-C
President

Megan Kilar

Non compete clauses stifle job growth

SB 402-FN - AS INTRODUCED

2026 SESSION

26-2148
07/06

SENATE BILL ***402-FN***

AN ACT eliminating certain non-compete agreements for physician associates.

SPONSORS: Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Sullivan, Dist 18; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Rochefort, Dist 1; Sen. Fenton, Dist 10; Sen. Reardon, Dist 15; Sen. Pearl, Dist 17; Rep. Long, Hills. 26; Rep. Vose, Rock. 5; Rep. M. Pearson, Rock. 34; Rep. Weyler, Rock. 14; Rep. Mandelbaum, Rock. 21

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill eliminates certain non-compete agreements for physician associates.

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.

26-2148
07/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT eliminating certain non-compete agreements for physician associates.

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

1 New Section; Occupations and Professions; Physician Associates. Amend RSA 328-D by inserting after section 19 the following new section:

328-D:20 Certain Contract Restrictions Upon Physician Associates Unenforceable. Any contract or agreement that creates or establishes terms of a partnership, employment, or other form of professional relationship with a physician associate licensed by the board of medicine to practice medicine in this state, including any restriction on the right of a physician associate to practice in any geographic area for any period of time after the termination of such partnership, employment, or professional relationship, shall be void and unenforceable with respect to said restriction; provided, however, that nothing herein shall render void or unenforceable the remaining provisions of any such contract or agreement. The requirements of this section shall apply only to new contracts or renewals of contracts entered into on or after the effective date of this section.

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

LBA
26-2148
10/7/25

SB 402-FN- FISCAL NOTE
AS INTRODUCED

AN ACT eliminating certain non-compete agreements for physician associates.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than $10,000 in each of the fiscal years 2026 through 2029.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification