

SB 655 - AS INTRODUCED

2026 SESSION

26-3263

04/05

SENATE BILL **655**

AN ACT relative to employee leasing companies and workers' compensation coverage options.

SPONSORS: Sen. Innis, Dist 7; Sen. Rochefort, Dist 1; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Ward, Dist 8; Sen. McGough, Dist 11; Rep. Labrie, Hills. 2; Rep. Peternel, Carr. 6

COMMITTEE: Commerce

ANALYSIS

This bill permits client companies or leasing companies to secure workers' compensation coverage.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six

AN ACT relative to employee leasing companies and workers' compensation coverage options.

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

1 1 Employee Leasing Companies; License Application and Fees. Amend the introductory
2 paragraph of RSA 277-B:5, IV to read as follows:

3 IV. Every application for an original, renewal, or restricted license[;] shall be accompanied
4 by evidence satisfactory to the commissioner that the leased employees are covered by workers'
5 compensation insurance issued by a carrier admitted to write such coverage in this state **for leased**
6 **employees for whom the employee leasing company has the contractual obligation to**
7 **maintain workers compensation coverage**. No unlicensed leasing company shall be provided
8 workers' compensation coverage. An employee leasing company, **if it has the contractual**
9 **obligation to maintain workers' compensation coverage for leased employees**, may meet its
10 obligation to provide such insurance for leased employees through no more than 2 policies. When 2
11 policies are issued, one shall be issued in the voluntary market, and the other shall be issued in the
12 residual market.

13 2 New Paragraph; Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9 by
14 inserting after paragraph II the following new paragraph:

15 II-a. Either the employee leasing company or the client company shall purchase and
16 maintain workers' compensation insurance for those employees in an employee leasing arrangement.

17 3 Employee Leasing Companies; Exclusivity and Vicarious Liability. Amend RSA 277-B:10 to
18 read as follows:

19 277-B:10 Exclusivity and Vicarious Liability. An employee leasing company and its client
20 company shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8 **regardless of**
21 **which entity purchases the workers' compensation insurance**, and the employee leasing
22 company shall not be vicariously liable for the actions or omissions of the client company and the
23 client company shall not be vicariously liable for the actions or omissions of the employee leasing
24 company. Nothing in this section shall prohibit any direct contractual liability between the
25 employee leasing company and the client company, nor shall the same limit any liability or
26 responsibility imposed by this chapter.

27 4 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 655

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

2
3 AN ACT relative to employee leasing companies, workers' compensation coverage options, and
4 a minimum wage exemption for minor league baseball players.
5

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

7
8 1 New Paragraph; Employee Leasing Deemed Co-Employment. Amend RSA 277-B:9 by
9 inserting after paragraph II the following new paragraph:

10 II-a. The parties to the co-employment relationship may elect for the client company to
11 provide workers' compensation insurance coverage to leased employees. All leasing arrangements
12 between employee leasing companies and client companies shall detail whether the employee leasing
13 company or client company is responsible for securing and maintaining workers' compensation
14 insurance coverage to leased employees. However, regardless of election, workers compensation
15 insurance coverage must be in place for all leased employees. When the client company elects to
16 purchase and maintain workers' compensation insurance:

17 (a) The client company shall provide notification to its employees that it is the employer
18 providing workers' compensation insurance coverage, in a manner prescribed by the commissioner;
19 and

20 (b) The employee leasing company shall provide the commissioner with the following
21 information about the client company policy within 30 days of the election, and when the employee
22 leasing company applies for an initial, renewal, or restricted license:

- 23 (1) The client company name;
24 (2) The name of the insurance carrier;
25 (3) The effective date of the policy;
26 (4) The expiration date of the policy; and
27 (5) The workers' compensation policy number.

28 2 Employee Leasing Companies; Exclusive and Vicarious Liability. Amend RSA 277-B:10 to
29 read as follows:

30 277-B:10 Exclusivity and Vicarious Liability. An employee leasing company and its client
31 company shall both be entitled to the exclusivity of remedy provisions of RSA 281-A:8 ***regardless of***
32 ***which entity purchases the workers' compensation insurance***, and the employee leasing

Amendment to SB 655

- Page 2 -

1 company shall not be vicariously liable for the actions or omissions of the client company and the
2 client company shall not be vicariously liable for the actions or omissions of the employee leasing
3 company. Nothing in this section shall prohibit any direct contractual liability between the
4 employee leasing company and the client company, nor shall the same limit any liability or
5 responsibility imposed by this chapter.

6 3 New Paragraph; Employee Leasing Companies; Penalties. Amend RSA 277-B:12 by inserting
7 after paragraph V the following new paragraph:

8 VI. If a client company has elected to purchase and maintain workers' compensation
9 coverage for leased employees and fails to comply with the provisions of RSA 281-A:5 by not securing
10 payment of compensation, the client company shall be subject to the penalties contained in RSA 281-
11 A:7.

12 4 Minimum Wage; Overtime and Recordkeeping Exemption; Minor League Baseball Players.
13 Amend the introductory paragraph of RSA 279:1, X to read as follows:

14 X. "Employee" means and includes every person who may be permitted, required, or directed
15 by any employer, in consideration of direct or indirect gain or profit, to engage in any employment,
16 but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2,
17 VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), ***or any person who has entered into a contract to***
18 ***play baseball at a minor league level and who is compensated pursuant to the terms of a***
19 ***collective bargaining agreement that expressly provides for wages and working conditions,***
20 or a person providing services as part of a residential placement for individuals with developmental,
21 acquired, or emotional disabilities, or any person who meets all of the following criteria:

22 5 Repeal. RSA 277-B:9, I(e), relative to the responsibility of employee leasing companies to pay
23 for workers' compensation insurance for leased employees, is repealed.

24 6 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 655
- Page 3 -

2026-1160s

AMENDED ANALYSIS

This bill:

I. Authorizes the parties of a co-employment relationship to elect for either the client company or the employee leasing company to provide workers' compensation coverage for leased employees, establishes reporting and notice requirements when the client company elects coverage, and imposes penalties if the client company fails to secure required coverage.

II. Adds a minimum wage exemption for minor league baseball players covered by a collective bargaining agreement.

Docket of SB655		
02/04/2026	S	Introduced 01/29/2026 and Referred to Commerce; SJ 3
02/05/2026	S	Hearing: 02/10/2026, Room 100, SH, 10:00 am; SC 5
03/05/2026	S	Hearing: 03/10/2026, Room 100, SH, 09:30 am, on proposed non-germane amendment # 2026-1065s; SC 9
03/11/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1160s, 03/26/2026; Vote 6-0; CC; SC 11

Senate Commerce Committee

Aaron Jones 271-2609

AMENDMENT # 2026-1065s, relative to employee leasing companies, workers' compensation coverage options, and a minimum wage exemption for minor league baseball players, to SB 655, relative to employee leasing companies and workers' compensation coverage options.

Hearing Date: March 10, 2026

Time Opened: 9:31 a.m.

Time Closed: 9:47 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill permits client companies or leasing companies to secure workers' compensation coverage.

Sponsors:

Sen. Innis
Sen. Pearl
Rep. Labrie

Sen. Rochefort
Sen. Ward
Rep. Peternel

Sen. Murphy
Sen. McGough

Who supports the amendment: Senator Howard Pearl, Steven Gonzalez (MLB), Justin Worrell (Insperity), Alan Raff (NH AFL-CIO), Glenn Brackett (NH AFL-CIO), Cory Stone

Who opposes the amendment: Representative Timothy Horrigan, Jennifer Favreau, Marjorie Boyer, Tami Lanzillo Zeimetz

Who is neutral on the amendment: Danielle Albert (NH DOL), John Garrigan (NH DOL)

Summary of testimony presented in support:

Senator Tim Lang

- Amendment 26-1065s was brought forth on behalf of the Major League Baseball Players Association (MLBPA).

- The Association has a collective bargaining agreement (CBA) in place with the MLB; therefore, they are requesting a minor change to exempt them from certain parts of state labor laws.

Steven Gonzalez, Senior Vice President and Chief Employment Counsel, MLB

- In March 2023, the MLB and the MLBPA agreed to their first ever CBA. Mr. Gonzalez said the MLB and the union believed this negotiated compensation structure was beneficial to the players and it fit their day-to-day experience.
- Unlike typical hourly workers, players receive part of their compensation in the form of housing benefits, club provided meals, per diems when they are on the road, health and retirement benefits, salary continuation when they are injured, tuition assistance, and signing bonuses on occasion.
- Based on salary alone, Mr. Gonzalez said the CBA ensured players achieved a standard of living as intended by New Hampshire law. In 2026, the minimum pay for a player on a Double-A team is \$1,040 per week. Under the state's current minimum wage and overtime framework, this would cover 100 hours per week.
- Mr. Gonzalez said a statutory change was needed to address the impractical way hours are tracked. Unlike hourly workers who can only work at a specified time, minor league players work at and away from the ballpark. It does not benefit them to have their playing or practice time limited, or their access to club facilities restricted.
- This proposed change would treat players as salaried workers who may perform job-related tasks for their own benefit and development, even if those activities are not required by their employer.
- Players work on their own time during the season and off-season to maintain their physical fitness and study the craft to seek a competitive edge. This is one reason they are paid and receive health insurance year-round, even though baseball activities are seasonal.
- If hours were tracked, Mr. Gonzalez said it would lead to interesting results for players on and off the field. To avoid unlimited wage exposure, he asked if clubs should limit the time a player can review their bats, pitching mechanics, or their opponents' habits; if players should be prevented from accessing clubhouse or gym facilities other than when they need to be there pre- and post-game; or if players should clock out when they are pulled from a game.
- This amendment would preserve the opportunity for players to achieve their goal of making it to the next level. It also would place New Hampshire on an equal footing with other states like California, New York, New Jersey, Washington, Wisconsin, North Carolina, Florida, Indiana, Arkansas, Kentucky, and Oregon.
- **Senator Murphy** asked if this would apply to other semi-professional sports leagues.

- **Mr. Gonzalez** said it would not. As drafted, the amendment applied solely to professional minor leagues that are subject to a CBA. He believed this would only apply to the Fisher Cats. Under the minor league umbrella, there is Rookie Ball, Single-A, Double-A, and Triple-A. Independent teams would not fall under this exemption because players are not subject to CBAs.

Glenn Brackett, New Hampshire AFL-CIO

- Nationally, Association players are members of the AFL-CIO. At the state level, however, the Fisher Cats are not a member of their organization.
- Mr. Brackett said the Association and the MLB did a good job rectifying the problems that arose in the minor leagues during the pandemic.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Danielle Albert, Deputy Commissioner, and John Garrigan, General Counsel, New Hampshire Department of Labor

- Attorney Garrigan said the effect CBAs have on state labor law is nuanced. In this area, federal labor relations law and federal courts have upheld federal preemption.
- Claims made under state law do not typically proceed; however, there are limited exceptions where a state claim can be litigated.
- An area that may not be covered by a CBA is recordkeeping. Under RSA 279, the Department has specific recordkeeping requirements wherein employers must maintain records of hours worked and wages paid. If this amendment were adopted, those records would be exempt for a specific class of individuals, specifically minor league baseball players.
- Attorney Garrigan said other areas of law, such as RSA 275, have additional recordkeeping requirements that would not change.
- The Department interpreted this change as applying to individuals who play baseball, not any of the other jobs on the team.
- Since the term “minor league level” is not defined, Attorney Garrigan asked for specificity to help the Department determine what is considered a minor league baseball team.
- **Senator Innis** believed a minor league team would cover an instructional league or Double-A and Triple-A teams. He asked if they needed to be more specific.
 - **Attorney Garrigan** said there are minor leagues that are associated with Major League Baseball, but there are also other professional baseball teams and semi-professional teams. He asked if this amendment

intended to cover the larger universe of teams that are out there, which is why the Department wanted more specificity.

AJ

Date Hearing Report completed: March 12, 2026

Senate Commerce Committee

Aaron Jones 271-2609

SB 655, relative to employee leasing companies and workers' compensation coverage options.

Hearing Date: February 10, 2026

Time Opened: 10:00 a.m.

Time Closed: 10:16 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, McGough, Fenton and Reardon

Members of the Committee Absent : Senator Murphy

Bill Analysis: This bill permits client companies or leasing companies to secure workers' compensation coverage.

Sponsors:

Sen. Innis

Sen. Rochefort

Sen. Murphy

Sen. Pearl

Sen. Ward

Sen. McGough

Rep. Labrie

Rep. Peternel

Who supports the bill: Senator Daniel Innis, Senator Ruth Ward, Senator Tim McGough, Senator David Rochefort, Justin Worrell (Insperity), Maria Dongas

Who opposes the bill: Marissa Chase (NHAJ), Heather Menezes (NHAJ)

Who is neutral on the bill: Danielle Albert (NHDOL), Wesley Gardner (NHDOL)

Summary of testimony presented in support:

Senator Daniel Innis

- Professional employer organizations, also known as PEOs, help small and mid-sized businesses manage some of the most complex and costly parts of running their business, such as human resources, payroll, benefits administration, and regulatory compliance.
- PEOs allow small businesses to offer competitive benefits, such as health insurance, retirement plans, and workers' compensation coverage.
- By reducing administrative burdens, small employers can focus on growing their business, hiring workers, and staying competitive in the tight labor market.
- Senator Innis emphasized that this bill would not reduce, weaken, or avoid workers' compensation coverage. Coverage would remain mandatory, and all employees would still need to be covered.

- Under existing law, PEOs are required to hold a workers' compensation policy in every case. New Hampshire is one of only a few states with such restrictions.
- This bill would provide flexibility by permitting either the PEO or the client business to secure and maintain coverage, depending on what worked best for the employer.
- In states where flexibility exists, PEOs are still the primary source of coverage. There are situations, particularly for multi-state employers or businesses with specialized risk profiles, where a client-held policy can lower costs.
- Senator Innis reiterated that this bill would not make coverage optional, reduce the number of people covered, or weaken enforcement. Instead, it would remove a barrier that would modernize the employee leasing statute, support small businesses, and preserve worker protections.

Justin Worrell, Managing Director for Governmental and Regulatory Affairs, Insperty

- In New Hampshire, PEOs are licensed under RSA 277-B.
- PEOs offer a unique business model by entering into long-term contractual relationships where employer responsibilities are allocated between two parties. Under existing statute, these relationships are codified as co-employment.
- PEOs provide comprehensive HR solutions to small and mid-sized businesses across three areas.
 - First, they help with compliance assistance across the various state and federal laws.
 - Second, payroll and paychecks come from PEOs. They are the W-2 employer for all worksite employees, and they are responsible for submitting payroll taxes to the IRS.
 - Finally, they help to administer benefits.
- Mr. Worrell said they can provide small businesses with a Fortune 500 workplace experience while the client runs the day-to-day operations.
- Mr. Worrell said it was not their intention to make coverage optional; instead, they want to allow clients and PEOs to choose an arrangement that best fits their needs.
- Clients could already have coverage from a carrier that they have known for a long time, so they could prefer to continue that relationship rather than go with what is offered by the PEO. They also might receive cost savings from their current coverage provider.
- Requiring different coverage for a single New Hampshire employee could discourage multi-state employers from using a PEO. Mr. Worrell said they have had clients terminate New Hampshire employees due to this barrier.
- Mr. Worrell offered to work with the stakeholders to address conflicts and clarify notification requirements.

Summary of testimony presented in opposition:

Heather Menezes, Attorney, Shaheen Gordon

- Attorney Menezes asked what would happen to an employee if there was not appropriate coverage provided by a client company.
- Attorney Menezes said there might be a fix that could be made to the bill, but the intent of workers' compensation was to ensure coverage was easy and quick for an injured employee. It could be difficult for an injured employee if they do not know who they can make a claim against, if the client company does not supply appropriate coverage, or if an out-of-state employer is involved that New Hampshire has no control over.

Neutral Information Presented:

Danielle Albert, Deputy Commissioner, and Wesley Gardner, Director of the Workers' Compensation Division, New Hampshire Department of Labor

- The Department was neutral on the bill, but they understood its intention.
- This bill would amend the leasing statute, RSA 277-B, to authorize client companies in a PEO contractual relationship to have the option of securing workers' compensation coverage if it is part of the PEO contract.
- PEOs are specific relationships entered into under statute where the PEO is engaging in a co-employment relationship with the client company. The statute sets forth requirements that each co-employer must abide by.
- PEOs are responsible for certain employer obligations, and client companies are responsible for others.
- To operate in New Hampshire, PEOs must be licensed through the Department of Labor.
- Under the proposed language, Deputy Commissioner Albert said there was a conflict in RSA 277-B:5. Specifically, in the amended language, it states, "No unlicensed leasing company shall be provided workers' compensation coverage."
- Deputy Commissioner Albert said addressing these conflicts would help both the Department in its regulatory capacity in overseeing requirements as well as the participants, so they can understand what is required of them.
- If a client or employer company works with a PEO, and they elect to secure workers' compensation insurance coverage themselves, the Department was concerned with reporting requirements.
 - Currently, the Department receives proof of coverage reports from all employers, including PEOs.
 - If a client company obtained a regular non-PEO policy, that is how it would be reported to the Department. Deputy Commissioner Albert said this could impact their ability to tie together client companies that are in a contractual agreement with a PEO.

- When policies are reported right now, those policies come through assigned as a PEO specific policy.
- Deputy Commissioner Albert recommended language that would require client companies, if they elect through a PEO contract to secure coverage, to advise their employees who is the employer of record for the purposes of workers' compensation. Currently, this is the PEO since they handle payroll. If an employee is not aware of who has delineated that responsibility, however, it can be difficult to pursue claims and name the appropriate employer if they come forward with a workers' compensation dispute.

AJ

Date Hearing Report completed: February 13, 2026

HB 1202 - AS INTRODUCED

2026 SESSION

26-2580

08/09

HOUSE BILL

1202

AN ACT relative to dual and concurrent enrollment requirements for courses at institutions within the community college system of New Hampshire.

SPONSORS: Rep. Ladd, Graf. 5; Rep. Popovici-Muller, Rock. 17; Rep. Peeples, Hills. 14; Rep. Kofalt, Hills. 32; Sen. Ward, Dist 8; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18

COMMITTEE: Education Funding

ANALYSIS

This bill allows oversight of dual or concurrent enrollment of high schoolers in the community college system.

This bill is a request of the community college system of New Hampshire.

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-Six

AN ACT relative to dual and concurrent enrollment requirements for courses at institutions within the community college system of New Hampshire.

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

1 1 Dual and Concurrent Enrollment in the Community College System. Amend RSA 188-E:27, II
2 to read as follows:

3 II. A student in the program shall be provided funding for enrollment in no more than 4 dual
4 or concurrent enrollment courses taken in grade 10, no more than 4 dual or concurrent enrollment
5 courses taken in grade 11, and no more than 4 dual or concurrent enrollment courses taken in grade
6 12[~~Each course funded pursuant to this paragraph shall not exceed 4 credits~~] ***subject to policies***
7 ***adopted by the community college system of New Hampshire.*** A student may take more than 4
8 dual or concurrent enrollment courses per year[~~or courses exceeding 4 credits,~~] at his or her own
9 expense.

10 2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1202		
12/01/2025	H	Introduced 01/07/2026 and referred to Education Funding
01/13/2026	H	Public Hearing: 01/22/2026 11:00 am GP 158
01/29/2026	H	Executive Session: 01/22/2026 11:00 am GP 158
01/29/2026	H	Committee Report: Ought to Pass 01/27/2026 (Vote 16-0; CC) HC 5 P. 4
02/05/2026	H	Ought to Pass: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Education; SJ 4
03/16/2026	S	Hearing: 03/10/2026, Room Map Room, SL, 10:00 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 5-0; CC; SC 11

Senate Education Committee

Trevor Currier 271-4151

HB 1202, relative to dual and concurrent enrollment requirements for courses at institutions within the community college system of New Hampshire.

Hearing Date: March 10, 2026

Time Opened: 10:00 a.m.

Time Closed: 10:09 a.m.

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill allows oversight of dual or concurrent enrollment of high schoolers in the community college system.

This bill is a request of the community college system of New Hampshire.

Sponsors:

Rep. Ladd

Rep. Popovici-Muller

Rep. Peeples

Rep. Kofalt

Sen. Ward

Sen. Innis

Sen. Murphy

Sen. Sullivan

Who supports the bill: Senator Ruth Ward, Senator Dan Innis, Rep. Popovici-Muller, Rep. Toni Weinstein, Chuck Loyd (Community College System), Shawna Young (Secondary Education Partnerships), Cory Stone, Daniel Richardson, Laura Vincent, Dennis Jakubowski, Stacey Baston, Mary Dance, Deborah Jakubowski, Marie Stratton, Betsey Neville, and David Tucker

Who opposes the bill: Jennifer Favreau, Priscilla Dube, and Tami Lanzillo Zeimetz

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Daniel Popovici-Muller, *Rockingham 17*

- Representative Popovici-Muller introduced and testified in support of HB 1202 on behalf of Representative Rick Ladd.
- Rep. Popovici-Muller said that the legislation makes a minor change to a highly successful program. It is established that the bill removes the four-credit class

limit for dual or concurrent enrollment courses. He explained that currently, the law restricts courses to those that are no larger than four credits.

- He highlighted that the bill was requested by the community college system.
- Senator Altschiller asked if there was a problem with the four-credit ceiling. He stated that the college has classes exceeding four credits that the community college system would like to offer to dual and concurrent enrollment students.
- Senator Altschiller clarified that the restriction in the statute is not that students cannot take courses exceeding four credits, but that they would have to pay for the credits beyond four. He confirmed that Senator Altschiller is correct and explained that the purpose of the bill is to remove financial barriers that would otherwise prevent students from enrolling in courses that go over four credits.

Chuck Llyod, *Vice Chancellor of the Community College System*

- Mr. Llyod stated that last year, the community college system requested a four ceiling because it only offered courses that were three and four credits. He stated that, however, over the last year, the curriculum has evolved to include LNA and welding courses totaling 5 and 6 credits.
- He stated that the current law was administratively burdensome because the community college system would need to bill for one or two credits.
- He also established that the ceiling was a financial barrier for some students.
- Senator Abbas asked why the four-credit cap was in place and if this change could provide more flexibility in the program. He mentioned that it would allow for greater flexibility to adjust the curriculum, which combines courses to total up to seven credits.
- Senator Altschiller raised concerns about students enrolling in more than four dual and concurrent courses per year while still in high school. Mr. Llyod responded that some students reach their senior year after already completing their graduation requirements and then begin taking courses through the community college system. He also mentioned that students take courses at night.
- Senator Abbas asked if a motivated student could graduate high school and already have obtained an associates degree at the same time. He replied that it has happened.
- Senator Altschiller clarified that this bill would result in more of the students' educational expenses being paid by the state instead of providing some form of assistance through the community college system. She expressed concern that the community college system is relying on the state to resolve an administrative issue. Mr. Llyod clarified that HB 1202 addresses the credit cap and not the course cap. He also replied that this legislation is targeted at thirty to fifty students in programs like welding and LNA.

HB 1270 - AS INTRODUCED

2026 SESSION

26-2521

12/06

HOUSE BILL

1270

AN ACT clarifying the definition of part-time teacher.

SPONSORS: Rep. Drye, Sull. 7; Rep. Nadeau, Rock. 4; Rep. Notter, Hills. 12; Rep. Freeman, Belk. 8; Rep. Mooney, Hills. 12; Rep. Litchfield, Rock. 32; Rep. Belcher, Carr. 4; Sen. Birdsell, Dist 19; Sen. Ward, Dist 8; Sen. Sullivan, Dist 18

COMMITTEE: Education Policy and Administration

ANALYSIS

This bill clarifies the definition of part-time teacher by requiring a superintendent or school principal approval of part-time teachers' expertise to teach in a subject area. The bill also clarifies the ethical standards which part-time teachers must abide by.

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-Six

AN ACT clarifying the definition of part-time teacher.

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

1 1 Part-Time Teacher; Definition; Expertise and Ethics. Amend RSA 189:39-c to read as follows:
2 189:39-c Part-Time Teacher; Defined.

3 I. A part-time teacher is not required to hold a state board of education credential provided
4 that the individual:

5 (a) Works up to 20 hours per week.

6 (b) Seeks a criminal history record check clearance authorization from the department of
7 education as outlined in RSA 189:13-c prior to receiving a final offer of employment.

8 (c) Is employed or contracted as a full-time or adjunct faculty member by a university
9 system of New Hampshire or a community college system of New Hampshire member institution.

10 (d) Has expertise or significant professional experience to teach in a subject-area offered
11 by the school or district or an approved college dual or concurrent enrollment course in the high
12 school that has the same quality and rigor as the courses offered on-campus at the sponsoring college
13 or university, ***as determined by the superintendent or school principal.***

14 II. ~~[Part-time teachers shall practice the principles identified in the New Hampshire code of~~
15 ~~conduct and ethics for educational professionals]~~ ***The professional code of ethics and the***
16 ***professional code of conduct shall apply to all individuals working as a part-time teacher***
17 ***pursuant to this section.***

18 III. Any person who has had an educator credential, educator license, or other educator
19 certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be
20 employed as an educator under another provision of law, shall not be eligible to teach under this
21 section.

22 IV. The state board of education shall adopt rules pursuant to RSA 541-A to implement this
23 section.

24 2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1270		
12/01/2025	H	Introduced 01/07/2026 and referred to Education Policy and Administration
01/08/2026	H	Public Hearing: 01/14/2026 11:10 am GP 232
01/14/2026	H	Executive Session: 01/22/2026 10:00 am GP 232
01/27/2026	H	Committee Report: Ought to Pass 01/22/2026 (Vote 18-0; CC) HC 5 P. 5
02/05/2026	H	Ought to Pass: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Education; SJ 4
03/03/2026	S	Hearing: 03/10/2026, Room Map Room, SL, 10:15 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-1; CC; SC 11

Senate Education Committee

Trevor Currier 271-4151

HB 1270, clarifying the definition of part-time teacher.

Hearing Date: March 10, 2026

Time Opened: 10:15 a.m.

Time Closed: 10:25 a.m.

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill clarifies the definition of part-time teacher by requiring a superintendent or school principal approval of part-time teachers' expertise to teach in a subject area. The bill also clarifies the ethical standards which part-time teachers must abide by.

Sponsors:

Rep. Drye

Rep. Nadeau

Rep. Notter

Rep. Freeman

Rep. Mooney

Rep. Litchfield

Rep. Belcher

Sen. Birdsell

Sen. Ward

Sen. Sullivan

Who supports the bill: 6 People signed in support of HB 1270. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who opposes the bill: 118 People signed in opposition to HB 1270. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who is neutral on the bill: 1 Person signed in neutrality to HB 1270. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Summary of testimony presented in support:

Representative Mike Belcher, *Carroll 4*

- Representative Mike Belcher introduced and testified in support of House Bill 1270 on behalf of Representative Drye.
- Rep. Belcher stated that the bill loosened the requirements for a part-time teacher.
- He stated that the bill was passed by voice vote in the House and was bipartisan.

- Senator Altschiller asked what led to the need for the bill. Rep. Belcher responded that loosening the definition allows experts in relevant areas to teach specific classes.
- Senator Altschiller asked if the Department of Education made this request. He responded that it was a request from the department.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Steve Applebee, *Department of Education*

- Mr. Applebee stated that this bill is a request from the Department and clarifies two specific issues. On line 13, it was unclear who would make determinations regarding qualifications, and this bill explicitly states it is the responsibility of the local district. It also requires part-time teachers to adhere to the code of conduct and ethics, with the penalty of having their criminal history record check clearance revoked.
- He stated the original intent of the underlying policy was to allow districts to use college professors to teach in high schools.
- Senator Altschiller asked Mr. Applebee to clarify the differences between lines 14 and 15 and lines 16 and 17. Mr. Applebee responded that the latter are clearer and more direct. He added that, although part-time teachers are currently expected to follow the code of conduct and ethics, this bill ensures that the code applies to part-time teachers as well, so the department can take action and impose sanctions on those who violate it.
- Senator Altschiller asked whether a criminal history check performed in one district would be valid in another. He clarified that the code of conduct is enforceable, but the code of ethics is not. He confirmed that the criminal history check clearance, issued by the Department, is valid statewide. This would prevent individuals found in violation from trying to work in a different district.
- Senator Altschiller asked if it would be a good idea to clarify that the code of conduct is the enforceable piece and that is also reflected in the rules.
- Senator Altschiller inquired about why the code of conduct and ethics are kept separate. He explained that the code of ethics is aspirational, while the code of conduct is enforceable. He also clarified that a serious violation of the code of ethics could potentially result in a violation of the code of conduct.
- Senator Prentiss asked whether this change makes the current policy actionable. He confirmed that Senator Prentiss's interpretation was correct.

HB 1467-FN - AS AMENDED BY THE HOUSE

19Feb2026... 0522h

2026 SESSION

26-3070

12/09

HOUSE BILL ***1467-FN***

AN ACT relative to the New Hampshire seal of civic excellence and engagement program.

SPONSORS: Rep. D. Paige, Carr. 1; Rep. Moffett, Merr. 4; Rep. Cornell, Hills. 22; Sen. Carson,
Dist 14

COMMITTEE: Education Policy and Administration

AMENDED ANALYSIS

This bill:

I. Establishes the required criteria for a high school student to be awarded the New Hampshire seal of civic excellence and engagement.

II. Authorizes school boards and school administrative unit boards to award qualifying graduating high school students the distinction of a seal affixed to their diploma and completion of the program referenced on their transcript.

III. Authorizes the state board of education to adopt rules relative to the program.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the New Hampshire seal of civic excellence and engagement program.

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

1 1 New Section; Seal of Civic Excellence and Engagement Program. Amend RSA 189 by
2 inserting after section 11-d the following new section:

3 189:11-e Seal of Civic Excellence and Engagement Program.

4 I. A school board or school administrative unit board may affix the New Hampshire state
5 seal of civic excellence and engagement on a diploma awarded to a student graduating from high
6 school, as defined in RSA 194:23. The seal shall signify a student who has achieved a high level of
7 proficiency in civics education and engagement by satisfying the established criteria. The criteria
8 shall include, but is not limited to:

9 (a) Successful completion of civics education beyond the minimum requirements
10 prescribed by law or adopted locally;

11 (b) Demonstrated proficiency in civics knowledge, including comparative forms of
12 governance, through a standardized assessment, portfolio of work, or other mastery based
13 assessment as approved by the school board or school administrative unit board; and

14 (c)(1) Participation in at least one extracurricular activity or project evidencing
15 citizenship and constitutional republican government knowledge attainment as approved by the
16 school board or school administrative unit board; or

17 (2) Participation in student government activities.

18 II. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the
19 seal of civic excellence and engagement program in order to assist school boards and school
20 administrative unit boards in the consistent application of this section in recognizing high student
21 proficiency. Such rules shall further articulate the qualification criteria to promote rigor and
22 consistency in application statewide, including comparable expectations for civic engagement
23 activities across districts and clear definition of the civic knowledge and skills to be measured, while
24 allowing multiple locally determined pathways for assessment.

25 2 New Section; Diplomas; Seal of Civic Excellence and Engagement. Amend RSA 194 by
26 inserting after section 23-f the following new section:

27 194:23-g Diplomas; Seal of Civic Excellence and Engagement. Commencing with the classes
28 graduating high school in 2027 and for each graduating class thereafter, a school board or school
29 administrative unit board may affix the New Hampshire state seal of civic excellence and
30 engagement, pursuant to RSA 189:11-e, to a diploma awarded to a student who has achieved a high
31 level of proficiency in civics education and engagement. The school board or school administrative

HB 1467-FN - AS AMENDED BY THE HOUSE

- Page 2 -

- 1 unit board shall include on such student's transcript a designation that the student received the New
- 2 Hampshire state seal of civic excellence and engagement.
- 3 3 Effective Date. This act shall take effect on July 4, 2026.

LBA
26-3070
03/03/2026

HB 1467-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0522h)

AN ACT relative to the New Hampshire seal of civic excellence and engagement program.

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:

Department of Education

Docket of HB1467		
12/04/2025	H	Introduced 01/07/2026 and referred to Education Policy and Administration
01/08/2026	H	Public Hearing: 01/12/2026 10:00 am GP 232
01/14/2026	H	Executive Session: 02/04/2026 10:00 am GP 232
02/10/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0522h (NT) 02/04/2026 (Vote 17-0; CC) HC 7 P. 30
02/19/2026	H	Amendment # 2026-0522h: AA VV 02/19/2026 HJ 5
02/19/2026	H	Ought to Pass with Amendment 2026-0522h: MA VV 02/19/2026 HJ 5
02/19/2026	H	Referred to Finance 02/19/2026 HJ 5
02/19/2026	H	Referral Waived by Committee Chair per House Rule 47(f) 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Education; SJ 5
03/03/2026	S	Hearing: 03/10/2026, Room Map Room, SL, 09:15 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

Senate Education Committee

Trevor Currier 271-4151

HB 1467-FN, relative to the New Hampshire seal of civic excellence and engagement program.

Hearing Date: March 10, 2026

Time Opened: 9:15 a.m.

Time Closed: 9:20 a.m.

Members of the Committee Present: Senators Ward, Sullivan, Prentiss and Altschiller

Members of the Committee Absent : Senator Abbas

Bill Analysis: This bill:

I. Establishes the required criteria for a high school student to be awarded the New Hampshire seal of civic excellence and engagement.

II. Authorizes school boards and school administrative unit boards to award qualifying graduating high school students the distinction of a seal affixed to their diploma and completion of the program referenced on their transcript.

III. Authorizes the state board of education to adopt rules relative to the program.

Sponsors:

Rep. D. Paige
Sen. Carson

Rep. Moffett

Rep. Cornell

Who supports the bill: 44 People signed in support of HB 1467-FN. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who opposes the bill: 2 People signed in opposition to HB 1467-FN. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Representative Nick Germana on behalf of Representative Paige.

- Representative Germana introduced and testified in support of House Bill 1467-FN.
- Rep. Germana stated that House Bill 1467-FN was voted out of the House with bipartisan support.
- He established that the proposed program, the New Hampshire Seal of Civic Excellence and Engagement, would be voluntary for schools.
- He stated that the program allows schools to place a seal on the student's diploma and recognize it on the student's transcript, acknowledging their commitment to civic engagement through their coursework and after-school activities.
- He said that the program would serve as a motivation for excellence in civics.
- He stated that the state board of education will adopt rules to ensure consistency by establishing statewide standards for participating schools.
- He explained that the bill requires students to successfully complete civics education beyond the minimum requirements, demonstrate civic knowledge through a locally approved assessment or portfolio, and participate in a civic engagement-based activity.
- He established that this program is an established practice in nearly a dozen states.
- He expressed that civic programs promote high-quality civic engagement and highlight the district's commitment to civic involvement.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

HB 1503 - AS INTRODUCED

2026 SESSION

26-2493

07/08

HOUSE BILL

1503

AN ACT allowing the department of education to allocate funds to create a database of maps of public schools for emergency use cases.

SPONSORS: Rep. Ladd, Graf. 5; Rep. Popovici-Muller, Rock. 17; Rep. Peebles, Hills. 14; Rep. Damon, Sull. 8; Rep. Kofalt, Hills. 32; Sen. Sullivan, Dist 18

COMMITTEE: Education Funding

ANALYSIS

 This bill allows the department of education to allocate funds to create a database of maps of public schools for emergency use cases.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT allowing the department of education to allocate funds to create a database of maps of public schools for emergency use cases.

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

1 1 New Subparagraph; Education; Public School Infrastructure Fund and Public School
2 Infrastructure Commission; Public School Infrastructure Fund. Amend RSA 198:15-y, III by
3 inserting after subparagraph (g) the following new subparagraph:

4 (h) Enhance public school emergency readiness with critical incident mapping
5 technology to allow emergency response personnel and internal teams to operate from a unified
6 understanding of site-specific nomenclature and other place characteristics associated with building
7 infrastructure and grounds.

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

Docket of HB1503		
12/10/2025	H	Introduced 01/07/2026 and referred to Education Funding
01/13/2026	H	Public Hearing: 01/22/2026 11:30 am GP 158
01/29/2026	H	Executive Session: 01/22/2026 11:30 am GP 158
01/29/2026	H	Committee Report: Ought to Pass 01/27/2026 (Vote 16-0; CC) HC 5 P. 4
02/05/2026	H	Ought to Pass: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Education; SJ 4
03/03/2026	S	Hearing: 03/10/2026, Room Map Room, SL, 09:45 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

Senate Education Committee

Trevor Currier 271-4151

HB 1503, allowing the department of education to allocate funds to create a database of maps of public schools for emergency use cases.

Hearing Date: March 10, 2026

Time Opened: 9:45 a.m.

Time Closed: 9:56 a.m.

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill allows the department of education to allocate funds to create a database of maps of public schools for emergency use cases.

Sponsors:

Rep. Ladd
Rep. Damon

Rep. Popovici-Muller
Rep. Kofalt

Rep. Peebles
Sen. Sullivan

Who supports the bill: Representative Toni Weinstein, Representative Popovici-Muller, Representative Nick Germana, and Katherine Pouliot

Who opposes the bill: Cory Stone, Priscilla Dube, Mehgan Boudreau, and Tami Lanzillo Zeimet

Who is neutral on the bill: Tim Carney (DOE), Ashley Krivosh

Summary of testimony presented in support:

Representative Daniel Popovici-Muller, *Rockingham 17*

- Representative Popovici-Muller introduced and testified in support of HB 1503 on behalf of Representative Rick Ladd.
- Rep. Popovici-Muller emphasized that the bill was unanimously approved in the committee and passed in the House on the consent calendar.
- He stated the bill requires the Department of Education to create school maps to share with agencies that respond in a school crisis to ensure effective communication and responses.

- Senator Altschiller asked if there was a triggering event that led to this legislation. He responded that he is not aware of a specific incident, but the goal is to prevent the lesson from being learned the hard way.
- Senator Prentiss inquired if there was coordination with the Department of Homeland Security and Emergency Management. He stated that the department would be heavily involved in the process, but he could not confirm whether Representative Ladd had spoken with that specific department.
- Senator Altschiller asked whether the Department of Education has mapping capabilities, as no fiscal note is included in the bill. He mentioned that the department is expected to implement the legislation without additional funding, and if extra money is needed, it can be allocated in the next budget cycle.
- Senator Altschiller asked for clarification because the bill's effective date is upon passage; therefore, funding would be needed this year. He responded that it is within the department's discretion and that the department can always go to the Fiscal Committee.
- Senator Sullivan asked if this bill creates a fund as a place to hold money, but it does not allocate any funding. He responded that this bill grants the Public School Infrastructure Committee the authority to do the work because they currently lack it.

Summary of testimony presented in opposition:

Neutral Information Presented:

Tim Carney, *New Hampshire Department of Education*

- Mr. Carney established that the department is working with the Department of Homeland Security and Director Buxton.
- He stated that the department is currently working on the RFP for the mapping of schools statewide.
- He stated that the Public School Infrastructure Commission met and chose to allocate \$2.8 Million. He said that he believed Representative Ladd wanted this bill to clarify that the Commission has the authority to do this work.
- Senator Altschiller clarified that the RFP is in progress and there are no legislative barriers preventing the department from executing this work. He also stated that the department has the necessary funds from the Commission and has already started the work under the Commission's guidance.

HB 1574-FN - AS AMENDED BY THE HOUSE

19Feb2026... 0632h

2026 SESSION

26-2877

12/08

HOUSE BILL

1574-FN

AN ACT relative to the extension of free and reduced price breakfast and lunch for students under the age of 22 and making an appropriation therefor.

SPONSORS: Rep. Weinstein, Rock. 10; Rep. Cornell, Hills. 22; Rep. Selig, Straf. 10; Rep. Sorensen, Rock. 28

COMMITTEE: Education Funding

AMENDED ANALYSIS

This bill extends breakfast and lunch aid for all students that are the age of 21 who previously qualified for the National School Lunch Program or National School Breakfast Program at the age of 20. The bill also permits participating schools as eligible to receive reimbursements for school breakfasts and lunches that are provided to qualifying students and makes an appropriation for such purpose.

.....

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the extension of free and reduced price breakfast and lunch for students under the age of 22 and making an appropriation therefor.

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. The state of New Hampshire recognizes the importance of supporting the health and
3 nutritional needs of special education students with disabilities who, under recent changes by the
4 department of education, may continue their education beyond the age of 21.

5 II. The current system does not provide access to free and reduced lunch benefits at age 21,
6 creating barriers to access and potentially compromising the well-being of these students.

7 2 New Paragraph; Free and Reduced Meals Expanded for Students Over 21. Amend RSA
8 189:11-a by inserting after paragraph I the following new paragraph:

9 I-a.(a) Any student who is 21 years of age, enrolled in their resident school district or a
10 chartered public school, and who qualified for the National School Lunch Program or the National
11 School Breakfast Program at age 20 shall remain eligible to receive breakfasts and lunches at rates
12 consistent with applicable federal standards until the earliest of the following occurs:

13 (1) The student reaches 22 years of age;

14 (2) The student graduates from school;

15 (3) The student withdraws from school; or

16 (4) The student otherwise completes the student's educational program.

17 (b) All public school districts and chartered public schools that participate in the
18 National School Lunch Program or the National School Breakfast Program shall be eligible for
19 reimbursement for breakfasts and lunches served to qualifying students at the reimbursement rates
20 established under each applicable federal program by the department of education consistent with
21 this section.

22 (c) For any meal served to a qualifying student under this paragraph, reimbursement
23 shall first be sought under the applicable federal National School Lunch Program or National School
24 Breakfast Program to the maximum extent permitted by federal law. State reimbursement shall be
25 available only for meals that are not eligible for federal reimbursement. Nothing in this paragraph
26 shall be construed to permit duplicate reimbursement for the same meal.

27 (d) The department of education shall include, in its biennial budget and in each
28 subsequent budget submission, a specific request for funding sufficient to carry out the provisions of
29 this section. The governor is authorized to draw a warrant from the education trust fund to satisfy
30 the state's obligation under this paragraph.

HB 1574-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 (e) The state board of education may adopt rules pursuant to RSA 541-A relative to the
2 administration of extended breakfast and lunch aid under this paragraph.

3 3 Appropriation. There is hereby appropriated the sum of \$80,000 for fiscal year ending June
4 30, 2027 to the department of education for the purpose of implementing and administering the
5 extended school meal eligibility and reimbursement program established under this act. The
6 governor is authorized to draw a warrant from the education trust fund to satisfy the state's
7 obligation under this act the amount not otherwise appropriated.

8 4 Applicability. RSA 189:11-a as inserted in section 2 of this act shall apply to all eligible
9 students enrolled beginning with the 2026-2027 school year.

10 5 Effective Date. This act shall take effect July 1, 2026.

**HB 1574-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT authorizing school districts to extend free and reduced lunch benefits for special education students.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	<u>Meal Reimbursements to Schools</u> Up to \$145K Per Year DOE Position \$109K in FY 27, \$114K in FY 28, and \$119K in FY 29		
Funding Source(s)	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Local Revenue	\$0	Up to \$145K Per Year		
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill, effective for the 2026-2027 school year, authorizes school boards to extend the Federal Free or Reduced Priced Meal Program eligibility only for special education students with an individualized education program (IEP), through age 22. Under this bill:

- The Department of Education will reimburse School Boards for free or reduced priced meals.
- School Boards will need to develop and utilize separate applications for any student over the age of 21 to determine eligibility, as the Federal Application cannot be used.
- The Department of Education will need to update the online claim reimbursement system to account for meals served not under the federal meals program.

To estimate the potential fiscal impact of this bill, the Department of Education has provided the following assumptions:

- The proposed legislation is not limited to School Districts who currently operate the Federal United State Department of Agriculture (USDA) National School Lunch Program.
- Currently there are 117 students with an IEP that are age 21 and one student with an IEP that is age 22.
 - It is unknown if the above students qualify for free or reduced priced meals.
 - Calculations will be made utilizing the current federal reimbursement for free meals.
- Each student eats both breakfast and lunch each school day.
- The number of school days is 180.
- The State will use the Federal Reimbursed Rates to reimburse local school districts for meals.
- Current federal reimbursement rates (School Year 25-26)
 - Breakfast
 - \$2.49 free
 - \$2.16 reduced
 - Lunch
 - \$4.69 free
 - \$4.29 reduced
- The state currently pays reimbursement for each breakfast meal served under the federal program at a rate of \$0.03 per each free and paid meal and \$0.30 per reduced priced meal.
- There is no state reimbursement for lunch.

To provide School Boards with reimbursement for free or reduced priced meals served to students with an IEP aged 21 to 22 would cost approximately \$144,645 per year utilizing the current data:

- Breakfast would cost approximately \$53,525 per year:
 - Total students with an IEP (118)
 - Federal Free Breakfast Reimbursement (\$2.49)
 - State Breakfast Reimbursement (\$.03)
 - 180 school days
 - Total estimated cost of breakfast reimbursement
 - $118 * (\$2.49 + \$0.03) * 180 = \$53,524.80$

- Lunch would cost approximately \$91,120 per year:
 - Total students with an IEP (118)
 - Federal Free Lunch Reimbursement (4.29)
 - 180 school days
 - Total estimated cost of lunch reimbursement
 - $118 * \$4.29 * 180 = \$91,119.60$

While this bill directs that the state shall reimburse school boards through the general fund, no appropriation from the general fund is included in the bill.

In addition to estimated reimbursements, the Department states it would need one position (miscellaneous business operations specialists (SOC 13-05, step 5), with an estimated total cost of \$109,000 in FY 2027, \$114,000 in FY 2028, and \$119,000 in FY 2029. This bill provides neither authorization nor appropriation for new personnel.

Lastly, using the above assumptions and calculations, the potential fiscal impact of this bill on local school districts is indeterminable. The cost to districts, if any, would be based on application development to determine eligibility, policy implementation, and actual participation.

AGENCIES CONTACTED:

Department of Education

Docket of HB1574		
12/10/2025	H	Introduced 01/07/2026 and referred to Education Funding
01/08/2026	H	Public Hearing: 01/15/2026 09:30 am GP 232
01/28/2026	H	==CANCELLED== Executive Session: 02/03/2026 12:45 pm GP 232
02/11/2026	H	Executive Session: 02/10/2026 12:45 pm GP 232
02/11/2026	H	Majority Committee Report: Ought to Pass with Amendment # 2026-0632h (NT) 02/10/2026 (Vote 17-1; RC) HC 7 P. 26
02/11/2026	H	Minority Committee Report: Inexpedient to Legislate
02/19/2026	H	Amendment # 2026-0632h: AA VV 02/19/2026 HJ 5
02/19/2026	H	Ought to Pass with Amendment 2026-0632h: MA VV 02/19/2026 HJ 5
02/19/2026	H	Referred to Finance 02/19/2026 HJ 5
02/19/2026	H	Referral Waived by Committee Chair per House Rule 47(f) 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Education; SJ 5
03/03/2026	S	Hearing: 03/10/2026, Room Map Room, SL, 09:30 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 5-0; CC; SC 11

Senate Education Committee

Trevor Currier 271-4151

HB 1574-FN, relative to the extension of free and reduced price breakfast and lunch for students under the age of 22 and making an appropriation therefor.

Hearing Date: March 10, 2026

Time Opened: 9:30 a.m.

Time Closed: 9:38 a.m.

Members of the Committee Present: Senators Ward, Sullivan, Abbas, Prentiss and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill extends breakfast and lunch aid for all students that are the age of 21 who previously qualified for the National School Lunch Program or National School Breakfast Program at the age of 20. The bill also permits participating schools as eligible to receive reimbursements for school breakfasts and lunches that are provided to qualifying students and makes an appropriation for such purpose.

Sponsors:

Rep. Weinstein

Rep. Cornell

Rep. Selig

Rep. Sorensen

Who supports the bill: 153 People signed in support of HB 1574-FN. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who opposes the bill: 2 People signed in opposition to HB 1574-FN. To see the full list of sign-ins, please email the committee aide (trevor.currier@gc.nh.gov).

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Representative Toni Weinstein, *Rockingham 10*

- Representative Weinstein introduced and testified in support of House Bill 1574-FN.
- Rep. Weinstein clarified that students with an IEP can stay in high school until age 22. She explained the state made this change to allow students to remain in the transitional program until 22 to comply with IEDA.

- She clarified that federal funding for free and reduced-price meals ends at age 21 for students, leaving a gap for those who need an extra year of schooling.
- She expressed that this legislation ensures all students are treated fairly and equally.
- The bill, as amended, fixed many of the issues that were identified by the department.

Representative Daniel Popovici-Muller

- Representative Popovici Muller testified in support of House Bill 1574-FN.
- He stated that this bill was justified because there was a clearly demonstrated need.
- He stated that there was bipartisan support in the House to improve the bill as introduced and backing for the bill as amended.
- He highlighted that the bill was waived from finance because of the minor fiscal impact that is estimated to be \$60,000.

Representative Timothy Horrigan

- Representative Horrigan testified in support of House Bill 1574-FN.
- Rep. Horrigan stated that, despite the minimal fiscal impact, the benefits will be significant for the affected students.
- He stated that this bill is a move in the right direction.

Riona Corr, NH Hunger Solutions

- Ms. Corr testified in support of House Bill 1574-FN and appreciated the bipartisan effort in the House.
- She clarified that those eligible for the free and reduced federal program would be the students this legislation targets.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

HB 158 - AS INTRODUCED

2025 SESSION

25-0680

08/09

HOUSE BILL **158**

AN ACT relative to public inspection of absentee ballot lists.

SPONSORS: Rep. Hill, Merr. 2; Rep. Bernardy, Rock. 36; Rep. Sweeney, Rock. 25; Rep. Verville, Rock. 2; Rep. Berry, Hills. 44; Rep. S. Boyd, Merr. 10; Rep. T. Walsh, Merr. 10; Rep. Sheehan, Hills. 43; Sen. Pearl, Dist 17; Sen. Avard, Dist 12; Sen. McConkey, Dist 3

COMMITTEE: Election Law

ANALYSIS

This bill requires that town and city clerks shall make absentee ballot voter lists available for public inspection, and requires the secretary of state to report on absentee ballots information.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to public inspection of absentee ballot lists.

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

1 1 Procedure for Absence, Religious Observance, and Disability and Overseas Voting; Sending
2 Absentee Ballots. Amend RSA 657:15, I to read as follows:

3 I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall
4 retain the application and, without delay, personally deliver, email, or mail to the applicant the
5 appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant
6 to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter
7 shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall mail absentee
8 ballots in response to verified absentee ballot requests that have been received by 12:00 p.m. on the
9 day before the election. The clerk shall provide an absentee ballot to any voter requesting an
10 absentee ballot in person at the clerk's office up until 5:00 p.m. on the day before the election or as
11 may be provided elsewhere in Title LXIII. The clerk may not designate as an assistant any person
12 who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent
13 pursuant to the provisions of this section shall be mailed or delivered only by officials from the city
14 or town clerk's office and delivered only to the applicant. If the address to which the absent voter's
15 ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said
16 clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to
17 whom official absentee ballots have been sent, and shall identify those official absentee ballots which
18 have been returned to the clerk and shall record the absentee voter applicant information in the
19 statewide centralized voter registration database. The lists, ***excluding voters who have***
20 ***presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B,***
21 ***shall [not] be available for public inspection [at any time without] 60 days after the election day***
22 ***for which the absentee ballot was requested, or earlier with*** a court order.

23 ***I-a. The secretary of state shall use the information contained in the statewide***
24 ***centralized voter registration database regarding absentee ballot requests arriving by***
25 ***mail, except UOCAVA requests, to create a report detailing:***

26 ***(a) The number of absentee ballot requests received by mail throughout the state***
27 ***arranged by voting district.***

28 ***(b) The number of absentee ballot requests received by mail that were sent to an***
29 ***address other than the address shown on the checklist for that person.***

30 ***(c) The number of absentee ballot requests received by mail where more than 3***
31 ***ballots were sent to a common address.***

1 *(d) For the 20 most common addresses, as determined by the number of ballots*
2 *sent to that address, the actual addresses where the ballots were mailed.*

3 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 158

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

2

3 AN ACT requiring the secretary of state to review absentee ballot data biennially, forward
4 certain requests to the election law unit for review, and make a report to the general
5 court.
6

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

8

9 1 New Paragraph; Addresses Receiving Multiple Absentee Ballots. Amend RSA 657:15 by
10 inserting after paragraph I the following new paragraph:

11 I-a. The secretary of state shall review absentee ballot data after each general election to
12 identify absentee ballot requests that should be forwarded to the department of justice, election law
13 unit for an investigative review. This review shall include requests by multiple voters that are sent
14 to a common address. The secretary shall provide the committees of jurisdiction a report of the
15 number and category of requests forwarded for investigative review.

16 2 Effective Date. This act shall take effect upon its passage.

Amendment to HB 158
- Page 2 -

2026-1214s

AMENDED ANALYSIS

This bill requires the secretary of state to review absentee ballot data biennially, forward certain requests to the election law unit for review, and make a report to the general court.

Docket of HB158		
01/06/2025	H	Introduced 01/08/2025 and referred to Election Law HJ 2 P. 8
01/29/2025	H	Public Hearing: 02/04/2025 11:00 am LOB 306-308
02/07/2025	H	==RECESSED== Executive Session: 02/11/2025 10:10 am LOB 306-308
02/12/2025	H	==RECESSED== Executive Session: 02/18/2025 10:10 am LOB 306-308
02/27/2025	H	==CONTINUED== Executive Session: 03/04/2025 01:00 pm LOB 306-308
03/06/2025	H	Executive Session: 03/11/2025 09:00 am LOB 306-308
03/12/2025	H	Retained in Committee
08/25/2025	H	Executive Session: 09/16/2025 10:15 am GP 158
11/14/2025	H	Majority Committee Report: Ought to Pass 09/16/2025 (Vote 10-7; RC) HC 51 P. 30
11/14/2025	H	Minority Committee Report: Inexpedient to Legislate
01/07/2026	H	Ought to Pass: MA DV 179-157 01/07/2026
01/30/2026	S	Introduced 01/29/2026 and Referred to Election Law and Municipal Affairs; SJ 3
02/11/2026	S	Hearing: 02/17/2026, Room 122-123, SH, 09:15 am; SC 6
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1214s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 158, relative to public inspection of absentee ballot lists.

Hearing Date: February 17, 2026

Time Opened: 9:15 a.m.

Time Closed: 9:26 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent: None

Bill Analysis: This bill requires that town and city clerks shall make absentee ballot voter lists available for public inspection, and requires the secretary of state to report on absentee ballots information.

Sponsors:

Rep. Hill

Rep. Bernardy

Rep. Sweeney

Rep. Verville

Rep. Berry

Rep. S. Boyd

Rep. T. Walsh

Rep. Sheehan

Sen. Pearl

Sen. Avard

Sen. McConkey

Who supports the bill: 4 people signed in support of this bill. For a full list of names, please contact the committee aide, Jessica Bourque, at jessica.bourque@gc.nh.gov

Who opposes the bill: 93 people signed in opposed to this bill. For a full list of names, please contact the committee aide, Jessica Bourque, at jessica.bourque@gc.nh.gov

Summary of testimony presented:

Rep. Greg Hill, Prime Sponsor, Merrimack – District 2

- There are two ways to look at Election Law bills: preventative and post-mortem. This is a post-mortem bill.
- This bill looks at where clerks send absentee ballots.
- Rep. Hill provided the committee with a packet of information from the Secretary of State's Office (SOS) that lists locations where different clerks sent ballots in the last election, broken down by in-state and out of state. This bill addresses cases where ballots were sent out of state.
- Some of the locations have been identified as universities. In fact, most are universities, but a few addresses are somewhat unusual.

- He pointed out some of the locations where ballots were mailed: Mammoth Lakes, California; Sarasota, Florida; Delray Beach, Florida; and Naples, Florida, and noted that all of these places had 4 ballots mailed, which he finds unusual.
- This bill would require the SOS to compile a list of the 20 main addresses to which ballots were sent within 60 days following an election.

Senator Long asked if, given the out-of-state addresses in the packet, we know whether they are homes, hotels, or something else.

Rep. Hill said that, based on the information we currently have, we don't know, and added that no absentee ballots were mailed to the Villages in Florida, which surprised him. He also finds it curious that the number 4 keeps recurring throughout the packet. It appears there may be a default that prevents the number from being less than 4.

Senator Gray asked why there isn't a fiscal note for this bill and mentioned that tracking voters and verifying those who present an ID will require additional manpower. He also asked if a voter list obtained from the SOS would contain the same information he is seeking and wondered if someone could do their own sorting of the data.

Rep. Hill explained that the answer to Senator Gray's first question is that this information is already maintained by the clerks and forwarded to the Secretary of State. The packets provided to the committee came from the SOS. Regarding the second question, he mentioned that an accurate report has not been produced because the information has not been compiled collectively; it has always been organized town-by-town. It was only after the SOS assembled the data into this packet that we knew which clerk sent ballots to particular addresses.

Senator Lang asked why we don't just have the SOS investigate the top 20 addresses rather than write a report.

Rep. Hill said he would be happy with that.

Senator Rochefort noted that the repeated occurrence of the number 4 is also curious to him. In trying to find fault with that, Senator Rochefort asked Rep. Hill whether he had examined the formula to ensure that there isn't an input error and that it doesn't default to 4.

Rep. Hill said that is an excellent suggestion. He knows that there was a default going less than 4. He would assume that most of these are either 1s or 2s. It is strange to him that they are all 4s unless they are being sent to a college or university.

HB 164-FN - AS AMENDED BY THE HOUSE

7Jan2026... 2979h

2025 SESSION

25-0128

02/08

HOUSE BILL ***164-FN***

AN ACT relative to local records retention.

SPONSORS: Rep. Alexander Jr., Hills. 29; Rep. Lynn, Rock. 17; Rep. Kuttab, Rock. 17; Rep. Berch, Ches. 6; Sen. Innis, Dist 7; Sen. Murphy, Dist 16

COMMITTEE: Judiciary

ANALYSIS

This bill funds and equips the local government record manager with online storage of records that are available for public access.

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 Five

AN ACT relative to local records retention.

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

1 1 Local Records; Public Access. Amend RSA 5:35 to read as follows:

2 5:35 Local Records.

3 The director shall accept for storage in the state archives such local records as the municipal
4 records board established under RSA 33-A:4-a may require. ***The director shall designate, with***
5 ***the approval of the municipal records board, a publicly accessible website for the retention***
6 ***and public access to local electronic records.***

7 2 Local Government Records Manager; Website Development. Amend RSA 5:49, II to read as
8 follows:

9 II. It shall be the responsibility of the local government records manager to advise the
10 municipal records board concerning local government records policies and procedures, state services
11 and financial support needed to assist or advise local officials, ***and*** regulations pertaining to local
12 government ~~[records, and grants for local government records management improvement pursuant~~
13 ~~to RSA 5:51]~~.

14 3 New Paragraph; Duties of Local Government Records Manager. Amend RSA 5:49 by inserting
15 after paragraph II the following new paragraph:

16 ***II-a. The local government records manager, or if the role is not filled, the state***
17 ***archivist, is authorized to employ specialists in records management, archives, and***
18 ***administration, consultants and or other specialists necessary to provide a publicly***
19 ***accessible website pursuant to RSA 5:35 and issue guidance for its proper use.***

20 4 New Paragraph; Electronic Records. Amend RSA 33-A:5-a by inserting after paragraph II the
21 following new paragraph:

22 ***III. Electronic municipal records, including paper municipal records transferred***
23 ***to electronic records in accordance with the provisions of paragraph I, may be stored on a***
24 ***publicly accessible website designated by, and in accordance with, guidance issued by the***
25 ***state archivist. If electronic municipal records are stored in this manner, no additional***
26 ***copy need be kept by the municipality if the municipality provides the public at least one***
27 ***cost-free method of accessing the website.***

28 5 Minutes and Records Available for Public Inspection. Amend RSA 91-A:4, IV(a) to read as
29 follows:

30 IV.(a) Each public body or agency shall, upon request for any governmental record
31 reasonably described, make available for inspection and copying any such governmental record

HB 164-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 within its files when such records are immediately available for such release *or, if the record has*
2 *been uploaded to the website in accordance with RSA 33-A:5-a, III, provide the domain*
3 *name of the website.*

4 6 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 2027 is hereby
5 appropriated to the secretary of state, division of archives and records management for the local
6 government records manager position at LG 21, creation, and maintenance of a publicly accessible
7 website for the retention and public access to local electronic records, and implementation of
8 provisions of this act. To the extent the secretary of state is unable to hire the local government
9 records manager position, the funds allocated for the position may be used to employ an outside
10 consultant to perform the duties required. The governor is authorized to draw a warrant for said
11 sum out of any money in the treasury not otherwise appropriated.

12 7 Effective Date. This act shall take effect 60 days after its passage.

HB 164-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-2979h)

AN ACT relative to local records retention.

FISCAL IMPACT: This bill provides a one time appropriation and would need additional funding.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$0	\$116,000	\$121,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$150,000	\$0
<i>Funding Source(s)</i>	General Fund			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill requires the State Archivist, with the approval of the Municipal Records Board, to design a publicly available website for storing and allowing public access to local electronic records and guidelines. This bill appropriates \$150,000 from the General Fund, for fiscal year ending June 30, 2027, to the Division of Archives and Records Management, within the Secretary of State's office to fund the local government records manager position for the purpose of creating and maintaining the website for the retention and public access to local electronic records. The local government records manager position was established in 2002, however it has not been filled as it has not been funded. As a result, duties of the position have not been implemented or completed.

The Department of State indicates the cost to fund this position would be \$106,000 starting in FY 2027, \$111,000 in FY 2028, and \$115,000 in FY 2029. The cost to meet the storage needs for the publicly available website is estimated to be \$50,000 for a five-year subscription (\$10,000 a year), renewable every five years. The Department states that although this bill appropriates \$150,000 in FY 2027, the appropriation will lapse at the end of FY 2027 leaving no funding for the \$121,000 General Fund expenditure in FY 2028.

It is assumed the local government records manager position and the storage costs for the website would be included in the Department's FY 2028 and FY 2029 budget request.

It is assumed that any fiscal impact would occur after FY 2026.

AGENCIES CONTACTED:

Department of State

Docket of HB164		
01/06/2025	H	Introduced 01/08/2025 and referred to Judiciary HJ 2 P. 8
01/15/2025	H	Public Hearing: 01/22/2025 11:30 am LOB 206-208
01/22/2025	H	Executive Session: 01/30/2025 10:00 am LOB 206-208
01/24/2025	H	Committee Report: Ought to Pass 01/22/2025 (Vote 13-0; RC) HC 10 P. 10
02/06/2025	H	Ought to Pass: MA VV 02/06/2025 HJ 4 P. 31
02/06/2025	H	Referred to Finance 02/06/2025 HJ 4 P. 31
02/27/2025	H	Division I Work Session: 03/05/2025 01:00 pm LOB 212
03/14/2025	H	Executive Session: 03/17/2025 01:15 pm LOB 210-211
03/28/2025	H	Retained in Committee
08/28/2025	H	Division I Work Session: 09/18/2025 10:00 am GP 230
09/18/2025	H	Division I Work Session: 10/02/2025 01:00 pm GP 230
10/14/2025	H	Executive Session: 10/30/2025 10:00 am GP 230
11/05/2025	H	Committee Report: Ought to Pass with Amendment # 2025-2979h 10/30/2025 (Vote 25-0; RC) HC 51 P. 34
01/07/2026	H	Amendment # 2025-2979h: AA VV 01/07/2026 HJ 1
01/07/2026	H	Ought to Pass with Amendment 2025-2979h: MA VV 01/07/2026 HJ 1
01/30/2026	S	Introduced 01/29/2026 and Referred to Election Law and Municipal Affairs; SJ 3
02/18/2026	S	Hearing: 03/03/2026, Room 122-123, SH, 09:15 am; SC 7
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 5-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 164-FN, relative to local records retention.

Hearing Date: March 3, 2026

Time Opened: 9:15 a.m.

Time Closed: 9:24 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort and Long

Members of the Committee Absent: Senator Perkins Kwoka

Bill Analysis: This bill funds and equips the local government record manager with online storage of records that are available for public access.

Sponsors:

Rep. Alexander Jr.

Rep. Lynn

Rep. Kuttab

Rep. Berch

Sen. Innis

Sen. Murphy

Who supports the bill: Senator Dan Innis, Sarah Burke Cohen (NH Municipal Association), Josh Yokela, Cory Stone, Gerry Panuczak, Daniel Richardson

Who opposes the bill: Carol Morrison, Jennifer Favreau

Summary of testimony presented:

Sen. Lang introduced the bill on behalf of the Prime Sponsor.

Former Representative Josh Yokela, Fremont

- He was the original prime sponsor of this legislation in 2024 when he was a representative, but Rep. Alexander later took over it.
- Collaborated with the Secretary of State's office and the NH Municipal Association to find ways to ease the burden on municipalities when fulfilling Right to Know (RTK) requests while maintaining transparency for the public.
- This bill proposes creating a website at the State Archives that standardizes and digitizes information.
- The idea is that municipalities could submit the information to the archives, allowing the public to access it without needing to request it from the towns.
- This has passed the Senate and the House before, but the obstacle has been the costs associated with creating this position. As he remembers it, the cost would be about \$150,000.

Senator Long asked if, when an RTK is sent to a municipality, the municipality would then refer the requester to the website.

Mr. Yokela said this would replace the municipality's need to fulfill the request. So yes, they would direct them to the website.

Senator Lang asked about 91-A requests, noting that towns must ensure all information is uploaded to the site; otherwise, there will always be a potential for a 91-A request locally. He asked if this is the case, wouldn't that now involve both the state archivists' records and those of the municipality?

Mr. Yokela said this option allows municipalities to ease their workload by not having to handle those documents that have been uploaded to the website. They would still be responsible for documents that haven't been uploaded to the website.

HB 173 - AS INTRODUCED

2025 SESSION

25-0153

07/08

HOUSE BILL

173

AN ACT relative to maintaining the purpose of a petitioned warrant article.

SPONSORS: Rep. Sellers, Graf. 18; Rep. Seidel, Hills. 29; Rep. Ammon, Hills. 42; Rep. Post, Hills. 42; Rep. Pauer, Hills. 36; Rep. Terry, Belk. 7; Rep. Tierney, Coos 1; Rep. Mazur, Hills. 44; Rep. Creighton, Hills. 30; Rep. Guthrie, Rock. 15

COMMITTEE: Municipal and County Government

ANALYSIS

This bill prevents warrant articles from being amended to change their purpose.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to maintaining the purpose of a petitioned warrant article.

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

1 1 Optional Form of Meeting-Official Ballot Referenda; Use of Official Ballots; Amendments to
2 Warrant Articles. Amend RSA 40:13, IV(c) to read as follows:

3 (c) No warrant article shall be amended to eliminate the subject matter of the article **or**
4 ***to change the purpose of a petitioned warrant article.*** An amendment that changes the dollar
5 amount of an appropriation in a warrant article shall not be deemed to violate this subparagraph.

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

Docket of HB173		
01/06/2025	H	Introduced 01/08/2025 and referred to Municipal and County Government HJ 2 P. 9
01/15/2025	H	Public Hearing: 01/23/2025 10:40 am LOB 301-303
01/22/2025	H	Executive Session: 01/30/2025 02:00 pm LOB 301-303
01/31/2025	H	Retained in Committee
09/03/2025	H	Executive Session: 09/24/2025 01:00 pm GP 154
11/13/2025	H	Majority Committee Report: Ought to Pass 09/24/2025 (Vote 10-7; RC) HC 51 P. 41
11/13/2025	H	Minority Committee Report: Inexpedient to Legislate
01/08/2026	H	Ought to Pass: MA DV 187-162 01/08/2026 HJ 2
01/15/2026	S	Introduced 01/07/2026 and Referred to Election Law and Municipal Affairs; SJ 2
02/18/2026	S	Hearing: 03/03/2026, Room 122-123, SH, 10:00 am; SC 7
03/18/2026	S	Committee Report: Referred to Interim Study, 03/26/2026; Vote 5-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 173, relative to maintaining the purpose of a petitioned warrant article.

Hearing Date: March 3, 2026

Time Opened: 10:28 a.m.

Time Closed: 10:46 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort and Long

Members of the Committee Absent: Senator Perkins Kwoka

Bill Analysis: This bill prevents warrant articles from being amended to change their purpose.

Sponsors:

Rep. Sellers

Rep. Ammon

Rep. Post

Rep. Pauer

Rep. Terry

Rep. Tierney

Rep. Mazur

Rep. Creighton

Rep. Guthrie

Who supports the bill: Rep. John Sellers, Tim Jandebear, Yaakov Abahav, Eric Pauer, Curtis Howland, Timothy Finney, Corinne Gordon, Daniel Richardson, Pamela Harders

Who opposes the bill: Brodie Deshaies, Jennifer Favreau, Cordell Johnston

Summary of testimony presented:

Representative John Sellers, Grafton-10

- There have been instances where petitioners have done the necessary footwork to add a warrant article to the ballot, but it gets completely changed from the original intent of the bill in deliberative session before it is voted on.
- Currently, the law states that the subject matter of the article cannot be removed. This would also specify that the purpose cannot change from the article's original intent.
- This bill would make sure that someone's actual petition is voted on.
- The House retained the bill because they kept going back and forth on "purpose" and "intent."
- An example of this is when a town turns something into a study and then puts it to a vote. There should be an actual vote on an article, not just turning it into a study.
- This only pertains to petition warrant articles.

Senator Rochefort asked Rep. Sellers to provide an example of when the article deviated from its purpose.

Rep. Sellers said he has seen several cases in Bristol, where he is from, in which something was turned into a study, and at that point, no one cared, and the article was voted down.

Tim Janiver, Northwood

- We are given the right to petition. For example, RSA 32:14 gives us the right to petition to have a town's budget committee rescinded. When folks in his town tried to do that, the town select board changed the word "rescind" to "reaffirm" in a deliberative session, effectively reversing their original goal. RSA 39:3 says the town can make minor language changes but cannot alter the intent.
- When speaking to the Secretary of State, he thought there might be some wiggle room in the statute, so Mr. Janiver is here hoping to eliminate that wiggle room.

Brodie Deshaies, NH Municipal Association

- Opposes this bill.
- Petition warrant articles should not be treated any differently than any other warrant article. The only difference between the articles is how it is placed on the warrant.
- Petition warrant articles deserve no more protection than any other article.
- The term "purpose" is unclear and open to multiple interpretations. Its specific meaning would have to be clarified by a moderator on a case-by-case basis.

Senator Lang inquired about the petitioners themselves, whose request was completely perverted and changed into something they didn't sign off on. How does Mr. Deshaies feel about those people?

Mr. Deshaies said that, ultimately, it should be the governing body's responsibility, just like any other article. There are many times during a meeting when someone requests that an appropriation be changed to \$1, effectively nullifying the warrant article. This is how it has always been in New Hampshire, and it is part of the democratic process here.

Yaakov Abahav, Grafton

- Supports this bill.
- Currently, under the bill, the subject matter cannot be changed. The meaning of "subject" is vague.
- There have been a few court cases on this subject. For example, in a deliberative session, where they removed all the language and only kept "to see," the court

ruled that this was acceptable. The law was then changed so that you can't alter the subject matter.

- The court still finds the current law ambiguous. It considers the fact that the legislature did not adopt certain measures as an indication that its intent was not to do so.
- Mr. Abahav currently has a petition pending in a superior court. Gathering 25 signatures for a petition takes a lot of time, while the select board only needs to attend one meeting and then vote to include an item on the warrant; it is then added to the warrant.
- Believes that altering an article's intent is problematic because people invest significant effort into making a change, only to see it modified later, which makes their effort fruitless.
- He believes this bill remains unclear and wishes for more precise language.
- Few people participate in deliberative sessions, and often only those with specific interests, such as working at the school, attend, which may not reflect the views of the broader population.

jab

Date Hearing Report completed: March 5, 2026

HB 348 - AS AMENDED BY THE HOUSE

8Jan2026... 0154h

2025 SESSION

25-0684

05/11

HOUSE BILL

348

AN ACT relative to eligibility for local assistance.

SPONSORS: Rep. Rhodes, Ches. 17; Rep. Lynn, Rock. 17; Rep. McFarlane, Graf. 18; Rep. Osborne, Rock. 2; Rep. Sweeney, Rock. 25; Rep. Berry, Hills. 44; Rep. Bogert, Belk. 5; Rep. Roy, Rock. 31; Sen. Gannon, Dist 23; Sen. Innis, Dist 7; Sen. Abbas, Dist 22

COMMITTEE: Municipal and County Government

ANALYSIS

 This bill provides that municipalities may establish a residency requirement of up to 90 days for local assistance.

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 Five

AN ACT relative to eligibility for local assistance.

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

1 1 Eligibility for Local Assistance. Amend RSA 165:1 to read as follows:

2 165:1 Who Entitled; Local Responsibility.

3 I. Whenever a person in any town is poor and unable to support himself, he ***or she*** shall be
 4 relieved and maintained by the overseers of public welfare of such town, ~~[whether or not he has~~
 5 ~~residence there. For the purposes of this chapter the term "residence" shall have the same definition~~
 6 ~~as in RSA 21:6-a]~~ ***in accordance with this chapter.***

7 II. The local governing body, as defined in RSA 672:6, of every town and city in the state
 8 shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be
 9 limited to, the following:

10 (a) The process for application for general assistance.

11 (b) The criteria for determining eligibility ***for general assistance, which may require***
 12 ***an individual to provide proof of residency prior to being approved for such assistance.***
 13 ***Acceptable evidence of an individual's residence may include a lease, car registration,***
 14 ***utility bill, or any government-issued document with an address matching the stated***
 15 ***residence.***

16 ***(1) Special consideration may be provided to non-residents who have left***
 17 ***their town of origin due to domestic violence, stalking, sexual assault, or human***
 18 ***trafficking.***

19 ***(2) The governing body may, at its discretion, authorize the local assistance***
 20 ***administrator to provide emergency assistance to a non-resident for up to 72 hours to allow***
 21 ***application and communication coordination with the town of origin.***

22 (c) The process for appealing a decision relative to the granting of general assistance.

23 (d) The process for the application of rents under RSA 165:4-b, if the municipality uses
 24 the offset provisions of RSA 165:4-a.

25 (e) A statement that qualified state assistance reductions under RSA 167:82, VIII may
 26 be deemed as income, if the local governing body has permitted the welfare administrator to treat a
 27 qualified state assistance reduction as deemed income under RSA 165:1-e.

28 ***(f) A monthly local assistance limit of not less than 50 percent of the federal***
 29 ***poverty level.***

30 III. Whenever a town provides assistance under this section, no such assistance shall be
 31 provided directly to a person or household in the form of cash payments.

HB 348 - AS AMENDED BY THE HOUSE

- Page 2 -

1 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 348

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

2
3 1 Aid to Assisted Persons; Who Entitled; Local Responsibility. Amend RSA 165:1 to read as
4 follows:

5 165:1 Who Entitled; Local Responsibility.

6 I. Whenever a person in any town is poor and unable to support ~~[himself, he]~~ **themselves,**
7 **he or she** shall be relieved and maintained by the overseers of public welfare of such town~~[-whether~~
8 ~~or not he has residence there. For the purposes of this chapter the term "residence" shall have the~~
9 ~~same definition as in RSA 21:6-a]~~ **in accordance with this chapter.**

10 II. The local governing body, as defined in RSA 672:6, of every town and city in the state
11 shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be
12 limited to, the following:

13 (a) The process for application for general assistance.

14 (b) The criteria for determining eligibility, **which may require an individual to**
15 **provide proof of residency prior to being approved for such assistance. If proof of residency**
16 **is required, acceptable proof shall include the documentation or attestation listed below,**
17 **unless the welfare official identifies specific, substantiated evidence contradicting the**
18 **documentation or attestation:**

19 (1) **A current lease, car registration, utility bill, or any government or court**
20 **issued document with an address matching the stated physical residency dated within the**
21 **last 60 days.**

22 (2) **Attestation on official agency letterhead, which includes the last date of**
23 **contact, and is signed and dated by an authorized official listed below:**

24 (A) **The welfare official.**

25 (B) **A state or local law enforcement or fire official.**

26 (C) **An emergency medical services provider.**

27 (D) **A local third party social services provider having an existing service**
28 **relationship with the applicant.**

29 (c) The process for appealing a decision relative to the granting of general assistance.

30 (d) The process for the application of rents under RSA 165:4-b, if the municipality uses
31 the offset provisions of RSA 165:4-a.

(e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e.

(f) A statement describing the municipality's policy for referring residency disputes to the inter-municipal hearing process pursuant to RSA 165:2-a when an applicant is believed to be a resident of another New Hampshire municipality or of a jurisdiction outside New Hampshire.

III. Non-residents of the town or city who have left their town of origin due to domestic violence, stalking, sexual assault, or human trafficking shall not be disqualified due to residency.

IV.(a) Upon adoption by the local governing body, the municipality shall establish financial standards, including allowable amounts for basic allowable costs, in its local welfare guidelines. Such standards shall reflect prevailing local market costs by household size. The municipality shall review such standards annually and adjust if necessary to reflect changes in local market costs. Such standards shall be based on objective cost information that is publicly available or issued by service providers or governmental entities. Allowable amounts for permanent housing shall not be construed to govern temporary emergency housing assistance, which shall be evaluated using local or regional market rates applicable to available temporary emergency housing placements at the time of the emergency.

(b) Nothing in this paragraph or RSA 165:1-f shall be construed to prohibit the welfare official from authorizing, on a documented, case-by-case basis, a deviation as necessary to relieve a basic needs emergency or avert a more costly future need for assistance, provided that no less costly available alternative is sufficient. Any such deviation shall not be construed to create an entitlement and shall not be considered precedential.

~~[H.]~~ V. Whenever a town provides assistance under this section, no such assistance shall be provided directly to a person or household in the form of cash payments.

2 New Section; Temporary Emergency Assistance. Amend RSA 165 by inserting after section 1-e the following new section:

165:1-f Temporary Emergency Assistance. The welfare official shall provide temporary emergency assistance for up to 6 days to individuals, as necessary to relieve a basic needs emergency. Such temporary assistance shall be provided to individuals temporarily in the town or city and for the purpose of obtaining proof of residency, completing an application to the municipality of origin, or coordinating with such municipality. If the municipality initiates the inter-municipal hearing process under RSA 165:2-a to determine residency and financial responsibility, temporary emergency assistance shall be extended until a final decision on residency or

responsibility is rendered by the hearing officer pursuant to RSA 165:2-a, III, provided the applicant remains in compliance with the municipality's general assistance guidelines. The provision of temporary emergency assistance under this subdivision shall not, for local welfare purposes, be construed as establishing residency in the municipality where the assistance is rendered.

3 Expense of General Assistance. Amend RSA 165:2-a to read as follows:

165:2-a Expense of General Assistance.

I. The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application [~~resides~~] ***has residence for local welfare purposes, as defined in RSA 165:1 and RSA 21:6-a***, except as otherwise provided in RSA 165:1-c.

II. *Whenever any town or city assists a person pursuant to this chapter who is believed to be a resident of another New Hampshire municipality or outside of New Hampshire, the assisting municipality shall:*

(a) *Contact the welfare official for the alleged municipality of residency to seek reimbursement for the costs of relieving and maintaining the applicant person;*

(b) *Request the municipality of residency undertake ongoing relief and maintenance of the applicant pursuant to the municipality of residency's welfare guidelines; or*

(c) *Request a hearing to determine the residency of the assisted person.*

III. *Hearings conducted pursuant to subparagraph II(c) shall be conducted by an agreed-upon current or former welfare official of a third municipality, with the consent of such welfare official, or an attorney familiar with this chapter. The hearing shall be conducted according to the fair hearing provisions described by the welfare guidelines of the alleged municipality of residency, except that the hearing may be conducted by telephone or video conference by agreement of the participants.*

IV. *If the hearing results in a determination that another municipality is responsible for providing the assistance, that municipality shall reimburse the assisting municipality for the costs of assistance previously rendered at the rate consistent with that municipality's welfare guidelines, and shall either:*

(a) *Continue to reimburse the assisting municipality so long as the person remains in need of assistance; or*

(b) *Undertake relief and maintenance of the assisted person according to that municipality's welfare guidelines.*

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

2026-1207s

AMENDED ANALYSIS

This bill enables municipalities to establish residency requirements for local assistance, requires short-term emergency aid while residency is verified, requires special consideration of individuals who have left their town of origin due to domestic or sexual violence, and establishes an administrative process for resolving financial responsibility among municipalities.

Docket of HB348		
01/08/2025	H	Introduced 01/08/2025 and referred to Municipal and County Government HJ 2 P. 16
01/15/2025	H	Public Hearing: 01/23/2025 11:15 am LOB 301-303
01/22/2025	H	Executive Session: 01/30/2025 02:00 pm LOB 301-303
01/31/2025	H	Retained in Committee
09/03/2025	H	Executive Session: 09/24/2025 01:00 pm GP 154
11/13/2025	H	Majority Committee Report: Ought to Pass with Amendment # 2025-0154h 09/24/2025 (Vote 9-8; RC) HC 51 P. 42
11/13/2025	H	Minority Committee Report: Inexpedient to Legislate
01/08/2026	H	Amendment # 2025-0154h: AA VV 01/08/2026 HJ 2
01/08/2026	H	Ought to Pass with Amendment 2025-0154h: MA RC 190-157 01/08/2026 HJ 2
01/15/2026	S	Introduced 01/07/2026 and Referred to Election Law and Municipal Affairs; SJ 2
02/18/2026	S	Hearing: 03/03/2026, Room 122-123, SH, 09:30 am; SC 7
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1207s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 348, relative to eligibility for local assistance.

Hearing Date: March 3, 2026

Time Opened: 9:30 a.m.

Time Closed: 10:17 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort and Long

Members of the Committee Absent: Senator Perkins Kwoka

Bill Analysis: This bill provides that municipalities may establish a residency requirement of up to 90 days for local assistance.

Sponsors:

Rep. Rhodes
Rep. Osborne
Rep. Bogert
Sen. Innis

Rep. Lynn
Rep. Sweeney
Rep. Roy
Sen. Abbas

Rep. McFarlane
Rep. Berry
Sen. Gannon

Who supports the bill: 6 people signed in in support of this bill. For the complete list of names please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov.

Who opposes the bill: 412 people sign in opposed to this bill. For the complete list of names please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov.

Who is neutral on the bill: 4 people sign in neutral on this bill. For the complete list of names please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov.

Summary of testimony presented:

Representative Jennifer Rhodes-Cheshire - District 17

- This bill aims to amend RSA 165, which will alter the requirements for participation in local assistance by redefining what constitutes residency.
- Towns have some discretion in how they apply relief, but the rest of it is determined by the state. One of those requirements set by the state is the residency requirement.
- Citizens of New Hampshire take priority in relief by municipalities.
- When drafting this bill, they tried to keep it as an option for towns if they chose to adopt it.

- Rep. Rhodes acknowledged that the language of the bill, as it is currently written, has some unintended consequences. For example, she believes the bill could be used for “assistance shopping,” but she added that she thinks Senator Gray's amendment addresses this issue.
- Rep. Rhodes expressed concerns about how the bill handles individuals fleeing domestic violence and believes this issue is also covered in Senator Gray's amendment.
- Rep. Rhodes said intermunicipal hearings aren't needed, but she hasn't heard all the supporting arguments yet and is open to changing her mind.
- During the last biennium, Town A could seek reimbursement from Town B if it did not receive assistance. From her experience, she observed that towns can get confused about whether someone qualifies for aid from another town, since eligibility criteria like car payments can differ. She argued that forcing a town to reimburse could set a risky precedent, possibly undermining local control.

Senator Gray cited his amendment, stating that if a person is found to be a resident of another locality, that locality will reimburse them at that locality's rate. For example, if the locality does not cover car payments then they wouldn't reimburse the other locality for a car payment. Then, Senator Gray asked Rep. Rhodes if this information would address the car payment concern as well.

Rep. Rhodes replied yes. She mentioned following a national guideline to set a cap on what a municipality can set. Instead of a specific limit, Rep. Rhodes requests that the amendment include an eligibility requirement, similar to that of other national programs.

Sarah Burke Cohen, NH Municipal Association

- The New Hampshire Municipal Association opposes the underlying bill but supports the Senator Gray amendment.
- The organization agrees that the local option of proof of residency is a local control issue, but disagrees with the limit cap because they believe it will lead to litigation due to the NH Constitution and various case law.
- The organization agrees with Amendment 0775s, which keeps the local option allowing towns to provide their own process for establishing proof of residency.
- Believes the amendment offers guardrails on how assistance is supported.

Senator Long raised a concern regarding respect for our homeless population, specifically questioning how residency status would be proven. Senator Long added to his first question on whether the municipality can turn down domestic violence claims if they had not been recorded or reported. Could that be a reason for a municipality to say they don't believe the claim of domestic violence?

Ms. Burke Cohen questioned to whom Senator Long referred when reporting.

Senator Long responded with police or other enforcement agencies.

Senator Gray said that line 30 provides the answer to Senator Long's question. He explained that line 30 is "with verification from a domestic violence center or services as identified in RSA 173:1."

Senator Long responded to Senator Gray and asked whether that includes stalking, sexual assault, and human trafficking.

Senator Gray replied yes.

Senator Rochefort mentioned SB 441 and then asked Ms. Burke Cohen what she believed was wrong with that bill.

Ms. Burke Cohen said she would provide her input, but ultimately deferred the question to local welfare administrators. She noted that a fair hearing process focused on an individual's "intent" can be problematic, as it lacks a method to verify if the applicant is lying without substantial evidence. So a fair hearing official would be making a decision based on a person's "intent".

Senator Rochefort replied that determining whether an applicant's word is truthful is not the main purpose of a hearing. Everyone has different perspectives, and assuming that everyone would lie in hearings shows a lack of understanding of these perspectives.

Ms. Burke Cohen replied that evidence is necessary for a fair hearing. Without it, municipalities will argue over intent. She gave an example of debating whether someone intended to move from Littleton to Berlin. Ms. Burke Cohen suggested that Todd Marsh might be better suited to answer that question.

Senator Gray pointed to the 72-hour period in the amendment, which ensures that someone in need will not be without assistance within that 72-hour period.

Ms. Burke Cohen said that is her understanding as well.

Stephen Tower NH Legal Assistance

- Mr. Tower mentioned that he has been involved in discussions with the Local Welfare Administrators regarding this bill.
- The primary issue in the bill is the gap that occurs when a residency application is denied. Mr. Tower described a scenario: if someone who previously lived in Tilton was evicted and then decided to stay in a hotel in Northfield and applied for assistance in Northfield, obtaining help could be difficult because Northfield's town hall might reasonably believe that the person is not a genuine resident of Northfield. Conversely, Tilton could argue that without a current lease or utility bill in Tilton, the person has no access to assistance from either town. Mr. Tower explained that this problem is caused by a gap in the language.
- The 72-hour assistance is helpful, but a gap remains. It states that a town may request a fair hearing, but it isn't required to. The issue is that there's a disincentive to request one because if they don't, they only need to cover

assistance for three days. Mr. Tower believes this could be fixed with some additional language.

- Mr. Tower said he agrees with the financial guardrail guidelines.
- Mr. Tower stated that he suggests altering the label for domestic violence. He also mentioned that “special consideration granted” is too vague.
- Mr. Tower explained that, from his broad perspective, if there are residency requirements, then anytime there is a residency dispute, there is a potential for families and seniors who will go without assistance.

Judith Jones, New Futures and The NH Alliance for Healthy Aging

- Older adults are experiencing poverty at higher rates than other groups since COVID.
- If the goal is to get assistance to the individuals who need it, the majority of those needing it will be older adults.
- Ms. Jones stated her testimony is on behalf of the small group in Antrim who her organization spoke to who need the help, and individuals who do not have an easy way to ask for the assistance.

Sam Hawkins, NAMI NH

- Opposes this bill.
- Mr. Hawkins pointed out that unnecessary barriers exist for those in need to overcome.
- Incarceration, residential treatment, and hospitalization create challenges in collecting documents to prove residency and reentering the community. For these individuals in a vulnerable state, asking them to gather this information quickly could put them at risk.

Senator Long inquired of Mr. Hawkins about his impression of the hearing process regarding the amendment and asked if he found it easier to handle than the bill.

Mr. Hawkins said he didn't have time to review the amendment and wanted to focus again on the idea that the obstacles are burdensome for someone in need of assistance.

Jennifer Chisholm, NH Coalition to End Homelessness

- The organization is concerned about the bill and the amendment.
- She explained that people experiencing homelessness often lack access to the documents required for proving residency.
- Ms. Chisholm highlighted her experience in case management and outreach and explained that often the people she works with don't have cars, and if they did, they often had vehicles registered to addresses where they did not live, like a friend's or family member's residence.

- Appreciates that the amendment expands documents, but it still excludes homeless populations who are not connected with service providers or are afraid of repercussions from the justice system, such as losing custody of their children.
- The 72-hour assistance program is concerning because it's not enough time to navigate the system and organize the documentation. The bill isn't fair because of the time constraints.

Nick Taylor, Housing Action New Hampshire

- Mr. Taylor opposes the underlying bill and the parts of the amendment that involve documentation requirements and the 72-hour requirement. This shifts the burden of proof to the applicant rather than relying on the fair hearing process.
- Mr. Taylor emphasizes the importance of ensuring you are a resident of the town where you receive aid, but the problem is the burden shifting from the fair hearing to the applicant.
- Mr. Taylor referenced Senator Rochefort for mentioning SB 441 earlier for relevance.
- If there are issues in the hearing process, those issues should be addressed there rather than used to challenge applicants.
- Mr. Taylor stated that maintaining strict control over whether individuals fleeing domestic violence or homelessness is very challenging.

Senator Long asked whether Mr. Taylor is familiar with SB 441.

Mr. Taylor said he is vaguely familiar.

Senator Long explained that it is a request for a hearing. He then questioned what Mr. Taylor thinks of that.

Mr. Taylor replied that it seems like a better approach rather than imposing the burden on the applicant to provide the documentation within the 72-hour window. He reiterated his position by emphasizing the importance of making the hearing process more effective.

Todd Marsh, President of the New Hampshire Local Welfare Administrators Association

- The Association opposes this bill as passed by the House.
- Mr. Marsh stressed that the easiest way to maintain the current law is by leaving it unchanged. Although RSA 165:1 has some issues, it is still the clearest option within the current framework. However, if this bill is to move on, he believes there needs to be practical guardrails.
- Mr. Marsh praised the amendment introduced by Senator Gray for its ability to establish a more practical middle ground to offer temporary assistance.
- We need to allow a fair process for unconventional residency changes.

- Mr. Marsh stated that the amendment has a practical dispute process.
- Limits make sense as a way to support against extremes.
- The association will support the bill if the current law remains unchanged. They are also open to modifying the language of the intermunicipal agreement if there is interest. Additionally, if there is a desire to go further, the association will support Senator Gray's amendment.
- Mr. Marsh said that the association would like to be involved in the ongoing process of working on this.

Senator Long pointed out that people at the homeless shelter in Manchester are issued driver's licenses and noted that those with a driver's license list an address of 39 Beach Street in Manchester. He then asked if Mr. Marsh agrees that having this address on the license does not necessarily confirm residency, as the person may not actually live at that address.

Mr. Marsh replied that he agreed with that, and under current law, homeless shelters or warming centers do not constitute residency for local assistance purposes.

Senator Rochefort inquired about what the HHS committee got wrong with SB 441.

Mr. Marsh mentioned that he doesn't think the committee got SB 441 wrong, but that its language aligns more closely with SB 348. Without the amendment, a fair hearing official would have to infer "intent" without supporting documents. Generally, decisions will hinge solely on "intent" unless specific exceptions apply. Even if the individual has been present for 24 hours, references to "intent to stay" will take precedence over other factors. Under current law, Town A would lose 90% of hearings if the person states, "Yes, I came from that town, but I've been here for 24 hours, and I intend to stay here."

HB 488 - AS AMENDED BY THE HOUSE

8Jan2026... 3045h

8Jan2026... 0029h

2025 SESSION

25-0758

07/11

HOUSE BILL

488

AN ACT relative to limiting conflicts of interest and concentrations of power for municipal board and committee members.

SPONSORS: Rep. Spilsbury, Sull. 3

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill limits conflicts of interest and excessive concentration of power for municipal board and committee members.

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 488 - AS AMENDED BY THE HOUSE

8Jan2026... 3045h

8Jan2026... 0029h

25-0758

07/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to limiting conflicts of interest and concentrations of power for municipal board and committee members.

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

1 1 Incompatibility of Offices. RSA 669:7 is repealed and reenacted to read as follows:

2 669:7 Incompatibility of Offices.

3 I.(a) No person shall at the same time hold any 2 of the following offices: selectman,
4 treasurer or deputy treasurer, moderator, trustee of trust funds, collector of taxes, finance director or
5 equivalent position, auditor, highway agent, and head of the town's police or fire department.

6 (b) No town clerk or deputy town clerk shall hold any other elected or appointed office
7 other than tax collector, if authorized as provided in RSA 41:45-a. No deputy town clerk shall hold
8 any other elected or appointed office other than deputy tax collector, if authorized as provided in
9 RSA 41:45-c. Notwithstanding these requirements, a town clerk or deputy town clerk may serve as a
10 school district clerk.

11 (c) No town employee or department head shall at the same time hold the office of
12 selectman.

13 (d) No town manager or town administrator shall at the same time hold any other office
14 listed in subparagraph (a), other than tax collector when authorized under RSA 37:16.

15 (e) No selectman may also serve as a member of a board of assessors elected pursuant to
16 RSA 41:2-c.

17 (f) No official handling funds of a town shall at the same time hold the office of auditor.

18 (g) No selectman, moderator, town clerk, deputy town clerk, or inspector of elections
19 shall at the same time serve as a supervisor of the checklist.

20 (h) No selectman, town manager, town administrator, member of a school board, village
21 district commissioner, employee, or department head of the town shall serve on their respective town
22 or school advisory budget or finance committee under RSA 32:24. Municipal office limitations for
23 members-at-large of a municipal budget committee shall be as expressly provided in RSA 32:15, V.

24 (i) No municipal employee working in a capacity that provides support for a local land
25 use board established under RSA 673 may serve on a local land use board of the same municipality
26 or conservation commission established under RSA 36-A of the same municipality.

27 (j) No municipal employee or department head shall serve on a planning board or zoning
28 board of adjustment, except as expressly provided in RSA 673:2.

HB 488 - AS AMENDED BY THE HOUSE

- Page 2 -

1 II. No person shall at the same time file a declaration of candidacy for any 2 or more elected
2 offices that are incompatible under paragraph I. A person may file a declaration of candidacy for an
3 elected office that is incompatible under paragraph I with an office the person currently holds only if
4 the term of the held office does not extend beyond the date of the election for which the declaration of
5 candidacy is filed.

6 III. The provisions of paragraph I shall not be construed to prevent the transfer between
7 offices of information obtained in the regular conduct of business nor to prevent the personnel in any
8 office from furnishing clerical assistance to any other office.

9 IV. This section shall not prevent a member of the governing body from serving as an ex
10 officio on any committee over which the governing body has supervisory responsibility.

11 V. Alternates for any board shall be treated as a regular member in the same manner for the
12 purposes of this section.

13 2 Applicability; Conflicting Positions Pursuant to RSA 669:7.

14 On the effective date of RSA 669:7, as amended by section 1 of this act, members of boards and
15 committees holding conflicting positions may remain in those positions until the next municipal
16 elections are held.

17 3 Effective Date. This act shall take effect upon passage.

Docket of HB488		
01/14/2025	H	Introduced (in recess of) 01/09/2025 and referred to Municipal and County Government HJ 3 P. 12
01/15/2025	H	Public Hearing: 01/23/2025 01:20 pm LOB 301-303
01/22/2025	H	Executive Session: 01/30/2025 02:00 pm LOB 301-303
01/31/2025	H	Retained in Committee
09/03/2025	H	Full Committee Work Session: 09/24/2025 09:00 am GP 154
09/03/2025	H	==RECESSED== Executive Session: 09/24/2025 01:00 pm GP 154
10/08/2025	H	==CONTINUED== Executive Session: 10/28/2025 11:00 am GP 154
11/13/2025	H	Committee Report: Ought to Pass with Amendment # 2025-3045h (NT) 10/28/2025 (Vote 15-1; RC) HC 51 P. 42
01/08/2026	H	Amendment # 2025-3045h (NT): AA VV 01/08/2026 HJ 2
01/08/2026	H	FLAM # 2026-0029h (NT) (Rep. Pauer): AA VV 01/08/2026 HJ 2
01/08/2026	H	Ought to Pass with Amendment 2025-3045h and 2026-0029h: MA DV 320-22 01/08/2026 HJ 2
01/15/2026	S	Introduced 01/07/2026 and Referred to Election Law and Municipal Affairs; SJ 2
03/04/2026	S	Hearing: 03/10/2026, Room 122-123, SH, 09:30 am; SC 9
03/19/2026	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 03/26/2026; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 488, relative to limiting conflicts of interest and concentrations of power for municipal board and committee members.

Hearing Date: March 10, 2026

Time Opened: 9:36 a.m.

Time Closed: 9:53 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill limits conflicts of interest and excessive concentration of power for municipal board and committee members.

Sponsors:
Rep. Spilsbury

Who supports the bill: Rep. Walter Spilsbury, Rep. Daniel Popovici-Muller, Kate Horgan, Cory Stone, Eric Pauer, Jennifer Favreau, Marjorie Boyer,

Who opposes the bill: Daniel Healey, Brodie Deshaies, Bebe Casey, Janet Kidder, Daniel Richardson, Celeste Cook, Clara Sheehy, John Sheehy, Jennifer Cormier, Cordell Johnston, Tami Lanzillo Zeimetz

Summary of testimony presented:

Representative Walter Spilsbury, Sullivan - District 3, Prime Sponsor

- HB 1124 (2024) is a previous version of this bill that passed the House, but the Senate referred it to Interim Study.
- The House retained this bill and made 19 changes last fall to create a bipartisan amendment. After these adjustments, the bill then passed the full House with a vote of 320-22.
- The bill aims to prevent conflicts of interest and excessive power among town officials.
- Department heads in his town also sit on the finance committee and can vote on their own budget and salary. There are also situations where planning board members serve on the finance committee.

- HB 488 and RSA 669:7 together emphasize a reduction in authority for town clerks. Town clerks can serve as tax collectors, but should not hold multiple other roles simultaneously.
- The bill addresses the limitations related to the planning board, the finance committee, and the formal statutory budget committee.
- Although he is comfortable with the bill as it is, he is willing to work on modifications with the committee.
- Noted that the suggestions from the New Hampshire Municipal Association (NHMA) are systematic regarding the problem the bill aims to address and should be ignored.

Senator Rochefort mentioned that six of the ten least populous towns are in his district, and what he's hearing is that they're not trying to stack the deck, but the variety of candidates running for town positions is low. He gave the example of Ellsworth, which has only 80 residents. He asked how the bill would address issues faced by low-population towns that lack a pool of candidates.

Rep. Spilsbury stated that many organizations and clubs with 80 members can staff their officer positions. In a town of 80, the population must be actively involved in the town.

Senator Gray stated he did not notice any differences between HB 1124 and HB 488. He mentioned that the content remained the same as when the Senate rejected the bill. Senator Gray asked if Rep. Spilsbury could comment on that observation.

Rep. Spilsbury stated he recalled three issues that have been addressed with this version. He said he attempted to remove "if authorized as provided in RSA 414:5-a" on line 7 to avoid limiting it to just one scenario, however, the House County and Government Committee thought otherwise and decided to keep it. Rep. Spilsbury added that if this committee decided to drop it, he believes this would still be a good bill.

Senator Gray asked why localities cannot just issue their own prohibition against incompatible offices.

Rep. Spilsbury stated it is possible for the municipalities, but that situation depends on whether there is a motive and how the town leaders steer their towns.

Senator Gray asked whether a petition warrant article could provide the limitation.

Rep. Spilsbury said that it is definitely possible, but then someone would need to take up the cause and go through that process. The legislature has acknowledged that we have an important reason to remove incompatible offices; the question is whether to address that with HB 488.

Dan Healey, Nashua City Clerk, NH City and Town Clerks Association, and the NH Tax Collectors Association

- Mr. Healey said that both organizations he represents oppose this bill.
- The bill will impact smaller communities more than larger ones.
- Clerks hold multiple roles, especially in small communities; without that, problems will arise.
- Towns struggle to fill zoning boards in the first place.
- Mr. Healey explained that in small communities, when a clerk is elected, the tax collector is then appointed. If the tax collector were to resign and the clerk could not assume both roles, the municipality would be unable to continue functioning.
- If a community perceives a conflict, a petitioned warrant article can be used to merge positions.
- Mr. Healey said more clerks would be present at this hearing if not for the town elections today.

Brody Deshaies, NH Municipal Association

- Mr. Deshaies stated that the New Hampshire Municipal Association opposes this bill.
- The current law clearly outlines conflict-of-interest procedures for officials managing or overseeing funds. These rules have mostly remained unchanged since 1979, when the original conflicts of interest statutes were enacted. RSA 31:30-a was also adopted, allowing localities to determine what is best for their communities. This prevents legislation from needing to address every specific situation.
- Finance directors often serve as the town administrator.
- The way SB 488 is written suggests office conflicts for multiple municipalities. Mr. Deshaies believes this should be addressed before the bill moves forward.
- This bill would prevent municipal employees, including those in roles like a heritage commission that only provide objective advisory opinions to the planning board, from handling local land use decisions.
- After considering the comments from the prime sponsor, NHMA will withdraw the amendment they had and will not move forward with it.

HB 1044 - AS AMENDED BY THE HOUSE

5Feb2026... 0069h

2026 SESSION

26-2403

08/06

HOUSE BILL

1044

AN ACT relative to the filling of vacancies in the office of a county commissioner.

SPONSORS: Rep. Turcotte, Straf. 4; Rep. Burnham, Straf. 2; Rep. Bailey, Straf. 2; Rep. Walker, Straf. 19; Rep. DeRoy, Straf. 3; Rep. Harrington, Straf. 18; Rep. Ankarberg, Straf. 7; Rep. Farrington, Straf. 8; Rep. Potenza, Straf. 19; Rep. Granger, Straf. 2; Sen. Gray, Dist 6

COMMITTEE: Municipal and County Government

ANALYSIS

 This bill requires a vacancy in the office of county commissioner to be filled by the members of the county convention.

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-Six

AN ACT relative to the filling of vacancies in the office of a county commissioner.

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

- 1 1 County Officers; Vacancies. Amend RSA 661:9, II(a) to read as follows:
- 2 (a) If a vacancy occurs in the office of a county commissioner, ~~[the members of the county~~
- 3 ~~convention, or, if the vacancy occurs in Hillsborough county,~~ the members of the county convention
- 4 representing the cities and towns in the commissioner's district, shall fill the vacancy by a majority
- 5 of the ballots cast until the next biennial election of county officers. If the term ***of office*** filled ***by***
- 6 ***the procedure in this subparagraph extends beyond the date of the next biennial election*** ~~[is~~
- 7 ~~less than the unexpired term]~~, then notwithstanding any provisions of RSA 653:1, VI, the ***office of a***
- 8 ***county*** commissioner ~~[district filled pursuant to this paragraph]~~ shall be added to the next biennial
- 9 election ballot to be ~~[chosen]~~ ***elected*** by the voters of the county ~~[for a 2-year term]~~ ***commissioner's***
- 10 ***district to serve the remainder of the unexpired term associated with that office.***
- 11 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1044

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

2
3 1 County Officers; Vacancies. RSA 661:9, II is repealed and reenacted to read as follows:

4 II.(a) If a vacancy occurs in the office of a county commissioner, the members of the county
5 convention shall fill the vacancy as follows:

6 (1) If voting for the commissioners in the biennial election is not by district or is not
7 restricted to residents of the district, all of the county convention members shall vote to fill the
8 vacancy by a majority of the ballots cast until the next biennial election of county officers.

9 (2) If the commissioners of the county in the biennial elections are elected by district
10 and voting for the commissioner is restricted to residents of the district, only members of the county
11 convention who represent city wards or towns in the district shall be eligible to vote.

12 (3) If limiting the vote to county convention members representing city wards and
13 towns in the district results in fewer than 3 members eligible to vote for the vacancy, all members of
14 the county convention are eligible to vote for the vacancy.

15 (4) If the term filled is less than the unexpired term, then notwithstanding any
16 provisions of RSA 653:1, VI, the commissioner district filled pursuant to this paragraph shall be
17 added to the next biennial election ballot to be chosen by the voters of the county for the remainder
18 of the term. The person elected shall take office at the next meeting of the county commissioners
19 after any recount is completed.

20 (b) The provisions of subparagraph (a) shall apply only where the vacancy occurred no
21 later than 30 days preceding the printing of the ballots for the primary election.

22 (c) The provisions of RSA 655:32 and RSA 655:37, relating to nominations by
23 appropriate party committees for vacancies in an office on a primary or general election ballot,
24 respectively, shall apply to vacancies to be filled under this paragraph.

Amendment to HB 1044
- Page 2 -

2026-1205s

AMENDED ANALYSIS

This bill requires a vacancy in the office of county commissioner to be filled by the members of the county convention and allows district-based voting where applicable.

Docket of HB1044		
11/07/2025	H	Introduced 01/07/2026 and referred to Municipal and County Government HJ 1
01/08/2026	H	Public Hearing: 01/13/2026 10:00 am GP 154
01/22/2026	H	Executive Session: 01/13/2026 10:00 am GP 154
01/29/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0069h 01/20/2026 (Vote 18-0; CC) HC 5 P. 10
02/05/2026	H	Amendment # 2026-0069h: AA VV 02/05/2026 HJ 3
02/05/2026	H	Ought to Pass with Amendment 2026-0069h: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Election Law and Municipal Affairs; SJ 4
03/04/2026	S	Hearing: 03/10/2026, Room 122-123, SH, 10:00 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1205s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1044, relative to the filling of vacancies in the office of a county commissioner.

Hearing Date: March 10, 2026

Time Opened: 10:13 a.m.

Time Closed: 10:28 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill requires a vacancy in the office of county commissioner to be filled by the members of the county convention.

Sponsors:

Rep. Turcotte

Rep. Burnham

Rep. Bailey

Rep. Walker

Rep. DeRoy

Rep. Harrington

Rep. Ankarberg

Rep. Farrington

Rep. Potenza

Rep. Granger

Sen. Gray

Who supports the bill: Senator James Gray, Rep. Len Turcotte, Rep. Daniel Popovici-Muller, Cory Stone, Daniel Richardson, Eric Pauer

Who opposes the bill: Commissioner Joe Osgood, Commissioner Steve Shurtleff, Commissioner Toni Pappas, Commissioner Terry Clark, Commissioner Claudia Stewart, Commissioner Katie Wood Hedberg, Commissioner Lovlien, Kate Horgan, Jennifer Favreau, Margaret Thornbury, Marjorie Boyer, Tami Lanzillo Zeimetz

Summary of testimony presented:

Representative Len Turcotte, Strafford - District 4, Prime Sponsor

- This bill came out of the House Municipal and County Committee 18-0, Ought to Pass with Amendment.
- In Hillsborough County, a vacant commissioner seat is appointed by a majority vote of only those members of the county convention who represent the cities and towns within the specific district of the vacant seat. While in the other 9 counties, the vacant seat is filled by a majority vote of the full county convention.

- When a commissioner in Strafford County moved out of state, their seat became vacant. The full county convention, comprising of 60% Democrats and 40% Republicans, appointed a replacement in accordance with current law. This seat was in a district that leans Republican. Under this bill, the vacancy would have instead been filled by members of the seat's county district delegation.
- This bill mimics the current Hillsborough County procedure and would bring the other 9 counties in line with that procedure.
- Rep. Turcotte stated the bill reflects bipartisan agreement.

Senator Long clarified that only the delegates from that district's vacant seat would vote to fill the vacant commissioner's position.

Rep. Turcotte confirmed that it is the case, just like Hillsborough County has been doing.

Senator Long asked whether there would be a meeting of those delegates.

Rep. Turcotte replied that he would imagine that would be the situation.

Senator Long asked who would be responsible for calling the meeting.

Rep. Turcotte replied that he believes the chair would be responsible.

Senator Gray added a correction to earlier testimony. Senator Gray clarified that another county uses an at-large voting process.

Rep. Turcotte replied yes, saying he should have clarified that Strafford is the only county that didn't elect by district.

David Lovlien, Jr., Merrimack County Commissioner - District 3

- Opposes this bill.
- County Commissioners serve the entire county, not just individual towns, cities or districts. County-wide participation is appropriate.
- Current law allows the full county convention to fill a vacancy, ensuring broad representation.
- The Hillsborough County process works for that county because it is an exception due to its large size.
- The decision to fill a vacancy should not be left to just a few officials. Restricting a district to a subset of legislators, or potentially to a single individual, weakens democratic accountability.
- Counties vary by size and population and one-size-fits-all government does not work for every county.
- District-only selection leads to unequal representation and can alter fairness.
- The current system works. It is effective, transparent, and is representative.
- This bill seeks to eliminate a process without a suitable alternative.

Senator Gray asked Mr. Loveland if he would believe that, being represented by one of the districts in Rochester, that he doesn't believe that it is fair, he doesn't believe that it is representative, and he doesn't believe it is in the best interest of the citizens.

Commissioner Lovlien replied that he will defer all questions to the NH Association of Counties.

Kate Horgan, NH Association of Counties

- NH Association of Counties opposes this bill.
- The main concern is for smaller counties, like Coos, which lost five representatives during the last redistricting. If that trend continues in the next redistricting, it's possible that a single individual could hold an entire county commissioner district. Theoretically, they could appoint themselves as the commissioner and give themselves a pay raise, and no one could stop them.
- Hillsborough County, now with 123 representatives, codified its process into law after facing difficulties in securing quorums in the 1970s. It was easier for the county to gather representatives from individual districts than to assemble the entire delegation.

Senator Gray asked whether all the counties now use districts to represent county commissioners.

Ms. Horgan confirmed that they do. Carroll and Sullivan Counties elect at-large.

Senator Gray asked if, after the last election, there had been a change in the law requiring county commissioners to live in the district, and also whether only the voters of that district are allowed to vote on that seat.

Ms. Horgan confirmed that there is such a law in Strafford County

Senator Gray asked when there was a vacancy, who was able to vote for that vacancy.

Ms. Horgan said the Strafford County delegation had the eligibility to vote as every other county would. Vacancies are not common.

Senator Gray said that the only thing this bill changes is who votes for the commissioner. Instead of other districts making the decision, the representatives from the towns in that district will vote, and those representatives were originally elected by the people in those towns.

Ms. Horgan said the concern remains that, in a small county, one state representative could appoint themselves as Commissioner.

Senator Gray said he would like to see evidence of that. Senator Gray recognized that Coos County has 9 commissioners and that they could overlap.

Ms. Horgan responded that the bill does not address how overlaps would occur. She explained that if Coos County continues to lose representatives, the next redistricting could lead to fewer representatives for smaller towns, with the concentration of state

representatives in Berlin. As a result, one person might end up representing an entire county commissioners' district.

Senator Gray asked whether the requirement was three commissioners in Coos County.

Ms. Horgan explained that Coos County has three county commissioners, but one has resigned. Typically, representatives concentrate in Berlin, so someone without ties to Berlin could appoint themselves as a commissioner. This situation might allow a single representative to appoint themselves as commissioner and potentially secure a pay increase.

Senator Gray asked how they would give themselves a raise.

Ms. Horgan said that if they voted themselves in a county commissioner position, they would be giving themselves a pay raise.

Senator Rochefort helped clarify that Ms. Horgan is saying the county commissioner's salary is much higher than a state representative's pay.

Ms. Horgan concurred with Senator Rochefort's assessment and affirmed that this was her intended explanation in her testimony

HB 1246 - AS INTRODUCED

2026 SESSION

26-2738

04/09

HOUSE BILL **1246**

AN ACT relative to planning board members serving on other local boards.

SPONSORS: Rep. Fracht, Graf. 16; Rep. Aylward, Merr. 5; Rep. Stavis, Graf. 13; Rep. Pauer, Hills. 36

COMMITTEE: Municipal and County Government

ANALYSIS

This bill mandates that a member of a planning board, who also serves on a zoning board, may only participate and vote on one board when an application or development project is heard by both boards.

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-Six

AN ACT relative to planning board members serving on other local boards.

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

1 1 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I to read as
2 follows:

3 I. Any 2 appointed or elected members of the planning board in a city or town may also serve
4 together on any other municipal board or commission, except that no more than one appointed or
5 elected member of the planning board shall serve on the conservation commission, the local
6 governing body, or a local land use board as defined in RSA 672:7. ***A member who also serves on a***
7 ***zoning board of adjustment shall recuse from voting on any matter previously decided by***
8 ***that board in a quasi-judicial capacity in which the member participated as a voting***
9 ***member.***

10 2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1246		
12/01/2025	H	Introduced 01/07/2026 and referred to Municipal and County Government
01/14/2026	H	Public Hearing: 01/20/2026 11:05 am GP 154
01/22/2026	H	Executive Session: 01/20/2026 11:05 am GP 154
01/29/2026	H	Committee Report: Ought to Pass 01/20/2026 (Vote 18-0; CC) HC 5 P. 11
02/05/2026	H	Ought to Pass: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Election Law and Municipal Affairs; SJ 4
03/04/2026	S	Hearing: 03/10/2026, Room 122-123, SH, 09:15 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 5-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1246, relative to planning board members serving on other local boards.

Hearing Date: March 10, 2026

Time Opened: 9:17 a.m.

Time Closed: 9:22 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill mandates that a member of a planning board, who also serves on a zoning board, may only participate and vote on one board when an application or development project is heard by both boards.

Sponsors:

Rep. Fracht

Rep. Aylward

Rep. Stavis

Rep. Pauer

Who supports the bill: Rep. David Fracht, Bob Quinn, Cory Stone, Daniel Richardson, Eric Pauer, Jennifer Favreau, Marjorie Boyer, Suzanna Derynioski

Who opposes the bill: Tami Lanzillo Zeimetz

Summary of testimony presented:

Rep. David Fracht-Grafton 16

- This bill is a companion bill to HB 92 (2025), but from the viewpoint of a planning board member, not a zoning board member.
- This allows someone to serve on both a planning board and a zoning board of adjustment but prevents them from sitting on cases that come before both bodies.
- Three hypothetical examples:
 - The planning board issues a decision, which is then appealed to the zoning board. The member who sits on both boards must recuse themselves.
 - A zoning board member who participates in granting a variance to applicant B cannot then serve as an alternate on the planning board considering the same project.

- A planning board member participates in a subdivision application that has previously been granted a variance by the zoning board. The planning board's approval depends on the applicant obtaining another variance from the zoning board. The same member cannot serve as an alternate on the zoning board to hear the second variance because they have already expressed an opinion while on the planning board.
- Considers this a solid government bill that addresses a specific procedural issue in local land-use decision processes.
- This provides a clear rule to ensure the accuracy of local volunteers' records, uphold impartiality, and improve clarity. It also protects boards and municipalities and lessens costly appeals caused by procedural mistakes.

Senator Rochefort asked about the hypothetical examples and inquired whether he had encountered any real cases in which this issue occurred.

Rep. Fracht said these are real examples, and he has seen this in his town, which is Enfield.

HB 1296 - AS AMENDED BY THE HOUSE

5Feb2026... 0152h

2026 SESSION

26-2825

07/08

HOUSE BILL **1296**

AN ACT relative to the conditions for, and procedures for the adoption of, the elderly tax exemption.

SPONSORS: Rep. E. Kelly, Merr. 8; Rep. Almy, Graf. 17; Rep. Ames, Ches. 13; Rep. Caplan, Merr. 8; Rep. Cloutier, Sull. 6; Rep. Damon, Sull. 8; Rep. Hakken-Phillips, Graf. 12; Rep. Popovici-Muller, Rock. 17; Rep. Wallner, Merr. 19

COMMITTEE: Municipal and County Government

ANALYSIS

This bill raises the income and asset value minimum thresholds for the elderly exemption tax credit.

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-Six

AN ACT relative to the conditions for, and procedures for the adoption of, the elderly tax exemption.

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

1 1 Taxation; Property Taxes; Conditions for Elderly Exemption. Amend RSA 72:39-a, I(b)-(c) to
2 read as follows:

3 (b) Had in the calendar year preceding said April 1 a net income from all sources, or if
4 married, a combined net income from all sources, of not more than the respective amount applicable
5 to each age group as determined by the city or town for purposes of RSA 72:39-b. Under no
6 circumstances shall the amount determined by the city or town be less than [~~\$13,400~~] **\$23,300** for a
7 single person or [~~\$20,400~~] **\$35,500** for married persons. The net income shall be determined by
8 deducting from all moneys received, from any source including social security or pension payments,
9 the amount of any of the following or the sum thereof:

10 (1) Life insurance paid on the death of an insured;

11 (2) Expenses and costs incurred in the course of conducting a business enterprise;

12 (3) Proceeds from the sale of assets.

13 (c) Owns, on December 31 in the calendar year preceding said April 1, net assets not in
14 excess of the amount determined by the city or town for purposes of RSA 72:39-b, excluding the
15 value of the person's actual residence and the land upon which it is located up to the greater of 2
16 acres or the minimum single family residential lot size specified in the local zoning ordinance. The
17 amount determined by the city or town shall not be less than [~~\$35,000~~] **\$60,900**. A city or town may
18 set a combined net assets amount for married persons in such greater amount as the legislative body
19 of the city or town may determine. "Net assets" means the value of all assets, tangible and
20 intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit,
21 and related structures such as an unattached garage or woodshed, which is the person's principal
22 home, and which the person in good faith regards as home to the exclusion of any other places where
23 the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached
24 structures used or intended for commercial or other nonresidential purposes.

25 2 New Paragraph; Taxation; Property Taxes; Conditions for Elderly Exemption. Amend RSA
26 72:39-a by inserting after paragraph III the following new paragraph:

27 IV. For tax years beginning April 1, 2026, the commissioner shall annually adjust the single
28 person net income, married person net income and net asset threshold amounts, rounding to the
29 nearest \$100 based on the 12-month percentage change in the Consumer Price Index for All Urban
30 Consumers, Northeast Region, as published by the Bureau of Labor Statistics, using the amount

HB 1296 - AS AMENDED BY THE HOUSE

- Page 2 -

published for the month of December in the year prior to the start of the tax year. The commissioner shall publish the updated threshold amounts by technical information release not later than March 15 preceding the tax year. The threshold amounts applicable to each municipality shall be those corresponding to the year of their most recent revaluation.

3 Taxation; Property Taxes; Procedure for Adoption and Modification of Elderly Exemption. Amend RSA 72:39-b, II to read as follows:

II. An elderly exemption, based on assessed value for qualified taxpayers, may be granted for a different dollar amount determined by the town or city, to a person 65 years of age up to 75 years, to a person 75 years of age up to 80 years, and to a person 80 years of age or older. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the town or city of not less than [~~\$13,400~~] **\$23,300** or, if married, a combined net income of not more than a dollar amount determined by the town or city of not less than [~~\$20,400~~] **\$35,500**; and own net assets not in excess of a dollar amount determined by the town or city of not less than [~~\$35,000~~] **\$60,900** excluding the value of the person's residence or, if married, combined net assets not in excess of a dollar amount determined by the town or city of not less than [~~\$35,000~~] **\$60,900** excluding the value of the residence. Under no circumstances shall the amounts of the exemption for any age category be less than [~~\$5,000~~] **\$8,600**. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

4 New Paragraph; Taxation; Property Taxes; Procedure for Adoption and Modification of Elderly Exemption. Amend RSA 72:39-b by inserting after paragraph II the following new paragraph:

III. A town or city that has previously adopted the provisions of RSA 72:39-a shall not be required to readopt its provisions following publication of updated threshold amounts, which shall only apply to increase but not to lower that municipality's exemptions notwithstanding RSA 72:27-a, IV, unless the municipality chooses to modify or rescind its adoption as set forth in RSA 72:27-a, III.

5 Applicability. The changes in elderly property tax exemptions, pursuant to RSA 72:39-a and RSA 72:39-b, as amended by this act, shall take effect beginning in the 2027 tax year.

6 Effective Date. This act shall take effect July 1, 2026.

Docket of HB1296		
12/01/2025	H	Introduced 01/07/2026 and referred to Municipal and County Government
01/08/2026	H	Public Hearing: 01/16/2026 10:45 am GP 154
01/22/2026	H	Executive Session: 01/16/2026 10:45 am GP 154
01/29/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0152h 01/20/2026 (Vote 17-1; CC) HC 5 P. 11
02/05/2026	H	Amendment # 2026-0152h: AA VV 02/05/2026 HJ 3
02/05/2026	H	Ought to Pass with Amendment 2026-0152h: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Election Law and Municipal Affairs; SJ 4
03/04/2026	S	Hearing: 03/10/2026, Room 122-123, SH, 09:45 am; SC 9
03/18/2026	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 03/26/2026; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1296, relative to the conditions for, and procedures for the adoption of, the elderly tax exemption.

Hearing Date: March 10, 2026

Time Opened: 9:54 a.m

Time Closed: 10:12 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill raises the income and asset value minimum thresholds for the elderly exemption tax credit.

Sponsors:

Rep. E. Kelly

Rep. Almy

Rep. Ames

Rep. Caplan

Rep. Cloutier

Rep. Damon

Rep. Hakken-Phillips

Rep. Popovici-Muller

Rep. Wallner

Who supports the bill: Rep. Eileen Kelly, Rep. Daniel Popovici-Muller, Daniel Richardson, Eric Pauer, David Carle, Jennifer Favreau, Ian Rogers, Dana Myskowski, Richard Hedrick, Elizabeth Fenner Lukaitis, Gary M Lukaitis, Mary Hakken-Phillips, Patricia Albano, Lauren Horner, Emily Karmen, Rebecca Courser, Colleen Murphy, Cory Stone, Anastasia Glavas, Jennifer Courser, Andrew Myers, Tami Lanzillo Zeimetz, Dawn McKinney, Suzanna Derynioski

Who opposes the bill: Brodie Deshaies, Julie Smith

Who is neutral on the bill: Jim Michaud

Summary of testimony presented:

Representative Eileen Kelly, Merrimack- District 8, Prime Sponsor

- This law was enacted in 1996 and has not been updated since 2003.
- The elderly tax exemption helps very low-income seniors who struggle to keep up with rapidly increasing property taxes.
- To qualify, seniors must have lived in NH for three consecutive years and meet income and asset requirements.
- Under current law, to qualify, the taxpayer must have an income of less than \$13,400, or \$20,400 if married, and assets of less than \$35,000.

- This bill proposes raising the eligibility income to \$23,300 for individuals and \$35,500 for married couples, with the asset limit increasing to \$60,900.
- 33 municipalities still operate within the amounts set by the state.
- This bill also proposes that the exemption amount will automatically increase each year in line with inflation.
- This wouldn't be a significant amount for towns to absorb.
- Property taxes have increased rapidly, making it harder for elderly citizens to keep up. This would help senior citizens stay in their homes longer. Potentially saving taxpayers money, especially at the county level.
- NH AARP endorses this bill.

Senator Rochefort noted that Rep. Kelly testified that the state sets the baseline amount, but towns can increase it if they want. Senator Rochefort asked if towns already have the authority to set higher amounts, why is there a need to reset the baseline?

Rep. Kelly said there are still 33 towns at the state baseline level, and this effort aims to raise the amount statewide.

Senator Rochefort responded that if they have the authority and see a need to act, they will move forward. Essentially, this suggests we are directing them to do so.

Rep. Kelly said that no town is required to adopt this program; they can choose not to participate.

Senator Gray said that, in his view, this is a mandate for towns because they can already adjust the amount. Senator Gray added that if he were to vote for this, he would expect feedback indicating that a town was forced to raise this amount.

Rep. Kelly stated that it isn't a mandate since the program is already in place; it simply raises the minimum amounts.

Senator Gray explained that his point is that participation would require increasing the amount from \$13,000 to \$23,000. He noted that this is a substantial increase and asked how she justifies this change.

Rep. Kelly said she guesses she can't from that viewpoint.

Brodie Deshaies, NH Municipal Association

- Opposes this bill only because they interpret it as requiring the new provisions for the elderly tax exemption without any voter input.
- NHMA is not opposed to increasing the elderly tax exemption, but this would raise costs without voter participation, and NHMA's stance is that the exemption should be readopted by the voters.

Senator Rochefort questioned why this legislation is needed if towns already have the authority to alter the baseline.

Mr. Deshaies said he cannot comment on the bill's motive, but he believes the intent was for the new baseline to automatically adjust for inflation without requiring additional approval every few years.

Senator Rochefort said we were told towns can adjust it however they wish.

Mr. Deshaies said he agrees that each year, they are able to do that. No matter what, consent from the voters should be required for any expansion of a tax exemption, whether for the elderly or any other subgroup in the municipality.

Senator Gray asked why we couldn't just remove all the minimum amounts and let the towns set their own income and asset limits. Wouldn't that be good enough?

Mr. Deshaies stated that allowing municipalities to set their own amounts might be a good solution. However, he suggests establishing a baseline that is no lower than the current level.

Jim Michaud, Hudson Town Assessor

- Takes no position on this bill.
- He reviewed the Department of Revenue Administration (DRA) website, which outlines the 2024 exemptions and credits. After examining them, he asked, "What portion of these income and amount limits would be overridden by this bill?" and concluded that roughly 48% of all NH municipalities would have some form of override.
- Mr. Michaud reviewed a handout he provided to the committee, outlining his concerns with the bill:
 - On page 1, lines 29 and 30, the bill does not specify which option the DRA should select.
 - On Page 1, lines 27 and 28, there is a 15% rise in income and asset thresholds over a five-year period, and asked what this would look like. Do the automatic Consumer Price Index (CPI) adjustments represent a sustainable path for all NH municipalities?
 - On page 2, lines 1 and 2, the thresholds get "published," but how do municipalities find out about the new amounts?
 - On page 2, lines 3 & 4. This sentence is unclear and could be misinterpreted in multiple ways.
 - Questioned whether the CPI is the right metric to use for assets as opposed to income.
 - Questioned whether this would set a precedent for other RSAs.

HB 1689 - AS INTRODUCED

2026 SESSION

26-2769

12/08

HOUSE BILL **1689**

AN ACT relative to the term of office for county officers in Merrimack county.

SPONSORS: Rep. Morse, Merr. 3

COMMITTEE: Municipal and County Government

ANALYSIS

This bill extends the term of office for certain elected county officers in Merrimack county to 4 years. The bill also requires that the elections for such Merrimack county officers coincides with the presidential election every 4 years.

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-Six

AN ACT relative to the term of office for county officers in Merrimack county.

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

1 1 County Elected Officers; Merrimack County; Terms Increased. Amend RSA 653:1, V to read
2 as follows:

3 V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one
4 register of probate by the voters in each county; provided that, at the 2022 state general election,
5 and at each subsequent state general election, any such officer in Rockingham county shall be
6 chosen in the county by the voters for a 4-year term; and, provided that, at the 2024 state general
7 election, and at each subsequent state general election, any such officer in Coos county shall be
8 chosen in the county by the voters for a 4-year term; ***and, provided that, at the 2028 state***
9 ***general election and at each subsequent state general election, any such officer in***
10 ***Merrimack county shall be chosen in the county by the voters for a 4-year term;***

11 2 Effective Date. This act shall take effect January 1, 2027.

Amendment to HB 1689

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

2
3 AN ACT relative to the term of office for county officers in Belknap and Merrimack counties.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 Elections; State and County Officers to be Elected; Elected for 2-Year Term; Belknap and
8 Merrimack County Officer Terms Increased. Amend RSA 653:1, V to read as follows:

9 V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one
10 register of probate by the voters in each county; provided that, at the 2022 state general election,
11 and at each subsequent state general election, any such officer in Rockingham county shall be
12 chosen in the county by the voters for a 4-year term; and, provided that, at the 2024 state general
13 election, and at each subsequent state general election, any such officer in Coos county shall be
14 chosen in the county by the voters for a 4-year term; **and, provided that, at the 2026 state**
15 **general election, and at each subsequent state general election, any such officer in Belknap**
16 **county shall be chosen in the county by the voters for a 4-year term; and, provided that, at**
17 **the 2028 state general election and at each subsequent state general election, any such**
18 **officer in Merrimack county shall be chosen in the county by the voters for a 4-year term;**

19 2 The State and Its Government; County Attorneys; Election; Temporary Vacancies. Amend
20 RSA 7:33 to read as follows:

21 7:33 Election; Temporary Vacancies. There shall be a county attorney for each county, who
22 shall be a member of the New Hampshire bar, elected biennially by the voters of the county;
23 provided that, at the 2022 state general election, and at each subsequent state general election, the
24 county attorney for Rockingham county shall be chosen in the county by the voters for a 4-year term;
25 and, provided that, at the 2024 state general election, and at each subsequent state general election,
26 the county attorney for Coos county shall be chosen in the county by the voters for a 4-year term;
27 **and, provided that, at the 2026 state general election, and at each subsequent state general**
28 **election, the county attorney for Belknap county shall be chosen in the county by the voters**
29 **for a 4-year term; and provided that, at the 2028 state general election, and at each**
30 **subsequent state general election, the county attorney for Merrimack county shall be**
31 **chosen in the county by the voters for a 4-year term.** If the county attorney is absent at any
32 term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall

Amendment to HB 1689

- Page 2 -

- 1 appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and
- 2 allow said appointee such compensation for his or her services as set by the county delegation.
- 3 3 Effective Date. This act shall take effect January 1, 2027.

2026-1204s

AMENDED ANALYSIS

This bill extends the term of office for certain elected county officers in Belknap and Merrimack counties to 4 years. The bill also requires that the elections for such Merrimack county officers coincide with the presidential election every 4 years.

Docket of HB1689		
12/12/2025	H	Introduced 01/07/2026 and referred to Municipal and County Government HJ 1
01/08/2026	H	Public Hearing: 01/13/2026 09:50 am GP 154
01/20/2026	H	Executive Session: 01/13/2026 09:50 am GP 154
01/27/2026	H	Committee Report: Ought to Pass 01/16/2026 (Vote 15-1; CC) HC 5 P. 14
02/05/2026	H	Ought to Pass: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Election Law and Municipal Affairs; SJ 4
03/11/2026	S	Hearing: 03/17/2026, Room 122-123, SH, 09:15 am; SC 10
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1204s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1689, relative to the term of office for county officers in Merrimack county.

Hearing Date: March 17, 2026

Time Opened: 9:15 a.m.

Time Closed: 9:18 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent: None

Bill Analysis: This bill extends the term of office for certain elected county officers in Merrimack county to 4 years. The bill also requires that the elections for such Merrimack county officers coincides with the presidential election every 4 years.

Sponsors:

Rep. Morse

Who supports the bill: Representative Pauer, Kate Horgan

Who opposes the bill: None

Summary of testimony:

Senator Lang introduced the bill on behalf of the prime sponsor.

- This bill extends the term for county professional offices from two years to four years.
- Several counties have already taken this step to prevent a continuous campaign cycle. This bill adds Merrimack County to that list.
- Senator Lang has an amendment that also adds Belknap County.

SB 442 - AS INTRODUCED

2026 SESSION

26-2243

08/09

SENATE BILL **442**

AN ACT relative to pet transfers.

SPONSORS: Sen. Pearl, Dist 17; Sen. Watters, Dist 4; Sen. Avarad, Dist 12; Sen. Lang, Dist 2;
Sen. Gannon, Dist 23; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Rep. Bixby, Straf.
13; Rep. J. Aron, Sull. 4; Rep. C. McGuire, Merr. 27; Rep. Moffett, Merr. 4

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill removes certain requirements on animal shelter facilities relative to the transfer of animals.

This bill is a request of the department of agriculture, markets, and food.

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-Six

AN ACT relative to pet transfers.

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

1 1 Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8, VI to read as follows:

2 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
3 without first being protected against infectious diseases using a vaccine approved by the state
4 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
5 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
6 shall occur unless the transferred animal is accompanied by a health certificate issued within the
7 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing
8 veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be
9 given to the transferee upon transfer as provided in paragraph III. If an official health certificate is
10 produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy
11 of the health certificate to the department of agriculture, markets, and food upon request. ***Animal
12 shelter facilities, as defined in RSA 437:1, I shall:***

13 (a) ***Have on the premises a microchip scanner and shall maintain a file of
14 recognized pet retrieval agencies, including but not limited to national tattoo microchip
15 registries.***

16 (b) ***Inspect for tattoos, ear tags, or other permanent forms of positive
17 identification and shall scan for a microchip upon admission of an unclaimed or
18 abandoned animal as defined by RSA 437:18, IV and prior to transferring ownership of an
19 unclaimed or abandoned animal where an animal is not known. Registered owners or
20 agents shall be contacted as soon as possible, not to exceed 72 hours, and alerted that the
21 animal has been taken in and is available to be reclaimed.***

22 (c) ***Contact the secondary owner listed by microchip registries as soon as
23 possible, not to exceed 72 hours, if listed owners or agents cannot be located or refuse to
24 reclaim possession of the animal.***

25 2 Health Certificates for Dogs, Cats, and Ferrets; Prospective Changes. Amend RSA 437:8, VI
26 to read as follows:

27 VI. No animal shelter shall transfer any dog, cat or [ferret that is received from outside of
28 the state] until the quarantine requirements in 437:8, V have been met and without an official
29 transfer certificate. Animal shelter facilities, as defined in RSA 437:1, I, ***shall:*** [are exempt from
30 the requirements of this section relative to transferring dogs, cats, and ferrets except that:

SB 442 - AS INTRODUCED

- Page 2 -

~~(a) All dogs, cats, or ferrets transferred out of an animal shelter facility shall have a form of positive identification, including, but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner.~~

~~(b) All dogs, cats, or ferrets 3 months of age or older shall be vaccinated against rabies in accordance with RSA 436:100 before transfer, if proof of rabies vaccination is not available.~~

~~(c) All animal shelter facilities shall have on premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo or microchip registries.~~

~~(d) Where an owner is not known, all animal shelter facilities shall inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined in RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal. Registered owners or agents shall be contacted as soon as possible, not to exceed 72 hours, and alerted that the animal has been taken in and is available to be reclaimed.~~

~~(e) If listed owners or agents cannot be located or refuse to reclaim possession of the animal, every effort shall be made to contact the secondary owner listed by microchip registries as soon as possible, not to exceed 72 hours.~~

~~(f) No animal shelter shall transfer any dog, cat, or ferret that is received from outside of the state without an official health certificate and until the quarantine requirements in RSA 437:8, IV have been met.]~~

(a) Have on the premises a microchip scanner and shall maintain a file of recognized pet retrieval agencies, including but not limited to national tattoo microchip registries.

(b) Inspect for tattoos, ear tags, or other permanent forms of positive identification and shall scan for a microchip upon admission of an unclaimed or abandoned animal as defined by RSA 437:18, IV and prior to transferring ownership of an unclaimed or abandoned animal where an animal is not known. Registered owners or agents shall be contacted as soon as possible, not to exceed 72 hours, and alerted that the animal has been taken in and is available to be reclaimed.

(c) Contact the secondary owner listed by microchip registries as soon as possible, not to exceed 72 hours, if listed owners or agents cannot be located or refuse to reclaim possession of the animal.

3 Applicability. Section 2 of this act shall take effect at 12:01 a.m., 2 years from the date on which the commissioner of the department of agriculture, markets, and food certifies to the secretary of state and the director of the office of legislative services, that the animal records database established in RSA 437:8-a is operational.

4 Effective Date.

- 1 I. Section 2 shall take effect as prescribed in section 3.
- 2 II. The remainder of this act shall take effect upon its passage.

Amendment to SB 442

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

2

3 1 Sale of Pets and Disposition of Unclaimed Animals; Transfer of Animals and Birds; Health
4 Certificates for Dogs, Cats, and Ferrets. Amend the title of RSA 437:8 to read as follows:

5 437:8 ~~[Health Certificates]~~ ***Official Certificates of Transfer*** for Dogs, Cats, and Ferrets.

6 2 Sale of Pets and Disposition of Unclaimed Animals; Transfer of Animals and Birds;
7 Confidentiality. Amend RSA 437:8-b, V to read as follows:

8 V. ~~[Certificates of transfer]~~ ***Official certificates of transfer*** shall be removed from the
9 animal records database after 4 years.

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

Amendment to SB 442
- Page 2 -

2026-1125s

AMENDED ANALYSIS

This bill changes the titles for pet health certificates.

Docket of SB442		
11/21/2025	S	Introduced 01/07/2026 and Referred to Energy and Natural Resources; SJ 1
02/04/2026	S	Hearing: 02/17/2026, Room 103, SH, 09:50 am; SC 5
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1125s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 442, relative to pet transfers.

Hearing Date: February 17, 2026

Time Opened: 11:13 a.m.

Time Closed: 11:48 a.m.

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

Members of the Committee Absent : Senator McConkey

Bill Analysis: This bill removes certain requirements on animal shelter facilities relative to the transfer of animals.

This bill is a request of the department of agriculture, markets, and food.

Sponsors:

Sen. Pearl

Sen. Watters

Sen. Avard

Sen. Lang

Sen. Gannon

Sen. Murphy

Sen. Innis

Rep. Bixby

Rep. J. Aron

Rep. C. McGuire

Rep. Moffett

Who supports the bill: 31 Individuals signed in support of the bill. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Who opposes the bill: 1436, Individuals signed in opposition of the bill. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Summary of testimony presented:

Senator Howard Pearl, District 17

- Senator Pearl introduced the bill as the prime sponsor and explained it was a request by the Commissioner of Agriculture.
- The bill deals with health certificate transfers. It is meant to be a clean-up and to clarify the language currently in statute.
- He acknowledged that the bill needs work and addressed some concerns over the ability for rescues to correctly interpret and comply with the bill.
- He explained that they wanted the bill to be tailored for communities and rescuers, as well as the residential breeders while also serving the industry at

large.

Senator Watters asked about the strike out on line 27. Asked if the strikeout on “ferret” was a mistake.

Senator Pearl confirmed and said they will amend the bill to include ferrets.

Senator Watters said that there is a concern that this will affect the amount of pet transfers that occur, he asked if that was an issue and what his thoughts were.

Senator Pearl stated that he was aware of this concern. He spoke with the rescue organizations and DOA early to address this concern. He hoped that he could continue the conversation and bring a good bill forward.

Commissioner Shawn Jasper, Department of Agriculture

- Mr. Jasper said that he would only be referencing the amendment to the bill as the original language was confusing. The amendment would change “health certificates” to read “official certificates of transfer”.
- He believed that any person that receives an animal from a pet vendor should have a certificate that verifies the animal is healthy and confirms that a transfer has taken place. This is the main point of this bill.
- He said that there would be a cost associated with the issuance of these certificates, sometimes up to \$40,000. This is not as big of a problem as it would seem as many animal shelters already do this before transferring an animal. He explained that donations should cover the costs of the administration.
- He stated that the length of time that the certificate is valid for could be extended. He does not have a specific number readily available.
- He felt strongly that animals should be inspected by a veterinarian before being sold or adopted.

Senator Pearl asked for confirmation that the certificate would last for 21 days after being issued.

Senator Watters asked if instate animals will need to be quarantined. Asked about the cost that this would push on animal shelters.

Shawn Jasper quarantine is for imported animals only. This would not change with this bill.

Senator Watters asked about the language “imported from outside the state” being struck out in the amendment on lines 7 and 8.

Shawn Jasper stated that the reason for the strikeout was to include all animals in the requirement not just imported animals. Quarantine requirements only apply to imported animals. Says he was not prepared to answer that question at the moment.

Senator Rosenwald asked about the strike out of the language “imported and out of state” in the quarantine requirements. Asked if they are expanding the quarantine requirement.

Shawn Jasper said they should reference RSA 437:8, V. He does not have it in front of him.

Senator Pearl stated that he does not like the way that this bill was drafted but the commissioner was correct. The language is intended to remove the exemption for the certificate of transfer for instate animals. Said that the way they drafted it is confusing.

Senator Watters said that for clarity's sake they should not strike out that language.

Kurt Ehrenberg, Humane World for Animals

- Mr. Ehrenberg is concerned with the administrative burden on non-profit shelters. He explained that the shortened health certificate windows will hinder the adoption process and strain limited rescue resources.

Charles Stanton, NH Humane Society

- Mr. Stanton is opposed to the legislation, and he stated it adds massive administrative and financial burdens to rescue facilities. It limits their ability to save lives and be an effective service for their municipal partners.
- If this bill passes, they will have to raise the fees to municipal partners or they will have to stop accepting animals from municipal partners and the state.
- He stated that 104 officers and chiefs have signed a petition and others have written letters emphasizing the importance of these services to the police departments.
- He stated that the Department of Agriculture does not have the resources to respond to the things they are already monitoring. He said that review of health certificates has at some point been two years behind. It does not make sense to increase the workload on the department nor the animal shelters.
- He emphasized the importance of a statewide master plan for animal welfare. This bill will force them to withdraw their services from the state.

Senator Avard asked if he felt the same way about the amendment as he did the bill.

Charles Stanton responded yes he opposed the bill even if it was amended.

Michael Constance, Friends of the Manchester Animal Shelter

- Mr. Constance opposed the legislation and explained that this bill removes long standing exemptions for in state animal health certificates. At the moment they only have to get certificates for animals arriving from out of state.
- He stated that shelters are not pet vendors, breeders or retail operations. They are non-profit organizations that provide a public service. They operate on donations and limited municipal support. They should not be treated as retail operations.
- He stated that if this bill passes it will put a financial and administrative

burden on shelters.

- Health certificates are only valid for 14 days. If the animal is not adopted in that window it will have to be reexamined. The average length of stay at shelters is 49 days. The average animal would need to be tested and issued a certificate a at least 3 times. This will add \$71,966 in additional testing costs.
- He was concerned that the bill is too vague. He was worried that the legislation will negatively impact cats that test positive for FIV. This bill will result in overly restrictive interpretations around infectious disease protections. It may unintentionally condemn adoptable FIV cats to euthanasia.
- He compared the bill to Massachusetts style over regulation. He stated that SB442 does not protect animal health or welfare.

Senator Pearl asked if it would help if the committee extended the window for certificates of transfer to 21 days.

Michael Constance stated that it depends on the situation. It would help a little but it would still be a burden on the shelters.

Senator Pearl asked if the current practice was that all the animals are checked by a veterinarian.

Michael Constance responded yes.

Caryn Fugatt, Pope Memorial Humane Society Dover

- Ms. Fugatt opposed the legislation, noting that in 2025, 88% of animals in the shelter were local.
- She stated that the bill would have been a burden to their staff and added unnecessary regulation, as they already conducted due diligence in animal inspections and health checks before animals were handed off to their new owners.

Senator Avard asked if the 21-day window was long enough for her standards.

Caryn Fugatt said that the average length of stay is 30 or more days and that they would still need to do multiple vet checks at 21 days.

Senator Avard asked about her perspective on the consumer protection aspect of the bill.

Caryn Fugatt said that they already have a 14-day window which allows adopters to bring an animal back if any health problems are discovered by a veterinarian.

Savannah Alcerro, NHSPCA

- Ms. Alcerro was opposed to the legislation and explained the current medical process that animals go through before being adopted. Animals that are from NH go through the same intake process and medical care as animals from out of

state. While local animals do not need an Official Certificate of Transfer (OCT) they are adopted with complete medical records. This already provides far more detail than what would be included in an OCT alone.

- She said that the resource cost would be exponential. In 2025 they took in 1600 animals from in state. If they were all required to have an OCT for all instate animals it would add 530 hours of administrative work. This is not including the re testing required if animal is not adopted in 14 days.

Sarah Proctor, Veterinarian at Pope Memorial Humane Society Dover

- Ms. Proctor was opposed to the bill as amended and briefly spoke about the burden that this will place on shelters
- She stated that Massachusetts is the only state that requires OCTs for in state animal transfers. Massachusetts OCTs last for 180 days.
- Animals from the imported from the south often have higher rates of disease. It's important to have OCTs for these imported animals. Local animals have a lower rate of disease so there is less need for an OCT. She says that they already do health checks on local animals and they don't need this additional step.
- She stated that the only time she doesn't see an animal is if they already have complete medical history from another local vet. Most shelters have centralized databases that track intake and outtake. She claimed that there are better ways to collect data then what has been proposed.

Senator Pearl asked if the data in the database is the same as what is recorded on the OCT.

Sarah Proctor stated that the data in the databases is broad. They do not have specific information on individual animals.

Senator Avar asked if OCTs track birth defects.

Sarah Proctor said that it is not legally required to report health conditions other then infections on an OCT. OCTs are limited in what they can do to protect the consumer.

SB 445 - AS INTRODUCED

2026 SESSION

26-2011

08/06

SENATE BILL **445**

AN ACT relative to adjudicative proceedings where there is a council or board with jurisdiction.

SPONSORS: Sen. Pearl, Dist 17; Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Rep. Slottje, Hills. 13; Rep. Thibault, Merr. 25

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill changes the process for appeals where there is a council or board with jurisdiction.

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-Six

AN ACT relative to adjudicative proceedings where there is a council or board with jurisdiction.

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

1 1 Criteria for Denial; Suspension or Revocation; Modification. Amend RSA 125-C:13, II and III
2 to read as follows:

3 II. The commissioner may suspend or revoke any permit or authorization issued hereunder
4 if~~[, following a hearing,]~~ the commissioner determines:

5 (a) That the permit holder or registrant has committed a violation of this chapter or any
6 rule, order, or permit conditions in force and applicable to it; or

7 (b) That emissions from the device or non-Title V source to which the permit applies,
8 alone or in conjunction with other sources of the same pollutants, presents an immediate danger to
9 the public health.

10 III. The commissioner may order modification of any source of air pollution holding a valid
11 permit issued under this chapter in the event that the commissioner determines~~[, following a~~
12 ~~hearing]~~:

13 (a) That the device or non-Title V source to which the permit applies fails to meet
14 existing emission limits established by state or federal rule or regulation;

15 (b) That the device or non-Title V source is resulting or is reasonably likely to result in a
16 violation of an air quality standard in force.

17 2 Enforcement. Amend RSA 125-C:15, I-b to read as follows:

18 I-b. The commissioner of the department of environmental services~~[, after notice and~~
19 ~~hearing pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$4,000 for each
20 offense upon any person who violates any provision of this chapter, any rule adopted pursuant to
21 this chapter, or any permit, compliance schedule, stop use order, or order of abatement, issued
22 pursuant to this chapter; or upon any person who makes or certifies a material false statement
23 relative to any document or information which is required to be submitted to the department
24 pursuant to this chapter or any rule adopted pursuant to this chapter. ~~[Rehearings and appeals~~
25 ~~from a decision of the commissioner under this paragraph shall be in accordance with RSA 541.]~~
26 Any administrative fine imposed under this paragraph shall not preclude the imposition of further
27 penalties under this chapter. The proceeds of administrative fines imposed pursuant to this
28 paragraph shall be deposited in the general fund.

29 (a) *Appeals from a decision of the commissioner under this paragraph shall be*
30 *in accordance with RSA 21-O:11, IV* ~~[Notice and hearing prior to the imposition of an~~

~~administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16].~~

(b) The commissioner shall determine fines based on the following:

(1) For a minor deviation from a requirement causing minor potential for harm, the fine shall be not less than \$100 and not more than \$2,000.

(2) For a minor deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$601 and not more than \$2,500.

(3) For a minor deviation from a requirement causing major potential for harm, the fine shall be not less than \$851 and not more than \$3,000.

(4) For a moderate deviation from a requirement causing minor potential for harm, the fine shall be not less than \$601 and not more than \$2,500.

(5) For a moderate deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$851 and not more than \$3,000.

(6) For a moderate deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,251 and not more than \$3,500.

(7) For a major deviation from a requirement causing minor potential for harm, the fine shall be not less than \$851 and not more than \$3,000.

(8) For a major deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$1,251 and not more than \$3,500.

(9) For a major deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,501 and not more than \$4,000.

(c) The commissioner may assess an additional fine for repeat violations.

(d) Each day of violation shall constitute a separate offense.

3 Administrative Fines. Amend RSA 125-D:4 to read as follows:

125-D:4 Administrative Fines.

The commissioner of the department of environmental services~~[, after notice and hearing pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$4,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. ~~[Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541.]~~ Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. Appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 21-O:11, IV ~~[Notice and hearing prior to the imposition of an administrative~~

~~fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16].~~

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b) and (d).

III. The commissioner may assess an additional fine for repeat violations.

4 Administrative Fines. Amend RSA 125-I:3-a to read as follows:

125-I:3-a Administrative Fines.

The commissioner of the department of environmental services~~[, after notice and hearing pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$4,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. ~~[Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541-A.]~~ Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

I. ***Appeals from a decision of the commissioner under this section shall be in accordance with RSA 21-O:11, IV*** ~~[Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16].~~

II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b) and (d).

III. The commissioner may assess an additional fine for repeat violations.

5 Enforcement. Amend RSA 125-J:8, I-a to read as follows:

I-a. The commissioner of the department of environmental services~~[, after notice and hearing pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit, compliance schedule, stop use order, or order of abatement issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. ~~[Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541-A.]~~ Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) ***Appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 21-O:11, IV*** ~~[Notice and hearing prior to the imposition of an~~

SB 445 - AS INTRODUCED
- Page 4 -

~~administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16].~~

(b) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).

(c) The commissioner may assess an additional fine for repeat violations.

6 Administrative Fines; Asbestos Management Control. Amend RSA 141-E:16 to read as follows:

141-E:16 Administrative Fines.

I.(a) The commissioner~~[, after notice and hearing pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$4,000 for each offense upon any person who violates any provision of RSA 141-E:3 or any rule adopted by the commissioner under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. ~~[Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541-]~~ Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited in the fund established by RSA 141-E:12, II.

(b) ***Appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 21-O:11, IV*** ~~[Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16].~~

(c) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b) and (d).

(d) The commissioner may assess an additional fine for repeat violations.

II. Whenever a person licensed pursuant to RSA 141-E:10 or certified pursuant to RSA 141-E:11 fails to pay an administrative fine as required by this section, the commissioner~~[, after notice and hearing pursuant to rules adopted under RSA 541-A,]~~ may deny, suspend, or revoke the license or certificate or may issue an appropriate order.

7 Administrative Fines; Waste Management Division. Amend RSA 146-A:15, I to read as follows:

I. The commissioner of the department of environmental services~~[, after notice and hearing pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$4,000 for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter or any order or permit issued under this chapter. Each day of the violation shall constitute a separate offense. ~~[Rehearings and appeals]~~ ***Appeals*** from a decision of the commissioner under this paragraph shall be in accordance with ~~[RSA 541]~~ ***RSA 21-O:9, V***. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to[:

SB 445 - AS INTRODUCED
- Page 5 -

1 ~~(a)–A]~~ **a** schedule of administrative fines which may be imposed under this section for
2 violations as provided in paragraph I.

3 ~~[(b) Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

4 8 Underground Storage Facility Permit Required. Amend RSA 146-C:4, I to read as follows:

5 I. No person shall own or operate an underground storage facility in this state without a
6 permit issued by the department. The permit to operate may be revoked ~~[in accordance with RSA~~
7 ~~541-A:30]~~ for just cause, including, but not limited to, the operation or ownership of an underground
8 storage facility in violation of the department's rules. The revocation shall not take effect until the
9 owner or operator has had an opportunity to be heard by the council, provided such request is made
10 within 20 days of the issuance of the department's decision to revoke the permit. Appeal of a
11 decision revoking a permit to operate shall be governed by RSA 21-O:14. Any appeal brought
12 pursuant to RSA 541 shall not stay a decision by the waste management council which affirms the
13 department's revocation of a permit.

14 9 Administrative Fines; Underground Storage Facilities. Amend RSA 146-C:10-a to read as
15 follows:

16 146-C:10-a Administrative Fines.

17 The commissioner of the department of environmental services~~[, after notice and hearing~~
18 ~~pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$2,000 for each offense
19 upon any person who violates any provision of this chapter including any rule adopted under the
20 provisions of this chapter. ~~[Rehearings and appeals]~~ **Appeals** from a decision of the commissioner
21 under this section shall be in accordance with ~~[RSA 541]~~ **RSA 21-O:9, V**. Any administrative fine
22 imposed under this section shall not preclude the imposition of further penalties under this chapter.
23 The proceeds of administrative fines levied pursuant to this section shall be deposited by the
24 commissioner in the oil pollution control fund established under RSA 146-A. The commissioner shall
25 adopt rules, under RSA 541-A, relative to[:

26 ~~I.–A]~~ **a** schedule of administrative fines which may be imposed under this section for
27 violations of this chapter as provided above ~~[; and~~

28 ~~H. Procedures for notice and hearing prior to the imposition of an administrative fine].~~

29 10 Administrative Fines; Hazardous Waste Management. Amend RSA 147-A:17-a, I to read as
30 follows:

31 I. The commissioner of the department of environmental services~~[, after notice and hearing~~
32 ~~pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$2,000 for each offense
33 upon any person who violates any provision of this chapter including any rule adopted under the
34 provisions of this chapter. ~~[Rehearings and appeals]~~ **Appeals** from a decision of the commissioner
35 under this paragraph shall be in accordance with ~~[RSA 541]~~ **RSA 21-O:9, V**. Any administrative
36 fine imposed under this section shall not preclude the imposition of further penalties under this
37 chapter. The commissioner shall adopt rules, under RSA 541-A, relative to[:

SB 445 - AS INTRODUCED
- Page 6 -

1 ~~(a) A]~~ **a** schedule of administrative fines which may be imposed under this paragraph for
2 violations of this chapter as provided above.

3 ~~[(b) Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

4 11 Approval, Suspension, or Revocation. Amend the introductory paragraph of RSA 149-M:12,
5 II to read as follows:

6 II. The department may suspend or revoke any permit issued under this chapter if~~;~~
7 ~~following an opportunity for hearing,~~ it determines that:

8 12 Administrative Fines; Solid Waste Management. Amend RSA 149-M:16 to read as follows:

9 149-M:16 Administrative Fines.

10 The commissioner~~[; after notice and hearing pursuant to RSA 541-A,]~~ may impose an
11 administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision
12 of this chapter, including any rule adopted under the provisions of this chapter. ~~[Rehearings and~~
13 ~~appeals]~~ **Appeals** from a decision of the commissioner under this section shall be in accordance with
14 ~~[RSA 541]~~ **RSA 21-O:9, V**. Any administrative fine imposed under this section shall not preclude
15 the imposition of further penalties under this chapter. The commissioner shall adopt rules, under
16 RSA 541-A, relative to~~;~~

17 ~~I. A]~~ **a** schedule of administrative fines which may be imposed under this section for
18 violations of this chapter as provided above.

19 ~~[II. Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

20 13 Enforcement; Solid Waste Management. Amend RSA 149-M:38, VI to read as follows:

21 VI. The commissioner~~[; after notice and hearing pursuant to RSA 541-A,]~~ may impose an
22 administrative fine not to exceed \$2,000 for each violation upon any person who violates any
23 provision of this subdivision, any rule adopted under this subdivision, any condition in any
24 exemption granted under this subdivision, or any order issued pursuant to this subdivision or who
25 makes or certifies a material false statement relative to any certificate of compliance required by
26 this subdivision. ~~[Rehearings and appeals]~~ **Appeals** from a decision of the commissioner under this
27 paragraph shall be in accordance with ~~[RSA 541]~~ **RSA 21-O:9, V**. Any administrative fine imposed
28 under this paragraph shall not preclude the imposition of other penalties under this chapter.

29 14 Revocation or Suspension of Certificate; Water Division. Amend RSA 332-E:9, I to read as
30 follows:

31 I. If the department receives information which indicates that good cause exists to suspend
32 or revoke the certificate of an individual operator, the department shall ~~[proceed to]~~ suspend or
33 revoke the certificate in accordance ~~[with RSA 541-A:30]~~.

34 15 Penalties; Water Division. Amend RSA 482:89, V to read as follows:

35 V. The commissioner~~[; after notice and hearing pursuant to RSA 541-A,]~~ may impose upon
36 any person who violates any provision of this chapter, as specified in paragraph I, an administrative
37 fine not to exceed \$2,000 for each violation in addition to other remedies and penalties provided

SB 445 - AS INTRODUCED
- Page 7 -

under this chapter. ~~[The department shall commence a proceeding under this paragraph against any person who does not respond within 45 days of receipt of a written order, directive, or any notice of needed maintenance, repair, or reconstruction issued by the department. Rehearings and appeals]~~ **Appeals** under this paragraph shall be in accordance with ~~[RSA 541]~~ **RSA 21-O:7, IV**. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter as specified in paragraph I; and

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

16 Refusal; Revocation; Suspension; Disciplinary Action; Water Division. Amend RSA 482-B:8 to read as follows:

482-B:8 Refusal; Revocation; Suspension~~[- Disciplinary Action]~~.

~~[I.]~~ A license may be refused, or a license duly issued may be suspended or revoked, or the renewal of such license refused by the board on the board's own investigation and motion or upon motion or written complaint of an interested party if the board has good and sufficient reason to believe or finds that the applicant for or the holder of such a license has:

~~[(a)]~~ **I.** Made a material misstatement in the application for a license or any application for renewal of such license.

~~[(b)]~~ **II.** Obtained the license through willful fraud or misrepresentation.

~~[(c)]~~ **III.** Demonstrated incompetency to act as a water well contractor or pump installer as determined by the water well board.

~~[(d)]~~ **IV.** Been guilty of willful failure to comply with the provisions of this chapter or rules adopted under RSA 482-B:4.

~~[(e)]~~ **V.** Refused to file reports as required under RSA 482-B:10.

~~[(f)]~~ **VI.** Been found guilty, by the board or by a court of competent jurisdiction of any fraud, deceit, gross negligence, incompetence, or misconduct in the industry, operations, or business of water well construction or pump installations.

~~[H. The department may undertake one or more of the following disciplinary actions upon the department's own investigation and motion or upon written complaint and motion of an interested party if the department has good and sufficient reason to believe or finds that the applicant for or the holder of such a license has violated the provisions of RSA 482-B and the rules of the board:~~

~~(a) Written reprimand.~~

~~(b) Administrative order.~~

~~(c) Administrative fine.~~

~~(d) Requiring the licensee to participate in a program of continuing education in the area or areas in which the licensee has been found deficient.]~~

17 Hearing; Water Division. Amend RSA 482-B:9 to read as follows:

SB 445 - AS INTRODUCED
- Page 8 -

1 482-B:9 Hearing.

2 I. Before taking any action under RSA 482-B:8, the board ~~[or department]~~ shall give notice
3 of its intention to do so by certified mail to the person against whom the proposed action is to be
4 taken. Upon receipt of such notice, the person affected may within 30 days request a hearing. If a
5 hearing is requested, the board ~~[or department]~~ shall not act until such hearing is completed.

6 II. Hearings held by the board shall be held in the county in which the person affected has
7 his or her place of business or in the office of the board, whichever the board may decide. At least 10
8 days prior to the date of hearing, the board shall send written notice of the time and place of such
9 hearing to the applicant for, or holder of, such license by certified mail to the last known address of
10 such person. The testimony presented and the proceedings of such hearing shall be recorded and
11 preserved as the records of the board. The board shall as soon after the hearing as possible, and not
12 later than 90 days after the date of such hearing, make its findings and determination on the license
13 and shall send a copy of its decision to each interested party by certified mail return receipt
14 requested or by personal service. Revocation or suspension of a license shall be effective upon
15 receipt of such board decision.

16 III. Appeal from a decision of the board may be made in accordance with RSA 541.

17 ~~[IV. Hearings held by the department shall be held in accordance with the rules of practice~~
18 ~~and procedure of the department.]~~

19 18 Enforcement and Penalties; Water Division. Amend RSA 482-B:16, II to read as follows:

20 II. The commissioner~~[, after notice and hearing pursuant to RSA 541-A,]~~ may impose an
21 administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision
22 of this chapter, any rule adopted under this chapter, or any license or approval issued under this
23 chapter, or who makes or certifies a material false statement relative to any document required by
24 this chapter. The person may appeal the decision to the board within 30 days of the date of the
25 decision. Following an appeal hearing, the board may uphold or overturn the decision or impose a
26 lesser or greater fine. Rehearings and appeals from a decision of the board under this paragraph
27 shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not
28 preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules
29 subject to the approval of the water well board, under RSA 541-A, relative to[:

30 ~~(a) A]~~ **a** schedule of administrative fines which may be imposed under this paragraph[;

31 **and**

32 ~~(b) Procedures for notice and hearing prior to the imposition of an administrative fine].~~

33 19 Establishment of Protected Instream Flows; Water Division. Amend RSA 483:9-c, X to read
34 as follows:

35 X. Any party who is aggrieved by a determination establishing such protected instream
36 flows may ~~[petition the commissioner for a hearing to review]~~ **appeal** such determination **pursuant**
37 **to RSA 21-O:7, IV** within 30 days of the date the determination is issued. ~~[The filing of such~~

~~petition shall stay the implementation of the determination until a final decision has been rendered on the petition or an appeal taken pursuant to RSA 541.]~~

20 Variances and Exemptions; Water Division. Amend RSA 485:42 to read as follows:

485:42 Variances and Exemptions.

I. The department may~~[after notice and opportunity for hearing,]~~ grant one or more variances from an applicable state drinking water regulation to a public water system if the variance will not result in an unreasonable risk to the public health, and if:

(a) Because of the characteristics of the raw water sources reasonably available to the system, the system cannot meet the maximum contaminant levels of such drinking water regulation despite application of the best available technology, treatment techniques or other means. The department's finding of the best available technology treatment, treatment technique or other means may vary depending upon the number of persons served by the system or for other physical conditions related to engineering feasibility and cost of compliance with maximum contaminant levels as considered appropriate by the department; or

(b) Where a specified treatment technique for a contaminant is required by the state drinking water regulations, the system demonstrates to the department's satisfaction that such treatment technique is not required to protect the public health because of the nature of the raw water source. Variances may be conditioned on monitoring, testing, analyzing or other requirements to ensure the protection of the public health, and variances granted under subparagraph (a) shall include a compliance schedule under which the public water system will meet each contaminant level for which a variance is granted as expeditiously as is feasible.

II. The department may~~[after notice and opportunity for hearing,]~~ grant one or more exemptions from an applicable maximum contaminant level or treatment technique in the state drinking water rules to a public water system if:

(a) The exemption will not result in an unreasonable risk to the public health;

(b) The public water system is unable to comply with the rule due to compelling factors, which may include economic factors; and

(c) The public water system was in operation on the earliest effective date, under present or prior law, of the contaminant level or treatment technique requirement. Each exemption shall be conditioned on monitoring, testing, analyzing or other requirements to ensure the protection of the public health, and shall include a compliance schedule under which the public water system will meet each contaminant level or treatment technique for which an exemption is granted as expeditiously as is feasible, but not later than 12 months after the date of issuance of the exemption. The department may extend the final date for compliance provided in any schedule required under this section for a period not to exceed 3 years after the date of the issuance of the exemption if the public water system establishes that:

(1) The system cannot meet the standard without capital improvements which cannot be completed within the period of such exemption;

(2) In the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

(3) The system has entered into an enforceable agreement to become part of a regional public water system; and the system is taking all practicable steps to meet the standards. If a system serves fewer than 500 service connections and needs financial assistance for necessary improvements, an exemption granted under subparagraph (c)(1) or (c)(2) of this subparagraph may be renewed for one or more additional 2-year periods, if the system establishes that it is taking all practicable steps to meet the requirements of any compliance schedule established under this section.

III. Appeals from a decision of the department under this paragraph shall be in accordance with RSA 21-O:7, IV.

21 Enforcement and Penalties; Water Division. RSA 485:58, I is repealed and reenacted to read as follows:

I. The department may issue an administrative order to any person who violates any provision of this chapter, any rule adopted under this chapter, or any license or approval issued under this chapter or who makes or certifies a material false statement relative to any document required by this chapter. The department may order the person to cease and desist from the violation and may require such corrective measures as are necessary to correct the violation. Appeals from a decision of the department shall be in accordance with RSA 21-O. The superior court shall place any action filed by the department to enforce an order under this section at the top of its calendar of cases and shall provide an expeditious hearing on such order.

22 Enforcement and Penalties; Water Division. Amend RSA 485:58, V to read as follows:

V. The commissioner of environmental services~~[-after notice and hearing pursuant to RSA 541-A,]~~ may impose an administrative fine not to exceed \$4,000 for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter or any order or permit issued under this chapter. Each day of violation shall constitute a separate offense. ~~[Rehearings and appeals]~~ ***Appeals*** from a decision of the commissioner under this paragraph shall be in accordance with ~~[RSA 541]~~ ***RSA 21-O:7, IV***. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to[:

~~(a)-A]~~ ***a*** schedule of administrative fines which may be imposed under this paragraph for violations of this chapter as provided above.

~~[(b)-Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

23 Application; Special Fund; Water Division. Amend RSA 485-A:7-a, I to read as follows:

SB 445 - AS INTRODUCED
- Page 11 -

1 I. Any operator of a wastewater treatment plant seeking certification or to increase his level
2 of certification shall file an application with the ~~[certification committee]~~ **department** at least 6
3 weeks prior to the next examination date on a form provided by the department.

4 24 Issuance of Certificates; Water Division. Amend RSA 485-A:7-c to read as follows:

5 485-A:7-c Issuance of Certificates.

6 I. Upon satisfactory completion by an applicant of the established requirements, the
7 department shall issue to the applicant a suitable certificate designating the applicant's competency.
8 The certificate shall indicate the level of operation for which the operator is qualified. The certificate
9 shall remain in effect ~~[for]~~ **until December 31 or June 30, but not more than** 2 years from the
10 date of issuance.

11 II. Certificates shall be renewed biennially **and shall expire on the date printed on the**
12 **certificate**. All renewal applications shall be accompanied by a \$100 renewal fee, which shall be
13 deposited pursuant to RSA 485-A:7-a, II.

14 III. Certificates may be issued, upon payment of the \$100 fee, without examination, for a
15 comparable classification to any person actively seeking employment in New Hampshire who holds a
16 certificate issued by the appropriate certification agency of any federal, state, interstate, territorial,
17 or other jurisdiction if, in the judgment of the ~~[certification committee]~~ **department**, the certification
18 requirements of the jurisdiction granting such certification do not conflict with the department's
19 rules and are not less stringent than rules adopted under this subdivision. The fee shall be
20 deposited pursuant to RSA 485-A:7-a, II.

21 25 Penalties and Other Relief; Failure to Provide Facility; Water Division. Amend RSA 485-
22 A:22, V to read as follows:

23 V. The commissioner of environmental services~~[-after notice and hearing pursuant to RSA~~
24 ~~541-A,]~~ may impose an administrative fine not to exceed \$2,000 for each offense upon any person
25 who violates any provision of this subdivision or, RSA 485-A:4-6, any rule adopted under this
26 subdivision or RSA 485-A:4-6, or any permit issued under the authority of this subdivision or RSA
27 485-A:4-6. ~~[Rehearings and appeals]~~ **Appeals** from a decision of the commissioner under this
28 paragraph shall be in accordance with ~~[RSA 541]~~ **RSA 21-O:7, IV**. Any administrative fine imposed
29 under this section shall not preclude the imposition of further penalties under this chapter. The
30 proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the
31 department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to[:

32 ~~(a)-A]~~ **a** schedule of administrative fines which may be imposed under this paragraph for
33 violations of this chapter, rules adopted under this chapter, and permits issued under this chapter,
34 as provided above.

35 ~~[(b)- Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

36 26 Penalty; Administrative Fines; Water Division. Amend RSA 485-A:28, II to read as follows:

SB 445 - AS INTRODUCED
- Page 12 -

1 II. The commissioner~~[-after notice and hearing,]~~ may impose an administrative fine not to
2 exceed \$2,000 for each offense upon any person who violates any provision of this subdivision, any
3 rule adopted under this subdivision, or any license or approval issued under this subdivision.
4 ~~[Rehearings and appeals]~~ **Appeals** from a decision of the commissioner under this paragraph shall
5 be in accordance with ~~[RSA 541]~~ **RSA 21-O:7, IV**. Any administrative fine imposed under this
6 section shall not preclude the imposition of further penalties under this chapter. The proceeds of
7 administrative fines levied pursuant to this paragraph shall be deposited in the general fund. The
8 commissioner shall adopt rules, under RSA 541-A, relative to[~~:-~~

9 ~~(a) A]~~ **a** schedule of administrative fines which may be imposed under this paragraph[~~;~~
10 ~~and~~

11 ~~(b) Procedures for notice and hearing prior to the imposition of an administrative fine].~~

12 27 Permit Eligibility; Exemption; Water Division. Amend RSA 485-E:35, I(a) to read as follows:

13 I.(a) All applications, plans, and specifications submitted in accordance with this chapter for
14 subsurface sewage or waste disposal systems shall be prepared and signed by the individual who is
15 directly responsible for them and who has a permit issued by the department to perform the work.
16 The department shall issue a permit to any individual who applies to the department, pays a fee of
17 \$80, and demonstrates a sound working knowledge of the procedures and practices required in the
18 site evaluation, design, and operation of subsurface sewage or waste disposal systems. The
19 department shall require an oral or written examination or both to determine who may qualify for a
20 permit. Permits shall be issued from January 1 and shall expire December 31 of every other year,
21 subject to the grace periods specified in subparagraphs (c) and (d). Permits shall be renewable upon
22 proper application, payment of a biennial permit fee of \$80, and documentation of compliance with
23 the continuing education requirement of subparagraph (b). A permit issued to any individual may
24 be suspended, revoked or not renewed only for just cause~~[-and after the permit holder has had a full~~
25 ~~opportunity to be heard by the department]~~. An appeal from a decision to revoke, suspend, or not
26 renew a permit may be taken pursuant to ~~[RSA 541]~~ **RSA 21-O:7, IV**. All fees shall be deposited in
27 the subsurface systems fund established in RSA 485-A:30, I-b.

28 28 System Installer Permit; Water Division. Amend RSA 485-A:36, I(a) to read as follows:

29 I.(a) No individual shall engage in the business of installing subsurface sewage or waste
30 disposal systems under this subdivision without first obtaining an installer's permit from the
31 department. The permit holder shall be responsible for installing the subsurface sewage or waste
32 disposal system in strict accordance with the approved plan. The department shall issue an
33 installer's permit to any individual who submits an application provided by the department, pays a
34 fee of \$80 and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read
35 approved waste disposal plans. The department shall require an oral or written examination or both
36 to determine who may qualify for an installer's permit. Permits shall be issued from January 1 and
37 shall expire December 31 of every other year. Permits shall be renewable upon proper application,

SB 445 - AS INTRODUCED
- Page 13 -

1 payment of a biennial permit fee of \$80, and documentation of compliance with the continuing
2 education requirement of subparagraph (b). The installer's permit may be suspended, revoked or not
3 renewed for just cause, including, but not limited to, the installation of waste disposal systems in
4 violation of this subdivision or the refusal by a permit holder to correct defective work. The
5 department shall not suspend, revoke or refuse to renew a permit except for just cause~~[-until the~~
6 ~~permit holder has had an opportunity to be heard by the department]~~. An appeal from such decision
7 to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14. All fees shall be
8 deposited in the subsurface systems fund established in RSA 485-A:30, I-b.

9 29 Reconsideration and Appeal Procedure; Water Division. Amend the introductory paragraph
10 of RSA 485-A:40 to read as follows:

11 If any person submitting plans and specifications to the department for its approval is aggrieved
12 or dissatisfied with its decision, he *or she* ~~[may file a motion for reconsideration and]~~ shall, *in*
13 *addition to any rights to appeal a department decision under RSA 21-O:14*, have a right of
14 appeal from the decision of the department in the following manner:

15 30 Reconsideration and Appeal Procedure; Water Division. Amend RSA 485-A:40, IV to read as
16 follows:

17 IV. Within 30 days ~~[after the application for reconsideration is denied, or if the application is~~
18 ~~granted, then within 30 days after the decision on such reconsideration]~~ *of the decision*, the
19 applicant may appeal by petition to the superior court.

20 31 Penalties; Water Division. Amend RSA 485-A:43, V to read as follows:

21 V. The commissioner of environmental services~~[-after notice and hearing pursuant to RSA~~
22 ~~541-A,]~~ may impose an administrative fine not to exceed \$2,000 for each offense upon any person
23 who violates any provision of this subdivision including any rule adopted under the provisions of this
24 chapter. ~~[Rehearings and appeals]~~ *Appeals* from a decision of the commissioner under this
25 paragraph shall be in accordance with ~~[RSA 541]~~ *RSA 21-O:7, IV*. Any administrative fine imposed
26 under this section shall not preclude the imposition of further penalties under this subdivision. The
27 proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the
28 department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to[:

29 (a) ~~A]~~ *a* schedule of administrative fines which may be imposed under this paragraph for
30 violations of this subdivision as provided above.

31 ~~[(b) Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

32 32 Enforcement and Penalties; Water Division. Amend RSA 485-A:54, V to read as follows:

33 V. The commissioner of environmental services~~[-after notice and hearing pursuant to RSA~~
34 ~~541-A,]~~ may impose an administrative fine not to exceed \$2,000 for each offense upon any person
35 who violates any provision of this subdivision, any rule adopted under this subdivision, or any
36 permit or contract entered into under the authority of this subdivision. ~~[Rehearings and appeals]~~
37 *Appeals* from a decision of the commissioner under this paragraph shall be in accordance with ~~[RSA~~

SB 445 - AS INTRODUCED
- Page 14 -

1 ~~541]~~ ***RSA 21-O:7, IV.*** Any administrative fine imposed under this section shall not preclude the
2 imposition of further penalties under this subdivision. The proceeds of administrative fines levied
3 pursuant to this paragraph shall be deposited by the department in the replacement fund
4 established pursuant to RSA 485-A:51. The commissioner shall adopt rules, under RSA 541-A,
5 relative to[:

6 ~~(a)-A]~~ ***a*** schedule of administrative fines which may be imposed under this paragraph for
7 violations of this chapter as provided above.

8 ~~[(b) Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

9 33 Definitions; Director; Division; Water Division. Amend RSA 485-C:2, VI-VII to read as
10 follows:

11 VI. "Director" means the director of the division of water ~~[supply and pollution control]~~,
12 department of environmental services.

13 VII. "Division" means the division of water ~~[supply and pollution control]~~, department of
14 environmental services.

15 34 Administrative Fines; Water Division. Amend RSA 485-C:18 to read as follows:

16 485-C:18 Administrative Fines.

17 The commissioner~~[, after notice and hearing pursuant to RSA 541-A,]~~ may impose an
18 administrative fine not to exceed \$4,000 for each offense upon any person who violates any provision
19 of this chapter or any rule, permit or order adopted or issued under this chapter. Each day of
20 violation shall constitute a separate offense. ~~[Rehearings and appeals]~~ ***Appeals*** from a decision of
21 the commissioner under this section shall be in accordance with ~~[RSA 541]~~ ***RSA 21-O:7, IV.*** Any
22 administrative fine imposed under this section shall not preclude the imposition of further penalties
23 under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to[:

24 ~~I. A schedule of administrative fines which may be imposed under this section for violation~~
25 ~~of this chapter.~~

26 ~~II. Procedures for notice and hearing prior to the imposition of an administrative fine.]~~ ***a***
27 ***schedule of administrative fines which may be imposed under this section for violation of***
28 ***this chapter.***

29 35 Administrative Fines; Water Division. Amend RSA 486-A:14, I to read as follows:

30 I. The commissioner of the department~~[, after notice and hearing pursuant to RSA 541-A,]~~
31 may impose an administrative fine not to exceed \$500 for each offense upon any person who violates
32 the reporting requirement of RSA 486-A:7, II(e). ~~[Rehearings and appeals]~~ ***Appeals*** from a decision
33 of the commissioner under this paragraph shall be in accordance with ~~[RSA 541]~~ ***21-O:7, IV.*** The
34 commissioner shall adopt rules, under RSA 541-A, relative to procedures for notice and hearing prior
35 to the imposition of an administrative fine.

36 36 Penalty; Administrative Fines; Water Division. Amend RSA 487:7, II to read as follows:

SB 445 - AS INTRODUCED
- Page 15 -

1 II. The commissioner of environmental services~~[, after notice and hearing pursuant to RSA~~
2 ~~541-A,~~] may impose an administrative fine not to exceed \$2,000 for each offense, upon any person
3 who violates any provision of this chapter, any lawful rule of the department adopted under this
4 chapter, or any lawful order issued by the department pursuant to this chapter. ~~[Rehearings and~~
5 ~~appeals]~~ **Appeals** from a decision of the commissioner under this paragraph shall be in accordance
6 with ~~[RSA 541]~~ **RSA 21-O:7, IV**. Any administrative fine imposed under this section shall not
7 preclude the imposition of further penalties under this chapter. The proceeds of administrative fines
8 levied pursuant to this paragraph shall be deposited by the department in the general fund. The
9 commissioner shall adopt rules, under RSA 541-A, relative to[:

10 ~~(a) A]~~ a schedule of administrative fines which may be imposed under this paragraph for
11 violations of this chapter.

12 ~~[(b) Procedures for notice and hearing prior to the imposition of an administrative fine.]~~

13 37 Administrative Fines; Water Division. Amend RSA 488:8, I-II to read as follows:

14 I. The commissioner~~[, after notice and hearing pursuant to RSA 541-A,~~] may impose an
15 administrative fine not to exceed \$4,000 for each offense upon any person who knowingly:

16 (a) Violates any provision of this chapter or any rule or order adopted or issued under it.

17 (b) Makes any material false statement in any document required to be filed or
18 maintained.

19 (c) Renders inaccurate, falsifies, or tampers with any monitoring device or method.

20 II. ~~[Rehearings and appeals]~~ **Appeals** from a decision of the commissioner under this section
21 shall be in accordance with ~~[RSA 541]~~ **RSA 21-O:7, IV**.

22 38 Administration and Enforcement; Water Division. Amend RSA 489-C:5, III to read as
23 follows:

24 III. The commissioner~~[, after notice and hearing pursuant to RSA 541-A,~~] may revoke the
25 certification of any person who violates this chapter. ~~[Rehearings and appeals]~~ **Appeals** relating to
26 revocation shall be governed by ~~[RSA 541]~~ **RSA 21-O:7, IV**.

27 39 Definitions; Division; Wetlands Council. Amend RSA 482-A:2, II to read as follows:

28 II. "Division" means the division of water ~~[resources]~~, department of environmental services.

29 40 Excavating and Dredging Permit; Certain Exemptions; Wetlands Council. Amend RSA 482-
30 A:3, XIX to read as follows:

31 XIX. The department shall issue a culvert maintainer certificate to any individual who
32 submits an application provided by the department, and has satisfactorily completed the program in
33 accordance with paragraphs XVII and XVIII. Initial certificates shall be valid through December 31
34 of the year following the year of issue. Renewal certificates shall be valid from January 1 through
35 December 31 of every other year. Permits shall be renewable upon proper application, and
36 documentation of compliance with the continuing education requirement of paragraph XVIII. The
37 installer's permit may be suspended, revoked, or not renewed for just cause, including, but not

SB 445 - AS INTRODUCED
- Page 16 -

1 limited to, the installation of culverts in violation of this chapter or the refusal by a permit holder to
2 correct defective work. The department shall not suspend, revoke, or refuse to renew a permit
3 except for just cause ~~[until the permit holder has had an opportunity to be heard by the department]~~.
4 An appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to
5 RSA 21-O:14.

6 41 Excavating and Dredging Permit; Certain Exemptions; Wetlands Council. Amend RSA 482-
7 A:3, XX(c) to read as follows:

8 (c) The department may revoke a certificate for good cause after notification to the
9 certificate holder ~~[and opportunity for an adjudicative proceeding under RSA 541-A:31 and rules~~
10 ~~adopted by the department]~~. ***An appeal from such decision to revoke, suspend, or not renew a***
11 ***permit may be taken pursuant to RSA 21-O:5-a, V.***

12 42 Administrative Fine; Wetlands Council. Amend RSA 482-A:13 to read as follows:
13 482-A:13 Administrative Fine.

14 The commissioner~~[- after notice and hearing in accordance with the procedures set forth in RSA~~
15 ~~541-A,]~~ is empowered to impose an administrative fine of up to \$5,000 for each violation, irrespective
16 of the duration of violation, upon any person who violates any provision of this chapter. This fine is
17 appealable under ~~[RSA 541]~~ ***RSA 21-O:5-a, V.*** Any administrative fine imposed under this section
18 will not preclude the imposition of further penalties under this chapter. The proceeds of
19 administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized
20 in RSA 482-A:14, III.

21 43 Penalties; Wetlands Council. Amend RSA 483-B:18, III(b) to read as follows:

22 (b) The commissioner~~[- after notice and hearing pursuant to RSA 541-A,]~~ may impose an
23 administrative fine of up to \$5,000 for each offense upon any person who violates this chapter.
24 ~~[Rehearings and appeals]~~ ***Appeals*** relating to such fines shall be governed by ~~[RSA 541]~~ ***RSA 21-***
25 ***O:5-a, V.*** Imposition of an administrative fine under this section shall not preclude the imposition of
26 further civil penalties under this chapter.

27 44 Attorney General; Deputy Associates; Assistants. Amend RSA 21-M:3, VIII(a) to read as
28 follows:

29 (a) ~~[Be an attorney qualified by education]~~ ***Have a minimum of a juris doctor degree***
30 ***from an accredited college or university*** and ***have*** experience in the conduct of administrative
31 adjudicative hearings and the application of law to facts~~[- preferably a retired justice of the superior~~
32 ~~or supreme court]; and~~

33 45 Administrative Appeals. Amend RSA 21-O:14, I to read as follows:

34 I.(a) For purposes of this chapter, "department permitting decision" means:

35 (1) The department's final action on an application or other request for a license as
36 defined in RSA 541-A:1, VIII, whether the action to accept, grant in whole or in part with or without
37 conditions, or deny the application or request and whether the action is taken by the commissioner

or by the department official who has statutory authority to take such final action or to whom the commissioner has properly delegated the authority to take such final action.

(2) The revocation of or the refusal to renew a license as defined in RSA 541-A:1, VIII based on the permit holder's non-compliance with the statute, rules, or terms and conditions of the license or on other good or just cause as defined in rules adopted relative to the license.

(b) For purposes of this section, "department enforcement decision" means:

(1) The issuance of an administrative order issued under specific statutory authority for such an order, whether described as an order, an administrative order, a cease and desist order, a notice of violation and order of abatement, or other similar name, which specifies the facts and law that support the department's determination that one or more violations are occurring or have occurred and orders the recipient to cease on-going violations and to take such remediation actions as are necessary to come into compliance with applicable requirements.

~~(2) [The revocation of or the refusal to renew a license as defined in RSA 541-A:1, VIII based on the permit holder's non-compliance with the statute, rules, or terms and conditions of the license or on other good or just cause as defined in rules adopted relative to the license.]~~

Imposition of an administrative fine, pursuant to specific statutory authority for such an administrative fine and any applicable administrative rules or schedules, by way of a notice of administrative fine or fines which specifies the facts and law that support the commissioner's determination that one or more violations are occurring or have occurred which should be penalized with an appropriate administrative fine.

(c) "Department decision" means a department permitting decision[.]; a department enforcement decision, **including the commissioner's decision to impose an administrative fine**; and any other decision made by the department that is expressly appealable to a council under the statute granting authority to the department to make the decision. The term does not include rulemaking or an agency declaratory ruling as provided for in RSA 541-A.

46 New Paragraph; Agency Action Against Licensees. Amend RSA 541-A:30 by inserting after paragraph III the following new paragraph:

IV. An agency shall be exempt from the requirements in this chapter to provide for an adjudicative proceeding prior to making a final decision, if such final decision is subject to appeal to a council or board with jurisdiction over such agency, or divisions thereof, that provides for notice and an opportunity to be heard.

47 Repeal. The following are repealed:

I. RSA 141-E:4, XIV, relative to procedures for notice and hearing concerning asbestos management and control.

II. RSA 149-M:7, XI, relative to procedures for notice and hearing concerning solid waste management.

1 III. RSA 149-M:37, IV, relative to procedures for notice and hearing concerning solid waste
2 management.

3 IV. RSA 485-A:2, I-b, relative to the definition of certification committee.

4 V. RSA 485-A:40, I, relative to reconsideration of certain departmental decisions relative to
5 sewage disposal systems.

6 VI. RSA 485-A:40, II, relative to certain appeals of certain departmental decisions relative to
7 sewage disposal systems.

8 VII. RSA 485-A:40, III, relative to the granting of motions for reconsideration of certain
9 departmental decisions relative to sewage disposal systems.

10 VIII. RSA 488:9, VI, relative to procedures for notice and hearing prior to the imposition of
11 an administrative fine relative to water management.

12 IX. RSA 21-M:3, VIII-a, relative the appointment of hearing officers.

13 48 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 445

1 Amend the bill by deleting section 20 and renumbering the original sections 21-48 to read as 20-47,
2 respectively.

3
4 Amend the bill by replacing section 26 with the following:

5
6 26 Permit Eligibility; Exemption; Water Division. Amend RSA 485-A:35, I(a) to read as follows:

7 I.(a) All applications, plans, and specifications submitted in accordance with this chapter for
8 subsurface sewage or waste disposal systems shall be prepared and signed by the individual who is
9 directly responsible for them and who has a permit issued by the department to perform the work.
10 The department shall issue a permit to any individual who applies to the department, pays a fee of
11 \$80, and demonstrates a sound working knowledge of the procedures and practices required in the
12 site evaluation, design, and operation of subsurface sewage or waste disposal systems. The
13 department shall require an oral or written examination or both to determine who may qualify for a
14 permit. Permits shall be issued from January 1 and shall expire December 31 of every other year,
15 subject to the grace periods specified in subparagraphs (c) and (d). Permits shall be renewable upon
16 proper application, payment of a biennial permit fee of \$80, and documentation of compliance with
17 the continuing education requirement of subparagraph (b). A permit issued to any individual may
18 be suspended, revoked or not renewed only for just cause~~[-and after the permit holder has had a full~~
19 ~~opportunity to be heard by the department]~~. An appeal from a decision to revoke, suspend, or not
20 renew a permit may be taken pursuant to ~~[RSA 541]~~ **RSA 21-O:7, IV**. All fees shall be deposited in
21 the subsurface systems fund established in RSA 485-A:30, I-b.

22
23 Amend RSA 541-A:30, IV as inserted by section 45 of the bill by replacing it with the following:

24
25 IV. An agency shall be exempt from the requirements in this chapter to provide for an
26 adjudicative proceeding prior to making a final decision, if such final decision is subject to appeal to
27 a council or board with jurisdiction over such agency, or divisions thereof, that provides for notice
28 and an opportunity to be heard. Unless based on risk to an immediate risk to human health or the
29 environment, the agency decision under this paragraph shall not become effective for 30 days
30 following the date of the decision or, if an appeal is filed to a council or board within jurisdiction,
31 until the council or board issues a decision.

Amendment to SB 445

- Page 2 -

1 Amend the bill by replacing all after section 45 with the following:

2
3 46 Emissions Reduction Trading Programs; Certification of Emissions Reduction Credits.

4 Amend the introductory paragraph of RSA 125-J:4, VII to read as follows:

5 VII. The commissioner may suspend, modify, or revoke any emissions reduction credits
6 certificate issued under this chapter, or any portion thereof, upon a finding~~[, following a hearing]~~:

7 47 New Paragraph; Department of Environmental Services; Administrative Appeals. Amend
8 RSA 21-O:14 by inserting after paragraph IV the following new paragraph:

9 V. A fine imposed by the department shall not become effective for 30 days following the
10 date of the decision, or if an appeal is filed to a council, until the council issues a decision.

11 48 Repeal. The following are repealed:

12 I. RSA 141-E:4, XIV, relative to procedures for notice and hearing concerning asbestos
13 management and control.

14 II. RSA 149-M:7, XI, relative to procedures for notice and hearing concerning solid waste
15 management.

16 III. RSA 149-M:37, IV, relative to procedures for notice and hearing concerning solid waste
17 management.

18 IV. RSA 485-A:2, I-b, relative to the definition of certification committee.

19 V. RSA 485-A:40, I, relative to reconsideration of certain departmental decisions relative to
20 sewage disposal systems.

21 VI. RSA 485-A:40, II, relative to certain appeals of certain departmental decisions relative to
22 sewage disposal systems.

23 VII. RSA 485-A:40, III, relative to the granting of motions for reconsideration of certain
24 departmental decisions relative to sewage disposal systems.

25 VIII. RSA 488:9, VI, relative to procedures for notice and hearing prior to the imposition of
26 an administrative fine relative to water management.

27 IX. RSA 21-M:3, VIII-a, relative the appointment of hearing officers.

28 X. RSA 125-O:7, III(a), relative to notice and hearing requirements prior to the imposition of
29 certain administrative fines.

30 49 Effective Date. This act shall take effect 60 days after its passage.

Docket of SB445		
11/21/2025	S	Introduced 01/07/2026 and Referred to Energy and Natural Resources; SJ 1
01/06/2026	S	Hearing: 01/15/2026, Room 103, SH, 01:10 pm; SC 1
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1126s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 445, relative to adjudicative proceedings where there is a council or board with jurisdiction.

Hearing Date: January 15, 2026

Time Opened: 1:10 p.m.

Time Closed: 1:33 p.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill changes the process for appeals where there is a council or board with jurisdiction.

Sponsors:

Sen. Pearl
Rep. Slottje

Sen. Gannon
Rep. Thibault

Sen. McGough

Who supports the bill: Senator Pearl, (SD17), **Senator Tim McGough (SD11)**, Adam Crepeau and Bob Scott (NHDES), Robert Duval (Chair Air Council)

Summary of testimony presented:

Senator Howard Pearl, District 17

- Senator Pearl introduced the bill and explained that the current process is inefficient and lacks a fair hearing process; because the same agency that makes the initial decision is also responsible for hearing the appeal.
- He raised some concerns regarding the role and effectiveness of environmental councils within the existing decision-making and appeals framework.
- In 2025, the New Hampshire Department of Environmental Services (NHDES) issued six fine actions and six additional enforcement actions, indicating that the bill would not create a significant increase in workload or administrative burden.

Senator Watters asked whether it was accurate to characterize the process as a two-step system in which the commissioner has authority to make certain decisions without first holding a hearing.

Senator Pearl said he was uncertain and forwarded technical and procedural questions to the subject-matter experts for clarification.

Robert Scott Commissioner and Adam Crepeau Asst. Commissioner, NH DES

- One of their functions is to hear appeals. They made changes to the law in the past to staff and operate that function through the Attorney General's office.
- Mr. Scott was concerned with the decisions being made under his signature/department that is under his discretion but then come back for an appeal and the optics are not good. He moved that administrative support responsibility to the AGs Office.
- For licensing action, this is very important to people, they take it very seriously
- The appeal process currently goes through his staff as authorized and that is when a fine is issued or there is a revocation of license. That can be appealed internally and that then will cause a bit of confusion because it sets up a "firewall" between him and his staff that worked on that appeal case because they cannot speak to him about the case. This creates some administrative issues for him and his department.
- Mr. Scott explained that what they are trying to do in the legislation is reassign the function directly to the appeals councils which are the four environmental councils already established. They are not eliminating the due process, they are trying to ensure that the person whom is aggrieved is not going to the same agency that revoked or fined them for the appeal process. This ensures an impartial agent.
- They did have request a language change. He explained that as written, if you're a licensed and DES has moved to take their license. Their license would be taken away until the appeal process is complete. Mr. Scott asked the committee to change that so that the persons license is not revoked until after the appeal process.
- Mr. Crepeau pointed to Section 46 and introduced an amendment to the committee. They said they had quite a few language changes because there is a lot of statutes that are intertwined with RSA:541-A. He clarified that their intent is to streamline the appeals process.
- The amendments introduced clarifies some language and errors that were made during drafting. He explained the appeal process; get a hearing before a fine or license action is taken, then its an appeal which goes to the commissioner. Then if an individual appeals again, it goes to one of the councils. He proceeded to say that they would prefer the appeal to go directly to the councils to avoid expensive legal fees.

Senator Avard asked if other departments were having this problem.

Mr. Crepeau said they were unique in that other agencies do not have an independent council that they can appeal to, whereas DES does. He did not want to speak on behalf of other agencies but did say that they struggle with the internal appeal process.

Senator Pearl said that as chair of the Senate ED&A Committee and with the help of the OPLC, they have adjusted other departments and agencies that are now doing investigations through the OPLC and then going to board for adjudication and this bill is following that process.

Senator Watters said this legislation was a good move in fairness while also saving money and time. He questioned the language on lines 18 and 19, asking about the stricken phrase “after notice and hearing pursuant to RSA 541-A” was included. He sought to confirm whether that language would effectively authorize the commissioner to make a determination without a hearing, with the matter addressed later through an appeal.

Mr. Crepeau confirmed that was correct and if a person wants to appeal, they can appeal it. He added that the amendment clarifies this and another part which makes the appeal process more fair for the people.

Senator Rosenwald asked for clarification regarding the hearings referenced on line 4 of the bill. She asked when they were enacted and for how long have they been in statute?

Mr. Crepeau indicated that he was not certain and would seek clarification for the committee, but assumed it originated with the establishment of RSA 541-A, approximately 30 years ago..

Senator McConkey requested clarification on the use of the term “license” and how it applies to DES license holders. He asked whether this language excludes permits that function similarly to licenses.

Mr. Crepeau explained that permits currently follow the same process. DES issues permits internally within the department, and they may be appealed directly to one of the four environmental councils. Very few permits go through an internal appeals process..

Senator McConkey noted that DES issues permits for water operators and or septic designers and asked whether they are included in this conversation even though they are not formally licensed.

Mr. Crepeau responded that they are included because DES is the licensing authority, and its authority includes issuing permits. By issuing permits, DES grants them the authority to perform the work, and they are therefore subject to the board.

Senator McConkey asked whether that means they are considered “licensed” despite the fact that they are not technically licensed but are identified as permit holders on the certificate.

Mr. Crepeau replied yes. Their purview includes “licenses and certifications”.

Senator Watters followed up on questions raised by Senator McConkey regarding Section 46. Section 46 is understood to reference licensing, including the imposition of fines. Those fines can be appealed, since there is no hearing at that stage, he raised the question about whether there is a provision that also applies to permits. He was concerned that if a fine is paid, it may be treated as a technicality. He claimed that some believe Section 46 does not apply to permits.

Mr. Crepeau stated that the intent was to apply both to fine actions and to licensing certification actions.

Senator Watters said he doesn’t believe this bill does that and asked Mr. Crepeau to look into it and return with language that would address both licenses and permits.

Mr. Crepeau said he would look into that issue and get back to the committee with an answer.

Senator Rosenwald asked how the Section 46 proposal allows the department to assess risks to human health. She referenced a prior asphalt plant proposal in Nashua, noting that human health risks were cited. She raised concern that there appeared to be no coordination between DES and HHS in defining or evaluating those risks. She questioned why the department was relying on human health risks without working with DHHS.

Commissioner Scott responded that the agency has an internal health department, so coordination with HHS is not necessary. There is a lot of back and forth between the public health agency and DES which promotes good coordination. Section 46 is used to promulgate rules and codify public health standards, depending on the application.

Senator Rosenwald asked if they work with a MOU between departments.

Commissioner Scott stated that Public Health is located next door and that the agencies work very closely together. He argued that a memorandum of understanding (MOU) is unnecessary because the two agencies’ missions and responsibilities overlap. He also noted that the internal health department within DES relies on HHS for support when needed.

Robert Duval, Air Resources Council

- He explained that any appeals related to air issues would be directed to the Air Council.
- He expressed support for the legislation and echoed the commissioners’ reasoning for why it is necessary. He added that both the public and the department are better served when appeals are heard by the boards or councils rather than by DES.

SB 535 - AS INTRODUCED

2026 SESSION

26-2150

08/06

SENATE BILL

535

AN ACT defining residential breeder and imported animal for the purposes of animal transfers.

SPONSORS: Sen. Pearl, Dist 17; Sen. Avarad, Dist 12; Sen. Lang, Dist 2; Sen. Watters, Dist 4; Sen. Innis, Dist 7; Sen. Rosenwald, Dist 13; Sen. Abbas, Dist 22; Sen. Rochefort, Dist 1; Rep. J. Aron, Sull. 4; Rep. Bixby, Straf. 13; Rep. Moffett, Merr. 4; Rep. Aures, Merr. 13; Rep. Wood, Merr. 13

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill defines residential breeder and imported animal for the purposes of animal transfers.

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-Six

AN ACT defining residential breeder and imported animal for the purposes of animal transfers.

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

1 1 New Paragraphs; Definitions. Amend RSA 437:1 by inserting after paragraph V the following
2 new paragraphs:

3 VI. "Residential breeder" means an individual who owns and breeds dogs or cats within
4 their primary residence and not in a separate breeding facility. A residential breeder's operations
5 shall be integrated into their home environment and shall transfer no more than 50 dogs and/or cats
6 with or without a fee or donation, between January 1 and December 31 of any calendar year A
7 residential breeder shall raise the litters in the household setting by maintaining the animals as
8 part of the family environment. A residential breeder shall not import animals for transfer with or
9 without a fee.

10 VII. "Imported animal" means the offspring of any animal which was imported into the state
11 while pregnant. Notwithstanding any other provision of this chapter, any animal imported prior to
12 birth shall be considered to have met the requirements for importation if the pregnant female has
13 met the requirements for importation.

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

Amendment to SB 535

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

2
3 AN ACT defining residential breeder and imported animal for the purposes of animal
4 transfers and removing references to commercial kennels.
5

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

7
8 1 New Paragraphs; Definitions. Amend RSA 437:1 by inserting after paragraph V the following
9 new paragraphs:

10 VI. "Residential breeder" means an individual who owns and breeds dogs or cats within
11 their primary residence and not in a separate breeding facility. A residential breeder's operations
12 shall be integrated into their home environment and shall transfer no more than 50 dogs or cats
13 with or without a fee or donation, between January 1 and December 31 of any calendar year. A
14 residential breeder shall raise the litters in a household setting by maintaining the animals as part
15 of the family environment. A residential breeder shall not transfer imported animals within New
16 Hampshire with or without a fee or donation. Residential breeders shall be exempt from compliance
17 with rules adopted by the department relative to premises requirements to house, harbor, or display
18 animals in New Hampshire.

19 VII. "Imported animal" means any dog, cat, ferret, or other live animal or bird customarily
20 used as household pets that is brought into this state, as well as the offspring of any animal
21 imported into the state while pregnant. Notwithstanding any other provision of this chapter, any
22 animal imported prior to birth shall be considered to have met the import requirements of this
23 chapter if the pregnant female has also met those requirements.

24 2 Group Licenses. Amend RSA 466:6, I to read as follows:

25 I. The owner or keeper of 5 or more dogs shall annually by April 30 pay the required fee and
26 obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the
27 license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall
28 not be required to obtain a [~~commercial kennel~~] **"pet vendor"** license under RSA 466:4, III unless
29 such person [~~has a commercial kennel~~] **is a pet vendor** as defined under RSA 466:4, III.

30 3 Fees; Pet Vendors. Amend RSA 466:4, III to read as follows:

31 III. Fees for dogs licensed [~~in a commercial kennel~~] **as a pet vendor** shall be based on the
32 numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph,

Amendment to SB 535

- Page 2 -

1 ~~["commercial kennel"]~~ ***"pet vendor" shall have the same meaning as RSA 473:1, IV*** ~~[means the~~
2 ~~establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells~~
3 ~~or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who~~
4 ~~derives 40 percent or more of gross annual income from the sale or transfer of dogs]~~. The owner or
5 keeper of any dog licensed under this paragraph shall not be assessed a companion animal
6 population control fee.
7 4 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 535
- Page 3 -

2026-1124s

AMENDED ANALYSIS

This bill defines residential breeder and imported animal for the purposes of animal transfers and removes outdated references to "commercial kennels".

Docket of SB535		
11/24/2025	S	Introduced 01/07/2026 and Referred to Energy and Natural Resources; SJ 1
02/04/2026	S	Hearing: 02/17/2026, Room 103, SH, 09:40 am; SC 5
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1124s, 03/26/2026; Vote 4-1; CC; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 535, defining residential breeder and imported animal for the purposes of animal transfers.

Hearing Date: February 17, 2026

Time Opened: 10:31 a.m.

Time Closed: 11:13 a.m.

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

Members of the Committee Absent : Senator McConkey

Bill Analysis: This bill defines residential breeder and imported animal for the purposes of animal transfers.

Sponsors:

Sen. Pearl
Sen. Watters
Sen. Abbas
Rep. Bixby
Rep. Wood

Sen. Avard
Sen. Innis
Sen. Rochefort
Rep. Moffett

Sen. Lang
Sen. Rosenwald
Rep. J. Aron
Rep. Aures

Who supports the bill: 32 Individuals signed in support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Who opposes the bill: 1464 Individuals signed in opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for a full list.

Summary of testimony presented:

Senator Howard Pearl, District 17

- Senator Pearl introduced the bill and explained that it is designed to help ensure that animals are placed in appropriate and responsible homes. One of the department's concerns was that it does not want to conduct inspections inside private homes. The bill establishes a framework that allows the department to track animal activity and maintain proper record keeping without requiring routine in-home inspections.
- The legislation also creates a clear definition of a "residential breeder." This definition is intended to provide regulatory clarity and grant relief to the

department by limiting the need for in-home inspections, while still ensuring oversight through documentation and reporting requirements.

- The second part of the bill defines what constitutes an “imported animal.” It clarifies that animals brought into the state while pregnant are considered imported, and that their offspring are also classified as imported animals. As such, the offspring must comply with the same regulations and requirements that apply to any other imported animal.

Senator Watters asked for clarification regarding the number 50 dogs/cats in the language. He said in past legislatures, they agreed upon 30 and he believed that was a reasonable number. He asked if, on line 4, residence would include a barn.

Senator Pearl said it would just include the primary home, not a detached kennel but within an individual’s home.

Senator Watters asked about the enforcement aspect and how the department would know how many pets are being transferred and whether those animals have received their health certificates.

Senator pearl said he would let the commissioner speak to that point however he added that they put the database in place and it has helped them get a snapshot of the placement of animals in the community.

Senator Rosenwald asked about the number 50, stating that she was not familiar with gestation periods and wanted clarification on what 50 would look like in terms of a litter and animals born. She asked how that number translates to the number of litters and puppies on the ground.

Senator Pearl responded that he is not an expert but explained that there are differences in breeding practices depending on species. He stated that most dogs or cats would not exceed five or six breeding births in a year.

Senator Rosenwald then asked whether it would be reasonable for a single dog to give birth five times in one year.

Senator Pearl clarified that it would not be one dog giving birth five times; rather, it would involve five different dogs. He added that the proposed threshold would require all breeders meeting that number to register as pet vendors, which would help with record-keeping and oversight.

Commissioner Shawn Jasper, Department of Agriculture

- Commissioner Jasper said the department supported the bill and spoke to the constantly changing number of required animals but believed it was a reasonable place for people that are not traditional pet vendors.
- He did find an error on line 10 of the bill regarding the language on an imported animal and offspring, he explained that as written it only applies to the offspring and not the pregnant animal, and clarified that it should include both.

- He also addressed the concern about the number of animals and said it varies depending on breed of animal. He explained that it has been lowered to 25, then went back to 30 and now it is 50. It constantly changes, however they increased to 50 because they believe it is a reasonable number.

Senator Watters stated that the original cap was enacted in response to numerous egregious abuse cases in the past and asked for clarification.

Commissioner Jasper explained that the limit of 25 animals had been considered reasonable at the time, particularly given typical litter sizes. However, he acknowledged that the threshold ultimately captured many individuals who did not need to be regulated under the same standard. He further noted that the bill would require every animal transferred to be registered in the database, emphasizing that there would be no associated fee. Additionally, he stated that pet vending was very costly for the state to administer, as it involved significant operational expenses while generating minimal revenue.

Senator Watters stated that he was on the Governor's Commission on the Prevention of Cruelty to Animals. He said that at their most recent meeting, members discussed concerns that some individuals were pushing the boundaries of the law. He noted that certain breeders were not obtaining required health certificates and were instead transferring animals privately, preventing the state from tracking those transfers. He asked whether it was not the health certificate requirement that enabled the state to determine who possessed and transferred animals.

Commissioner Jasper responded that yes, some individuals might continue operating quietly because they were exceeding the current limit of 30 animals. He stated that he hoped raising the threshold to 50 would encourage compliance, prompting breeders to follow the proper process and obtain the required health certificates. He said the change would bring those individuals into compliance. He added that those exceeding 50 animals were generally well-established breeders who advertised their operations and were widely known.

Senator Watters stated that there was currently no reliable way to determine whether individuals were transferring more than 30 or 50 animals and asked for clarification on how the proposed change would address that issue.

Commissioner Jasper stated that he was correct. He explained that if someone was advertising animals for transfer and they noticed that no health certificate had been issued for that person or animal, that situation could prompt an investigation.

Senator Watters said that an issue has been raised regarding departments that do not have a designated animal control officer. In some cases, these departments may become aware of potential violations but feel they are unable to take action because they do not have an animal control officer. He asked whether he was aware of this problem.

Commissioner Jasper responded that he believes this may simply be a matter of departments pushing responsibilities off. He explained that every police chief has the authority to designate an officer to handle animal control duties, and that a separate

animal control officer is not required. He noted that many small towns handle animal control this way.

Senator Pearl clarified that they are not creating a new situation regarding the number 50 and addressed the confusion around whether it was 30 or 50. He believed they would still need to register as a pet vendor at 30, but at asked the commissioner for confirmation.

Commissioner Jasper said he was unsure about the full scope of the statute, but he did not believe breeders were required to register. However, he said they would still need to submit a certificate of transfer. He recalled that the law created a new category of “residential breeder,” and explained that breeders do not become classified as pet vendors until they reach 50 animals.

Senator Pearl said he remembered the statute being written so that residential breeders would register as pet vendors, but that the change was intended to relieve the department of conducting home inspections. He noted that this meant the department would no longer be going into private homes.

Commissioner Jasper responded that the statute appears to address both issues. He said that if breeders are not required to register, that is acceptable, but the inspections are unnecessary and should not complicate the process. He added that he hopes they will still submit transfer certifications.

Charles Stanton, Executive Director of New Hampshire Humane Society

- He stated that the bill creates a new definition that feels contradictory to what is actually needed and noted that the discussion about increasing the animal limit has been a longstanding misinterpretation within the animal welfare community. He emphasized that the bill is confusing to the public, poorly written, and requires clarification.
- He expressed that the State does need to lower the maximum number of animals allowed in non-licensed operations, pointing out that if individuals are quietly exceeding the 30-animal limit, they could also exceed 50, questioning the rationale for pushing the limit higher.
- He questioned why the State continues to overregulate licensed, compliant shelters when the Department of Agriculture has already indicated they are overburdened, noting that this focus distracts from egregious activity by unlicensed and non-compliant groups.
- He highlighted that enforcement gaps exist at every level throughout the state, making current regulations less effective and unevenly applied.
- He argued that what is missing is a comprehensive master plan. Rather than reacting to issues as they arise, the state needs a clear, long-term strategy with defined objectives, measurable benchmarks, and coordinated implementation to align regulations with overarching goals, reduce redundancy, and provide transparency for all stakeholders.

Patricia Morris

- Ms. Morris explained that the bill created a new statutory definition without clearly integrating it into the existing regulatory framework, which created potential confusion and enforcement gaps.
- Pet vendors were already confused. The issue was not unwillingness to comply, but uncertainty about how to comply due to unclear and inconsistent statutory language.
- The department was being asked to take on additional responsibilities despite existing staffing limitations and inconsistent enforcement of current law. Expanding oversight without added capacity increased the risk of enforcement gaps.
- Key terms such as “litter” and “imported animal” required clearer, consistent definitions. Because “import” was not defined in statute, its interaction with Section 478 remained unclear.
- Overall, the bill added another layer to an already complex system and risked creating more ambiguity rather than providing meaningful or workable relief.

Senator Pearl noted that changes have been made throughout the years to assist the department, including reevaluating whether private foster homes truly require inspections. He stated that the goal of the bill is to allow non-problem breeders to obtain relief from certain requirements, particularly home inspections. In that sense, the bill appears to be designed to create relief for a small, specific niche of residential breeders and pet vendors who have not demonstrated compliance issues.

Ms. Morris agreed that relief for compliant operators may be appropriate. However, she expressed concern about breeders who have been involved in serious and troubling cases in the past. Her position suggests that while targeted relief may be justified, the language must be carefully drawn to ensure it does not inadvertently weaken oversight in situations where it is clearly needed. The distinction between responsible breeders and those with problematic histories must be clearly articulated in statute.

Senator Pearl requested that Ms. Morris provide her suggested language to clarify and refine the bill.

Ms. Morris agreed to do so and get back to the committee with her recommendations.

Diane Richardson

- She expressed support for the bill’s effort to provide clearer definitions. Clarifying terminology was a positive step and helped bring structure to an area that had lacked precision.
- However, she noted that the bill ultimately lumped residential home breeders into the broader oversight category, and that oversight had not actually been removed. While the term “residential home breeder” was introduced, those breeders were still required to be licensed and subject to regulation.

- She also raised concern that certain requirements such as maintaining an “inspectable facility” did not translate well to private homes. Standards designed for commercial facilities may not work effectively or practically in a residential setting.
- She cautioned the committee about the issue of imported pregnant animals. She emphasized the need for careful consideration and clear language to ensure that the law addressed potential risks without creating unintended loopholes or enforcement challenges.

RayLynn Bradigan, Executive Director of Upper Valley Humane Society

- Ms. Bradigan had some questions regarding language and past testimony. She expressed concern regarding past testimony that if a home is better for animals being raised at breeders and they do better if raised in a home for rehabilitation then it didn’t make sense as to why for SB475 the committee was discussing more specific regulations for a foster home. She explained that if a home is better for a pet medically or behaviorally, these two arguments contradict each other.
- She also expressed concern about the number of animals in regards to the 30/50 number. She said if it was said that it would be up to the breeders to make responsible decisions to have animals in their home.
- She stated that if a home environment was considered beneficial for pets medically and behaviorally, then creating more specific regulations about who could operate a foster home appeared inconsistent.
- She expressed confusion that while previous testimony emphasized trusting breeders and veterinarians to exercise professional judgment, SB 475 introduced more prescriptive regulations, which she viewed as contradictory.

Senator Pearl clarified that the bills were introduced by different sponsors and were intended to address separate issues. He explained that the committee and the legislature recognized that, in certain situations, pets may require placement in a home setting or under care different from that of a typical pet vendor. He stated that the bill would prohibit the importation of animals for this purpose and would prevent the accumulation or hoarding of large numbers of animals within a single home. He noted that although only a small group had presented concerns in the past, the legislation was designed to safeguard this niche area and prevent potential abuse or harm to animals. He explained that some tailoring of the law was necessary to clarify and close existing loopholes in the current statute.

Commissioner Shawn Jasper, Department of Agriculture

Senator Watters asked about the definitions in RSA 437:1, noting that the bill added a new definition for “residential breeder.” He questioned whether adding this term created a conflict, particularly since it might also require amending RSA 437:1, IV. He

discussed how the change could affect the existing definition of “pet vendor,” especially if the threshold were set at 50 animals, which could cause someone to be reclassified as a pet vendor depending on their location in the state. He asked whether further clarification was needed in the statutory language to ensure consistency.

Commissioner Jasper stated that the bill needed to include a clear exemption within the rules, specifying that those with fewer than 50 animals would be exempt from certain requirements. He emphasized that the language must clearly outline how inspection requirements apply, explaining that there was currently a lack of clarity in the rules and that it was often unclear what pet vendor standards applied.

Senator Watters expressed concern that the proposed language could create a conflict with existing rules if they do not amend 437-1, IV.

Commissioner Jasper responded that there were currently pet vendors who were breeders and others who operated as retail stores but. He stated that he would leave the policy decision on the specifics to the legislature but emphasized the need for clarity regarding inspection and enforcement. He noted that whether the threshold was set at 50 or 30 animals, the individual could still be considered a pet vendor, though potentially subject to different requirements, and the distinction needed to be clearly addressed.

Senator Watters stated that there was an obvious conflict in section 4 of the bill and there should be a clear distinction in the language.

Senator Rosenwald noted that a previous speaker had raised concerns about a lack of resources. She questioned whether this legislation was an “ass-backwards,” approach, suggesting that the statute was being changed without first providing the necessary resources. She asked for clarification on whether the department may need more resources before creating legislation that could cause problems.

Commissioner Jasper stated that the issues were not mutually exclusive and emphasized that no additional staffing would be needed. He added that he did not see any problem with residential breeders and noted that it was not reasonable to expect the department to conduct inspections for private homes.

JS

Date Hearing Report completed: February 19, 2026

SB 593 - AS INTRODUCED

2026 SESSION

26-2176

08/06

SENATE BILL **593**

AN ACT relative to landfills.

SPONSORS: Sen. Avard, Dist 12; Sen. Watters, Dist 4; Sen. McConkey, Dist 3; Sen. Pearl, Dist 17

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill defines and regulates landfill expansions.

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-Six

AN ACT relative to landfills.

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

1 1 Purpose and Findings. The general court hereby finds and declares that:

2 I. There is a compelling state interest in maintaining adequate, reasonably priced disposal
3 capacity for solid waste generated in New Hampshire.

4 II. As a result of changes in federal and state law over the past 50 years and the economics
5 of solid waste management, waste disposal facilities are sited regionally in New Hampshire, but they
6 provide disposal capacity for municipalities throughout the state, often irrespective of whether a
7 municipality is in close proximity to the disposal facility.

8 III. The siting of new disposal capacity is often locally controversial and the use of local
9 land-use regulation to prevent siting of new capacity can result in the frustration of the state's
10 interest in maintaining adequate capacity. The general court prefers that new landfill capacity be
11 developed in expansions of existing permitted landfills instead of on greenfield sites because existing
12 sites have already been carefully studied before being permitted and have been found suitable for
13 landfilling by the department of environmental services.

14 IV. The department of environmental services typically has decades of familiarity with
15 conditions at such sites and the expansion of an existing use is generally consistent with the overall
16 objectives of land-use controls.

17 V. The state's preference for such expansions warrants that the state's regulatory and policy
18 interests take precedence over local regulation and restrictions, particularly because the
19 department's rules provide robust protection of human health and the environment.

20 VI. Because of the overriding state interest, the department already regulates virtually
21 every aspect of landfill siting and development that would ordinarily be regulated under local zoning
22 and planning ordinances.

23 VII. This legislation leaves unchanged current law regarding siting of new landfill capacity
24 on land that is not adjacent to existing permitted landfill capacity.

25 2 New Paragraph; Public Health; Solid Waste Management; Definitions. Amend RSA 149-M:4
26 by inserting after paragraph X-a the following new paragraph:

27 X-b. "Landfill expansion" means an addition to the permitted capacity of a landfill or the
28 construction of previously permitted capacity for an existing landfill on a parcel or adjacent parcels,
29 including those separated by a right-of-way, owned by the landfill operator or its affiliates. A landfill
30 expansion may either be integrated into an existing landfill or be developed separately from the
31 existing landfill.

1 3 New Paragraphs; Preference for Landfill Expansions; Exclusive Permitting Authority; Host
2 Community Agreement; Groundwater Protection Setback. Amend RSA 149-M:9 by inserting after
3 paragraph XV the following new paragraphs:

4 XVI.(a) To implement the state's preference for landfill expansion over greenfield siting of
5 new landfill capacity, notwithstanding any other provision in this section, landfill expansions shall
6 be subject to approval solely by the department, and no municipal ordinance, bylaw, rule, regulation,
7 agreement, or other restriction shall be effective to prevent the siting of a landfill expansion
8 approved by the department. Nothing in this subparagraph shall be construed to limit the
9 jurisdiction that any other state department may have over such landfill expansions.

10 (b) The owner of any landfill receiving an approval of a landfill expansion under this
11 paragraph and who has an existing agreement with the host municipality to provide free services
12 and pay the municipality a fee for each ton of waste received at the landfill shall increase the total
13 value of such services and fee to a minimum of \$2.50 per ton for all waste received in the landfill
14 expansion.

15 XVII. The department shall establish a site-specific setback distance for any proposed new
16 landfill that is not a landfill expansion from any drinking water wells, perennial river, lake, or
17 coastal water of New Hampshire, as defined in RSA 483-B:4, XVI(b). The setback distance shall be
18 sufficient to prevent any groundwater that may become contaminated by the landfill or its
19 infrastructure from reaching any existing drinking water wells, perennial river, lake, or coastal
20 water of New Hampshire within 5 years. In determining the setback distance, the department shall
21 consider the nature and distribution of subsurface soils, the seasonal volumes and gradient of
22 groundwater flow, and the inclusion of on-site and off-site design features that will ensure the
23 detection and remediation of groundwater that may become contaminated by the landfill or its
24 infrastructure before it reaches any such wells, rivers, lakes, or coastal waters.

25 4 New Paragraph; Permit Applications; Assessment of Benefits and Impacts. Amend RSA 149-
26 M:12 by inserting after paragraph I the following new paragraph:

27 I-a.(a) Any application for a new landfill that is not a landfill expansion shall, in addition to
28 any other requirements set by the department by rules adopted under RSA 541-A:

29 (1) Describe in reasonable detail the benefits and impacts of the proposed landfill on
30 existing local, regional, and state land uses;

31 (2) Provide analysis of the visual impact of the proposed landfill from any residential
32 property within one mile of the site of the proposed landfill during construction, operation, and post-
33 closure through a visual impact assessment prepared in accordance with professional standards by
34 an expert in the field;

35 (3) Provide information in reasonable detail about the projected benefits and impacts
36 of the proposed facility on state and regional business development, local, regional and state

1 economies, property values, aesthetics, tourism, and outdoor recreation. These analyses shall be
2 conducted in accordance with professional standards by an expert in these fields;

3 (4) Provide information in reasonable detail relative to the economic benefits and
4 impacts of the proposed facility and potential infrastructure improvements associated with the
5 proposed project on affected municipalities, the region, and the state; and

6 (5) Provide information in reasonable detail about the projected impacts from noise,
7 odor, or traffic associated with the transportation of waste to the facility over roads between the
8 closest federal interstate highway and the landfill site to the extent such noise, odor, or traffic is not
9 regulated by another state or federal agency. These analyses shall be conducted in accordance with
10 professional standards by an expert in these fields.

11 (b) In any decision approving a permit for such a new landfill the department shall
12 include reasonable and practicable conditions to mitigate any such impacts.

13 5 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 593

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

2
3 AN ACT enabling the use of solid waste management funds by solid waste management
4 districts.
5

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

7
8 1 Purpose and Use of the Solid Waste Management Fund. Amend RSA 149-R:4, II to read as
9 follows:

10 II. The fund shall be used to provide quarterly payments to New Hampshire municipalities
11 **or New Hampshire solid waste management districts established under RSA 53-B** for source
12 reduction and recycling efforts to offset payments made by the municipality **or applicable solid**
13 **waste management district** associated with the solid waste disposal surcharge established under
14 RSA 149-R:5, based upon the tonnage of solid waste for which the municipality **or solid waste**
15 **management district** was financially responsible for disposal at a New Hampshire landfill,
16 incinerator, or waste-to-energy facility. **Payments to solid waste districts shall reflect only the**
17 **amount of the surcharge paid for waste generated by New Hampshire municipalities**
18 **within the applicable solid waste district.** Administration of the payment program shall be in
19 accordance with procedures established by rulemaking under the authority of RSA 149-R:6, IV and
20 V. Such rulemaking shall specifically address the unique circumstances for **solid waste**
21 **management districts or** municipalities that own and operate a facility that is subject to RSA 149-
22 R:5, or **municipalities** that are part of a solid waste district that owns and operates such a facility
23 to ensure that the costs incurred by those municipalities **or solid waste management districts** are
24 offset consistent with this chapter.

25 2 Solid Waste Management Fund; Rulemaking. Amend RSA 149-R:6, IV-V to read as follows:

26 IV. The time, amount, and manner of payments to New Hampshire municipalities **and**
27 **solid waste management districts** pursuant to RSA 149-R:4, II.

28 V. Certified reports required to be submitted by municipalities **and solid waste**
29 **management districts** requesting payments pursuant to RSA 149-R:4, II.

30 3 Effective Date. This act shall take effect January 1, 2027.

Amendment to SB 593
- Page 2 -

2026-1215s

AMENDED ANALYSIS

This bill allows the use of funds from the solid waste management fund for solid waste management districts.

Docket of SB593		
11/25/2025	S	Introduced 01/07/2026 and Referred to Energy and Natural Resources; SJ 1
01/27/2026	S	Hearing: 02/03/2026, Room 103, SH, 09:20 am; SC 4
03/12/2026	S	Hearing: 03/17/2026, Room 103, SH, 09:20 am, on proposed non-germane amendment # 2026-1168s; SC 10
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1215s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

AMENDMENT # 2026-1168s, enabling the use of solid waste management funds by solid waste management districts. to SB 593, relative to landfills.

Hearing Date: March 17, 2026

Time Opened: 10:35 a.m.

Time Closed: 10:46 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill defines and regulates landfill expansions.

Sponsors:

Sen. Avard

Sen. Watters

Sen. McConkey

Sen. Pearl

Who supports the amendment: Howard Pearl (SD17), Richard Moore (BCEP), Sarah Burke Cohen (NHMA), Patrick Doughty

Who opposes the amendment: Nathaniel Blair

Who is neutral on the amendment: Leah McKenna (NHDES)

Summary of testimony presented:

Senator Howard Pearl, District 17

- Senator Pearl introduced amendment 2026-1168s, acknowledging it may be considered non-germane, but arguing it was best way to address the issue from the underlying bill.
- The original legislation involves a \$3.50 per-ton solid waste fee established in last year's House Bill 2, which was intended to be refunded back to municipalities. A complication arose for municipalities that belong to solid waste management districts, because the districts, not the individual towns, are responsible for reporting and paying the fee.
- As written, the law requires the refund to go to municipalities first, meaning funds would need to pass from the district to the municipality and then back to the district, creating unnecessary administrative complexity.

- Based on discussions with Director Wimsatt, Senator Pearl proposed amending the statute to allow direct reimbursement to solid waste management districts, using SB 593 as the legislative vehicle to implement this fix.

Senator Avard asked if it was a replace-all amendment

Senator Pearl confirmed that it was.

Senator Rosenwald asked whether he would be open to a friendly amendment on line 16 of the bill, changing the language from “only reflect” to “reflect only.”

Senator Pearl agreed to that change.

Richard Moore, BCEP

- He explained that the BCEP supported the amendment but wanted to make the legislation retroactive to January 1st, 2026 because they have been paying \$3.50 since then. He added that it equates to roughly \$3,000 a month.

Senator Avard said that would not be possible because the legislature does not have that authority.

Mr. Moore responded that it was unfortunate because it would then come out of the taxpayers pockets.

Senator Pearl said it was going to take time to get this legislation in place, and he recommended Mr. Moore facilitate with the towns however they would like to move forward for the time being. He explained that the bill will help going forward but the legislature cannot make it retroactive.

Mr. Moore emphasized his support for the non-germane amendment but was disappointed his suggestions could not also be implemented. He added some points as to why his suggested amendment would be good for their communities.

Leah McKenna, Solid Waste Management Bureau

Senator Pearl asked if the director of the Waste Management Division had requested the date be changed to January 1st 2027.

Ms. McKenna confirmed.

- Ms. McKenna said she was there to answer any questions regarding the amendment as well as point out an omission that was made during drafting.
- She explained that the omission appears on page one, line fourteen after the word “municipality,” the phrase “or solid waste management district” should be added. This revision would clarify that payments may be made to either entity, depending on which one is financially responsible.

JS

Date Hearing Report completed: March 18, 2026

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 593, relative to landfills.

Hearing Date: February 3, 2026

Time Opened: 10:46 a.m.

Time Closed: 11:41 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill defines and regulates landfill expansions.

Sponsors:

Sen. Avard

Sen. Watters

Sen. McConkey

Sen. Pearl

Who supports the bill: 4 individuals signed in support of the legislation. Please Contact Joshua.Schauer@c.nh.gov for more information.

Who opposes the bill: 129 individuals signed in opposition of the legislation. Please Contact Joshua.Schauer@c.nh.gov for more information.

Summary of testimony presented:

Senator Kevin Avard, District 12

- Senator Avard introduced the legislation as the prime sponsor. He stated that SB593 would strengthen NH's waste system by prioritizing the cost effective capacity.
- The legislation recognizes the compelling state interest in maintaining adequate and reasonable price disposal capacity for all municipalities and businesses statewide.
- NH risks higher disposal costs and increased out-of-state hauling burdens which are borne by employers, local governments, and consumers. This bill will also reduce environmental disturbances on the community
- Expanding existing landfills is the most efficient and environmentally responsible approach for New Hampshire. The bill reinforces the state's preference for enlarging already permitted sites rather than developing new

greenfield locations, as these existing landfills have been thoroughly studied and approved by DES. The bill provides for mitigation measures to address any potential negative impacts.

Senator Watters inquired about line 28 on page 1, specifically the phrase “parcel or adjacent parcels.” He requested clarification on whether the development would take place on parcels that are continuously adjacent. He also asked how adjacency is defined and determined.

Senator Avard stated that he was not certain how to answer but believes the development must be connected to the existing site, meaning the parcels should not be separated. This is his understanding.

Senator Watters wanted it on the public record that if someone purchased a series of 10 or 20 acres in a continuous line and wished to develop them, there should be a clear definition of what “continuous” means.

Senator Avard said he would take it into consideration but did not have a definitive answer.

Wayne Morrison and Amy Manzelli, North Country Alliance

- Mr. Morrison stated that these issues have been contentious over the past several years and encouraged the committee to seek common ground. He expressed hope that the Senate and the Legislature as a whole could work collaboratively.
- He referenced specific language in the bill and stated that, in effect, the legislation would force an expansion against the will of the town. He said they believe such action is unnecessary and unwarranted and that it fosters mistrust between the state and local communities.
- He also noted that there is still much work to be done regarding solid waste, but expressed optimism about seeing positive change within the solid waste industry.
- Ms. Manzelli stated that she wished to elaborate on the constitutionality of the legislation before the committee. She explained that both the U.S. and New Hampshire Constitutions contain Contract Clause protections, which prohibit the state from substantially impairing existing contracts unless it exercises its police power to serve a legitimate public purpose.
- She noted that such impairment must be reasonable and necessary, and argued that there is no solid waste crisis to justify this action. She stated that the bill could be subject to legal challenge because there is no data demonstrating a reasonable and necessary need to impair existing contracts, and therefore they believe the bill is unconstitutional.

Senator Watters asked if there was a time period regarding 2018 settlement agreement?

Ms. Manzelli clarified that the 2018 settlement ratified the former 2011 settlement agreement but was unsure of the timeline and will follow-up with the committee.

Senator Watters believed that there was a termination date for that agreement.

Mr. Morrison stated that Senator Avard raised a good question regarding capacity. He noted that the 2037 date assumes the Waste Management facilities such as the one in Rochester will expand. When and if those facilities expand, it would increase capacity through 2050. He stated that all facilities have the ability to expand, but emphasized that the legislation affects only one landfill, the facility in Bethlehem, which is scheduled to close and does not need to expand. He further stated that excess capacity in the system does not lower prices but instead encourages private operators to import more out-of-state waste into New Hampshire.

Senator Avard stated that Waste Management handles approximately 70 percent of the waste, compared to its competitor, which handles about 40 percent. He then asked whether, if the bill were to fail, the reconsideration of *Dalton* would come back into play.

Mr. Morrison explained that they opposed the Dalton location because it was the wrong site and stated that they believe an expansion is not needed in either location. He noted that Dalton was poorly sited and that, in Bethlehem, an agreement is already in place. He believes it does not matter and that the agreement between the company and the locality should be honored.

Senator Avard stated that they had convinced him of certain points, but that he was concerned about the length of time required to complete projects. He said that if the bill does not pass, he could foresee delays that would hinder trash removal in the state. He also stated that he was unaware of the PFAS contamination and remediation issues in cities like Nashua. He noted the potential compelling state interest for expanding landfills, and asked what actions the state should take.

Ms. Manzelli talked about wind turbines and how a project was denied because it abutted the pristine water in the state. The developers took that into consideration, redeveloped the proposal, and rebuilt the project. That entire process took three to four years. When there is a good project, it can take that long and that is a good project. It demonstrates tremendous efficiency for developers while still protecting the state's resources. That is the solution, the Site Evaluation Committee process working as intended.

Senator Avard said that it has been shown to be the exact opposite. The Seabrook project was delayed because of protests, not because of the regulatory process itself. Given that history, one has to ask who would want to build in the state knowing the uncertainty and delays that can arise despite following the rules.

Mr. Morrison said that Waste Management has liked working in the state, based on past testimony in the committee. He noted that Senator Avard raised a good point that rather than usurping local control, the state needs to have a framework to address out-of-state waste. Ensuring proper oversight and regulation is essential to managing these challenges effectively.

Senator Pearl said that this bill, along with others, is trying to improve solid-waste evaluation for the state. He emphasized that we have capacity, but raised a concern: are we at risk of reducing the industry to just one player? We are losing participants in this sector, and going down to a single operator could have serious impacts. He noted that the Rochester facility, for example, is less interested in bringing in out-of-state waste.

Mr. Morrison said the solid-waste industry is heavily regulated because there are few players, and those few control much of the costs. He stressed that he wants to work with competent, ethical, well-run companies and does not advocate extra regulation unnecessarily. However, the more one learns about the industry, the greater the concern, especially regarding liability and dangerous chemicals. He questioned why a company with a history of negligence should be allowed to expand. Responsible companies, he noted, do not want to fight regulation; they want to be part of the solution. Ensuring growth happens safely and transparently while protecting the public and the environment.

Ms. Manzelli added that turning composting and waste disposal into a regulated, monetized market, especially by requiring institutions to participate, could create significant future profits.

Senator Pearl said that in a previous bill, it would have encouraged composting but the bill ultimately died due to state actors dragging their feet and companies became disinterested.

Senator Avard echoed Senator Pearl, saying that issues with landfill regulation and the SEC discourage new businesses from entering the state, effectively closing off markets.

Senator Rosenwald noted that Nashua participates in a composting program and, following up on Senator Pearl's concern about monopolization, asked whether the discussion involved only two or three facilities.

Mr. Morrison stated that the state has six landfills and an incineration facility. He expanded that recycling and composting infrastructure is the future of the industry and can help reduce the amount of waste in the ground which will lower the overall risk.

Senator Avard noted that incineration, like the facility in Boscawen, can reduce waste volume by three-quarters, but repeated opposition limits participation in the field, driving up costs and stifling discussion and opportunity.

Ms. Manzelli responded that the evaluation committee's main benefit is providing certainty in standards and process, allowing developers to understand the current framework, explore potential changes, and engage confidently if the system is established.

Natch Greyes, BIA

- Mr. Greyes said that he supported the legislation because it streamlined governmental processes. It addressed issues that were usually overlooked,

including groundwater projects. It avoided more contentious matters, such as Public Utility Commission (PUC) issues and similar topics.

- The legislation clearly favored the expansion of existing landfills rather than the construction of new ones. From a constitutional perspective, it was important to examine who had standing to make a claim. There was precedent in which the state had intervened in certain issues and in the case of Bethlehem, should not be deemed unconstitutional.

Rich Suffel,

- Mr. Suffel explained that the bill will subvert local control, potentially allowing the state of New Hampshire to void contracts between Casella, NCEES, and the town of Bethlehem, including a \$1.9 million settlement, while leaving the town unable to set tipping fees.
- He raised some environmental and safety concerns, particularly regarding landfill liners that had been exposed to hazardous materials. There were fears that these exposures could contaminate clean drinking groundwater. The bill was seen as creating a dangerous precedent by undermining local oversight and allowing state intervention in matters that traditionally were managed at the town level. This raised broader concerns about how similar authority could be applied to other industries in the future.
- Controversy and corporate implications were highlighted, as the bill was characterized as a corporate bailout favoring companies like Casella. He said argued that the committee should reconsider the approach entirely and start over, effectively rejecting the bill to protect town authority and prevent potential financial and environmental harm.

Heidi Trimarco,

- She opposed the bill because it removed local control and silenced the community's voice. She noted that the state already controlled most aspects of the issue, and that Bethlehem had been the reason localities were being heard; the bill threatened to override that input.
- She said the bill presumed there had been frustration with the current processes, despite there being no actual capacity problem. She emphasized the need for composting and recycling facilities, as noted in the biennial report. She recommended that the committee vote Inexpedient to Legislate (ITL).

Michael Wimsatt, Department of Waste Management

Senator Rosenwald noticed that on page 1, line 19 of the bill, it stated that the Department's rules provided robust protection of human health and the environment. She recalled that last fall JLCAR had unanimously objected to new rules because they were "contrary to the public interest, designed to benefit the administrative

convenience of the agency to the detriment of the public, and contrary to legislative intent.” She asked for clarification on the rule language.

Mr. Wimsatt said yes, there had been a preliminary objection to that effect. He explained that the Department responded to the objection, and JLCAR subsequently approved the new rule set at their next meeting.

Senator Rosenwald asked about lines 22 and 23 of the bill, which called for new landfills to be sited so that pollution could not reach water, unless design features existed that could remediate polluted groundwater. She asked what kind of technology was available to achieve that.

Mr. Wimsatt said he was not sure why that language had been included. He explained that the migration of contaminants to surface water depends on the hydrogeology of the area. He noted that there were design features that could help mitigate contaminant movement, but that the current rule set was already robust and highly protective. He concluded that this provision was unnecessary.

Senator Rosenwald also asked about a housing development being built on a contaminated site, in which DES had been involved. She wanted to know whether contaminated material would be removed before construction, noting that it was a multi-million-dollar project funded with federal and private dollars. She also asked whether expecting a private company to install a leak-proof system would be expensive.

Mr. Wimsatt responded that the project was very complex, involving multiple contaminants. He clarified that surface water impacts were not a major concern; the primary concern was protecting groundwater. He emphasized that the landfill had to be properly sited and constructed to allow remediation if necessary, ensuring ongoing protection of the environment.

JS

Date Hearing Report completed: February 6, 2026

HB 1199 - AS AMENDED BY THE HOUSE

19Feb2026... 0527h

2026 SESSION

26-2549

08/06

HOUSE BILL

1199

AN ACT enabling the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

SPONSORS: Rep. Spillane, Rock. 2; Rep. Darby, Hills. 11; Rep. DeVito, Rock. 8; Rep. Erf, Hills. 28; Rep. Moffett, Merr. 4; Rep. Ouellet, Coos 3; Rep. Ulery, Hills. 13; Sen. Innis, Dist 7; Sen. Pearl, Dist 17; Sen. Watters, Dist 4

COMMITTEE: Fish and Game and Marine Resources

AMENDED ANALYSIS

This bill enables the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT enabling the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

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

1 1 New Section; Interagency Support Permit and Reimbursement. Amend RSA 206 by inserting
2 after section 33-h the following new section:

3 206:33-i Interagency Support Permit and Reimbursement.

4 I. The executive director of the fish and game department may establish, after consultation
5 with the fish and game commission, a permit or fee structure for the provision of department
6 personnel, equipment, or expertise to other state agencies or departments, when such support is
7 requested or required for the fulfillment of that agency's statutory duties, by rule adopted pursuant
8 to RSA 541-A.

9 II. The permit or fee shall be based on the actual cost to the department, including but not
10 limited to:

11 (a) Personnel time, including salary and benefits.

12 (b) Use of department vehicles, vessels, or equipment.

13 (c) Administrative overhead associated with coordination and reporting.

14 III. All revenues collected under this section shall be deposited in the fish and game fund
15 established under RSA 206:33.

16 2 Lifetime Licenses. Amend RSA 214:9-c to read as follows:

17 214:9-c Lifetime Licenses.

18 I.(a) The executive director, at the department of fish and game headquarters only, shall
19 issue lifetime hunting, freshwater fishing, or combination hunting and freshwater fishing licenses
20 similar to that issued on an annual basis under RSA 214:9, III to any resident applicant upon
21 payment of the proper fee, which shall be established by the executive director in accordance with
22 the provisions of paragraph II.

23 (b)(1) In addition, the executive director may issue lifetime licenses to any resident
24 under 16 years of age.

25 (2) In addition further, the executive director may issue discounted lifetime licenses
26 to residents [~~who have not yet reached~~] **at any time on or before** their first birthday. The
27 executive director shall establish the discounted amount of such lifetime licenses in rules adopted
28 under RSA 541-A, except that the fee for a combination hunting and freshwater fishing lifetime
29 license for a resident who has not yet [~~reached~~] **passed** his or her first birthday shall be set by the
30 executive director as prescribed in paragraph II.

(3) The parent or legal guardian of the applicant shall be a resident pursuant to RSA 207:1, XXIII. The hunting license or hunting portion of the combination license shall not be valid until the licensee has met the requirements of RSA 214:23-a. Upon meeting the requirements of RSA 214:23-a, the licensee shall have the hunting license or the combination hunting and fishing license validated at the fish and game department headquarters only.

(4) The executive director, upon application, may issue a discounted lifetime license to a resident who is a permanently disabled veteran and complies with the provisions of RSA 214:13.

II. The discounted amount of a permanently disabled veteran's lifetime license shall be 50 percent of the cost of a lifetime license calculated pursuant to paragraph II of this section.

III. The executive director shall obtain an actuarial table based on an appropriate annuity from the commissioner of insurance and shall set the fee for the various licenses, including newborns, annually on July 15 of each year for the following year based on the age of the applicant. The fee for any applicant under 16 years of age shall be the same as the fee for a 16-year-old applicant, except for newborns which shall be set by the executive director. In addition the applicant shall pay the agent's fee in accordance with RSA 214-A:4.

IV. In no case shall any lifetime license issued be transferable or any portion of the cost of the license refundable.

V. Notwithstanding any other provision of law, the monies received from the sale of such lifetime licenses shall be deposited with the state treasurer who shall keep the same in a separate fund to be known as the prepaid fish and game license fund. The state treasurer shall invest the monies in the fund and shall annually transfer to the fish and game fund from the prepaid fish and game license fund an amount equal to 9 percent of the principal balance in the fund each year and any interest that accrues to the prepaid fish and game license fund in excess of 5 percent ***as unrestricted funds, available for expenditure for any lawful purpose authorized under RSA 206:38.***

VI. In addition, the state treasurer shall pay the amount of one annual license fee to the fish and game fund from the proceeds of each lifetime license sold during the current year, the balance going into the prepaid fish and game license fund.

VII.(a) The state treasurer shall establish a separate, nonlapsing account within the fish and game fund, separate from the amounts transferred pursuant to paragraphs IV and V, to be known as the fish and game modernization and sustainability account. Up to \$600,000 of the principal of the prepaid fish and game license fund may be credited to the fish and game modernization and sustainability account in each of the fiscal years 2027 and 2028, and \$50,000 shall be continually appropriated and credited to the account annually beginning in fiscal year 2029, in a single lump sum payment, provided that no such payment shall reduce the balance of the prepaid fish and game license fund below \$1,000,000.

1 ***(b) Moneys in the fish and game modernization and sustainability account shall***
2 ***be used exclusively for the following purposes:***

3 ***(1) Supporting business operations, technological modernization, and***
4 ***outreach efforts that improve the sale, distribution, and management of hunting, fishing,***
5 ***and trapping licenses.***

6 ***(2) Enhancing digital and operational systems.***

7 ***(3) Advancing public education and engagement on fish, wildlife, and***
8 ***marine resources through technology enabled communication, community outreach, and***
9 ***targeted informational programs.***

10 ~~[VI.]~~ ***VIII.*** Licenses issued pursuant to this section shall entitle the holder thereof to the
11 same privileges and subject the licensee to the same restrictions as a holder of an annual license.

12 ~~[VII.]~~ ***IX.*** The executive director shall issue a bear license and tag upon application by the
13 valid holder of a lifetime hunting or combination license. Such license and tag shall be valid for the
14 current bear season only. The bear license and tag shall be issued at no charge and each shall be of
15 a type and design approved by the executive director. Lifetime licensees holding bear licenses shall
16 comply with all provisions of RSA 208 relative to tagging, transportation and possession of bear.

17 ~~[VII-a.]~~ ***X.*** A person holding a valid lifetime fishing license or lifetime combination hunting
18 and fishing license, issued prior to January 1, 2011, may make an application for a saltwater license
19 at no charge to be issued by the executive director to fish for saltwater smelt, saltwater shad, and
20 saltwater salmonoids only. Such licenses shall be valid for a calendar year only.

21 ~~[VIII.]~~ ***XI.*** The executive director shall, if necessary, adopt rules, pursuant to RSA 541-A,
22 relative to the issuance and validation of the lifetime licenses.

23 3 New Subparagraph; Fish and Game Modernization and Sustainability Fund. Amend RSA
24 6:12, I(b) by inserting after subparagraph (410) the following new subparagraph:

25 (411) Moneys deposited into the fish and game modernization and sustainability
26 account established in RSA 214:9-c.

27 4 Effective Date.

28 I. Sections 2-3 of this act shall take effect July 1, 2026.

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

HB 1199- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0527h)

AN ACT enabling the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable		
Revenue Fund(s)	Fish and Game Fund and Prepaid Fish and Game License Fund			
Expenditures*	\$0	Indeterminable Increase		
Funding Source(s)	Various Agency Funds, Fish and Game Fund (Fish and Game Modernization and Sustainability Account)			
Appropriations*	\$0	See Methodology Below		\$50,000
Funding Source(s)	Fish and Game Modernization and Sustainability Account			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill makes various changes, related to the Fish and Game Department:

Section 1 (Effective 60 Days After Passage)

- Authorizes the Fish and Game Department, through rulemaking under RSA 541-A, to establish a permit or fee structure to recover the costs of providing personnel, equipment, or specialized expertise to other state agencies or departments.
 - The Department states it cannot project the frequency with which other agencies would request such assistance or the level at which fees would be set. Accordingly, any resulting revenue to the Department and related expenditures, both for the Department and for requesting agencies, are indeterminable.

Section 2 and 3 (Effective July 1, 2026)

- Expands eligibility for the purchase of a discounted newborn lifetime hunting and fishing license by allowing the license to be sold from the date of birth through the child's first birthday, rather than only up to the day before the first birthday under current law.
 - The Department states it cannot reasonably estimate how many parents would choose to purchase a lifetime license on a child's first birthday. Accordingly, any change in revenue resulting from this provision is indeterminable.

- Provides that interest earned on the prepaid Fish and Game License Fund in excess of 5 percent (5%) be treated as unrestricted funds, available for expenditure for any lawful purpose authorized under RSA 206:38.
 - The Department states this provision would not change the amount of interest earned, but would change the classification of certain interest earnings from restricted to unrestricted. As a result, such funds would become available for general departmental use, and the Department assumes any unrestricted funds realized under this provision could be expended as it becomes available.
- Establishes a separate, nonlapsing Fish and Game Modernization and Sustainability Account (“Account”) within the Fish and Game Fund, distinct from existing transfers under RSA 214:9-c, IV and V. The bill allows up to \$600,000 of principal from the prepaid Fish and Game License Fund to be credited to the account in each of FY 2027 and FY 2028. Beginning in FY 2029, it also provides for a continual annual appropriation of \$50,000, credited in a lump sum, provided the prepaid license fund balance is not reduced below \$1,000,000. This bill does not include clear appropriation (spending) authority for FY 2026 and FY 2027.
 - The Department states the Account would support technology and operational modernization initiatives, including implementation of a customer relationship management system intended to improve customer service, increase operational efficiency, and support long-term revenue growth. The Department assumes the \$600,000 transfers in FY 2027 and FY 2028 would be fully expended in those fiscal years (although this bill may need clarification relative to appropriation authority in those two years). While the Department cannot quantify the precise revenue gains expected from modernization, it anticipates substantial long-term benefits from improved efficiency and accessibility, noting that comparable technology investments typically recover their costs within approximately 12 to 18 months.

It should be noted this bill does not continually appropriate this new Account to the Department, therefore, the Department will need to request the funds be included in the operating budget or need to come before the Fiscal Committee and Governor and Council to request to accept and budget funds from this Account.

AGENCIES CONTACTED:

Fish and Game Department

Amendment to HB 1199

1 Amend RSA 214:9-c, V as inserted by section 2 of the bill by replacing it with the following:

2

3 V. Notwithstanding any other provision of law, the monies received from the sale of such
4 lifetime licenses shall be deposited with the state treasurer who shall keep the same in a separate
5 fund to be known as the prepaid fish and game license fund. The state treasurer shall invest the
6 monies in the fund and shall annually transfer to the fish and game fund from the prepaid fish and
7 game license fund an amount equal to 9 percent of the principal balance in the fund each year and
8 any interest that accrues to the prepaid fish and game license fund in excess of 5 percent ***as funds***
9 ***available for unrestricted expenditures for any lawful purpose authorized under RSA***
10 ***206:38.***

Docket of HB1199		
12/01/2025	H	Introduced 01/07/2026 and referred to Fish and Game and Marine Resources
01/08/2026	H	Public Hearing: 01/28/2026 11:45 am GP 153
01/29/2026	H	Public Hearing on non-germane Amendment # 2026-0340h: 02/03/2026 12:30 pm SH Representatives Hall
02/11/2026	H	Executive Session: 02/03/2026 12:30 pm SH Representatives Hall
02/11/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0527h (NT) 02/03/2026 (Vote 14-0; CC) HC 7 P. 13
02/19/2026	H	Amendment # 2026-0527h: AA VV 02/19/2026 HJ 5
02/19/2026	H	Ought to Pass with Amendment 2026-0527h: MA VV 02/19/2026 HJ 5
02/19/2026	H	Referred to Ways and Means 02/19/2026 HJ 5
02/19/2026	H	Referral Waived by Committee Chair per House Rule 47(f) 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Energy and Natural Resources; SJ 5
03/04/2026	S	Hearing: 03/10/2026, Room 103, SH, 09:00 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1130s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1199, enabling the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

Hearing Date: March 10, 2026

Time Opened: 9:00 a.m.

Time Closed: 9:16 a.m.

Members of the Committee Present: Senators Avar, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill enables the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

Sponsors:

Rep. Spillane
Rep. Erf
Rep. Ulery
Sen. Watters

Rep. Darby
Rep. Moffett
Sen. Innis

Rep. DeVito
Rep. Ouellet
Sen. Pearl

Who supports the bill: 12 individuals signed in Support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 2 individuals signed in Opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representative Sayra DeVito, Rockingham 8

- Representative DeVito, serving as a cosponsor, introduced the bill on behalf of Representative Spillane and explained the purpose and intent of the legislation to the committee.
- She described the bill as a straightforward proposal that identifies and addresses a gap in accountability within current law, particularly related to how certain activities overseen by the Fish and Game Department are permitted and funded.

- Under existing law, the Fish and Game Department has limited authority to issue permits and collect associated fees for certain activities, which can create administrative challenges and reduce the department's ability to properly oversee those activities.
- House Bill 1199 provides the department with the authority to issue permits and collect the corresponding fees, ensuring that the costs associated with these activities are covered and that the department is not required to subsidize them with other funds.
- She said that the Fish and Game Department supports the legislation, and the measure ultimately passed unanimously, reflecting broad agreement that the bill provides a practical fix to the identified issue.

Senator Rosenwald asked for clarification regarding the language on page 2, line 24, specifically the reference to "unrestricted funds." She asked whether the provision meant that five percent of the funds would go to the state's general fund or remain as unrestricted funds within the Fish and Game Department.

Ms. DeVito responded that she was not entirely certain but believed the funds would remain with the Fish and Game Department rather than being directed to the general fund.

Senator Pearl added clarification, stating his understanding that the funds would in fact remain with Fish and Game.

Senator Watters then referred to language at approximately line 206:38 concerning the authority of the executive director and asked whether the provision would ensure that the funds stayed with Fish and Game rather than being transferred to the general fund. Ms. DeVito again noted that she was not completely certain but believed that the funds were intended to remain within the department.

Senator Rosenwald followed up by asking directly about the intent of the legislation and whether the intent was for the funds to stay with the Fish and Game Department. Ms. DeVito confirmed that this was the intent of the bill.

Senator Watters also asked about the overall flow of funds under the proposal, noting that the bill specifies certain percentages but questioning the size of the fund and how much funding would ultimately remain available. Representative DeVito said she did not have those figures available but would follow up with the Fish and Game Department to provide additional information.

Melissa Nemeth, NH Fish and Games

- Ms. Nemeth expressed strong support for the legislation and outlined several provisions intended to improve the operations and long-term sustainability of the Fish and Game Department.
- She explained that the first section of the bill would allow the department to provide its expertise and technical services to other agencies or entities and charge a fee for those services, enabling the department to recover costs associated with staff time, resources, and support provided.

- The legislation would also allow the department to formalize these arrangements through memoranda of understanding (MOUs), which would outline details such as the number of staff hours involved, the frequency of services provided, and the associated costs.
- She added that the second proposed change relates to the discounted lifetime license available for infants. Under the current process, families must obtain the license before a child turns one year old, and the department noted that many families come in on the child's first birthday expecting to qualify. The department would like to amend the language to allow children who have just turned one year old to obtain the lifetime license at the discounted rate on their birthday.
- The bill would also establish a Fish and Game Sustainability Account, allowing up to \$600,000 from the prepaid license fund from FY27 and FY28 to be transferred into the new account while requiring that the balance not fall below \$1 million. Then in FY29, approximately \$50,000 would be appropriated to support the initiative, and the funds would be restricted for purposes such as research and development, digital and operational infrastructure improvements, public education, and investments in a new customer relationship system to support the long-term sustainability of the department.

Senator Avard asked for clarification about the bill's reference to "unrestricted funds."

Ms. Nemeth explained that the language was intended to provide clarity and that, under RSA 206:38, the executive director would have discretion to spend those funds with commission approval. In this context, "unrestricted" means the funds would not be limited to a specific statutory purpose and could be used at the department's discretion.

Senator Watters asked about line 24 and proposed moving the word "*unrestricted*" to appear before "*expenditure*," so the language would read: "funds available for unrestricted expenditure for any lawful purpose otherwise authorized under RSA 206:38." He explained that the change would have effectively moved the funds into the general funds structure.

Ms. Nemeth confirmed that this was correct and stated that the amendment reflected the intended purpose. She added that the funds would have remained in the account, but the department's ability to use the expenditures would not have been restricted.

Senator Rosenwald asked about the purpose of the bill regarding reimbursements from other agencies, specifically questioning the use of the word "*may*" on line 4, page 1. She noted that it doesn't require reimbursements.

Ms. Nemeth responded that reimbursement procedures would be addressed in rulemaking.

Senator Watters asked whether it was fair to say that Fish and Game already had arrangements with other departments, and whether this approach provided flexibility.

Ms. Nemeth confirmed, adding that if there is an MOU, the department would not charge a fee, as the rules would clarify these situations.

Senator Rosenwald expressed concern about whether the bill allows the department to set rules freely, potentially “giving up” their constitutional authority, since there are no clear parameters for when fees would be charged.

Ms. Nemeth replied that the parameters would be set during rulemaking.

Senator Rosenwald noted that the phrase “*not limited to*” gives the department discretion to charge fees at any time.

Ms. Nemeth agreed, saying the department would have flexibility.

Senator Rosenwald emphasized that the language in the bill should provide policy guidance to the committee, rather than leaving decisions entirely up to rulemaking.

Senator Watters followed up, asking about Fish and Game and their existing methods of charging fees.

Ms. Nemeth said yes.

JS

Date Hearing Report completed: March 13, 2026

HB 1205 - AS INTRODUCED

2026 SESSION

26-2591

08/09

HOUSE BILL

1205

AN ACT prohibiting state and county owned lands from participating in carbon sequestration projects.

SPONSORS: Rep. A. Davis, Coos 2; Rep. Tierney, Coos 1; Rep. Durkin, Coos 1; Rep. Cole, Hills. 26

COMMITTEE: Municipal and County Government

ANALYSIS

This bill prohibits the enrollment of state and county owned lands in carbon sequestration projects.

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-Six

AN ACT prohibiting state and county owned lands from participating in carbon sequestration projects.

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

- 1 1 New Section; Public Land Enrollment in Carbon Sequestration Prohibited. Amend RSA 79 by
- 2 inserting after section 37 the following new section:
- 3 79:38 Public Land Enrollment in Carbon Sequestration Programs Prohibited. No land owned
- 4 by the state or by a county shall be enrolled in a carbon sequestration program.
- 5 2 Effective Date. This act shall take effect 60 days after its passage.

Senate Energy and Natural Resources
March 10, 2026
2026-1132s
08/07

Amendment to HB 1205

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

2

3 AN ACT prohibiting state and county owned lands from participating in timber carbon
4 sequestration projects.

5

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

7

8 1 New Section; Public Land Enrollment in Timber Carbon Sequestration Prohibited. Amend
9 RSA 79 by inserting after section 37 the following new section:

10 79:38 Public Land Enrollment in Timber Carbon Sequestration Programs Prohibited. No fee
11 simple ownership lands owned by the state or by a county shall be enrolled in a timber carbon
12 sequestration program.

Amendment to HB 1205
- Page 2 -

2026-1132s

AMENDED ANALYSIS

This bill prohibits the enrollment of state and county owned lands in timber carbon sequestration projects.

Docket of HB1205		
12/01/2025	H	Introduced 01/07/2026 and referred to Municipal and County Government
01/08/2026	H	Public Hearing: 01/13/2026 11:45 am GP 154
01/16/2026	H	Executive Session: 01/13/2026 11:45 am GP 154
01/27/2026	H	Committee Report: Ought to Pass 01/13/2026 (Vote 13-1; CC) HC 5 P. 10
02/05/2026	H	Ought to Pass: MA VV 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Energy and Natural Resources; SJ 4
03/04/2026	S	Hearing: 03/10/2026, Room 103, SH, 09:30 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1132s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1205, prohibiting state and county owned lands from participating in carbon sequestration projects.

Hearing Date: March 10, 2026

Time Opened: 11:03 a.m.

Time Closed: 11:14 a.m.

Members of the Committee Present: Senators Avar, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill prohibits the enrollment of state and county owned lands in carbon sequestration projects.

Sponsors:

Rep. A. Davis

Rep. Tierney

Rep. Durkin

Rep. Cole

Who supports the bill: 7 Individuals signed in Support of this legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 68 Individuals signed in Opposition of this legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who is neutral on the bill: 1 Individual signed Neutral of this legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representative Arnold Davis, Coos 2

- Representative Davis explained that the bill prohibits the enrollment of state and county owned lands in carbon sequestration programs. These lands were originally purchased for specific purposes related to timber production with public funds and they help supply materials for the wood products industry.
- The bill passed unanimously out of the House committee, indicating broad bipartisan support for maintaining the intended use of these public lands.
- He requested an amendment regarding lines 3 and 4, specifically to clarify the language around carbon sequestration programs by adding the word “timber”

before those phrases, ensuring the bill clearly addresses timber-related land management and carbon sequestration initiatives.

Senator Watters asked for clarification regarding the term “ownership,” specifically whether it referred to fee-simple ownership.

Rep. Davis said he was unsure.

Senator Watters explained that property can be held in different ways, including through easements and other forms of ownership. He asked whether the reference was specifically to fee-owned property, noting that this would be an important clarification.

Rep. Davis said he was also unsure of the correct answer.

Senator Watters said he would reach out to the Attorney General’s Office and added that specifying fee ownership would be a good way to move forward.

Senator Rochefort, Senate District 1

- Senator Rochefort expressed his support for the bill and stated that it was a straightforward proposal that addressed the issue regarding the management of public lands.
- He noted that the lands involved had been purchased with public money for a defined purpose, and that this public investment makes it important for the legislature to review how those lands are being used.
- He said that the legislature has a responsibility to evaluate whether the current use of the lands continues to align with their intended purpose and the broader public interest.
- He added that the timber restrictions on the lands can limit opportunities for other uses, and that considering these factors now could help expand flexibility and allow for more practical land-use options in the future.

Robert Johnson, The Farm Bureau

- He explained that there are approximately 500,000 acres of farmland owned by counties and other public entities, and that much of this land is currently leased to local farmers for agricultural use.
- He said he would like the bill to clarify that it would not affect agricultural practices such as no-till farming or the use of cover crops, which are commonly used for soil conservation and farm management.
- He added that the bill should instead be more specific in stating that the prohibition would apply to timber-related carbon sequestration projects, as was suggested in the proposed amendment.

Jasen Stock, NH Timberland owners Association

- Mr. Stock spoke in support of the legislation and said it aligns with the goal of supporting the sustainable management of both public and private lands. He

noted that state-owned lands are an important resource for the timber industry and for responsible forest management.

- He explained that sustainable timber management and environmental stewardship are not mutually exclusive and can coexist when lands are managed appropriately.
- He stated that when the state holds land in fee ownership, public funds have been used with the expectation that the land will be actively managed. Because of that expectation, he suggested it would be inappropriate to add additional encumbrances that could limit management options.

Senator Watters asked whether the discussion specifically referred to lands held in fee-simple ownership, noting that the language should read as “no fee-simple ownership land owned by the state” and asked Mr. Stock if that was acceptable.

Mr. Stock responded that such a clarification would be helpful and said their interpretation of the bill was that it would apply specifically to lands held in fee-simple ownership.

JS

Date Hearing Report completed: March 13, 2026

HB 1539-FN - AS AMENDED BY THE HOUSE

19Feb2026... 0409h

2026 SESSION

26-2605
06/08

HOUSE BILL

1539-FN

AN ACT authorizing electric utilities to issue AAA-rated bonds for the purpose of storm cost recovery and infrastructure resilience.

SPONSORS: Rep. Vose, Rock. 5; Rep. Bernardy, Rock. 36; Rep. Harrington, Straf. 18; Rep. Mooney, Hills. 12; Rep. Schneller, Hills. 2; Rep. D. Thomas, Rock. 16; Sen. Avard, Dist 12; Sen. Watters, Dist 4

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill authorizes the securitization of storm-related electric utility costs through finance orders issued by the public utilities commission.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

1 AN ACT authorizing electric utilities to issue AAA-rated bonds for the purpose of storm
2 cost recovery and infrastructure resilience.

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

3 1 Declaration of Purpose and Findings. New Paragraph; Declaration of Purpose and Findings.
4 Amend RSA 369-B:1 by inserting after paragraph XVI the following new paragraph:

5 XVII. It is in the public interest for the commission to issue a finance order that is subject to
6 the requirements of this chapter and that authorizes the issuance of rate reduction bonds that
7 securitize storm costs.

8 2 New Subparagraph; Definitions. Amend RSA 369-B:2, XIV by inserting after subparagraph
9 (g) the following new subparagraph:

10 (h) Storm costs.

11 3 New Paragraph; Definitions. Amend RSA 369-B:2 by inserting after paragraph XVIII the
12 following new paragraph:

13 XIX. "Storm costs" means (i) any costs that the commission determines after a hearing to
14 have been prudently incurred by an electric utility for preparation, restoration, and response to
15 storm damage disrupting the normal operation of the electric system and (ii) in each case, all fees,
16 expenses and transaction costs incurred in connection with the issuance, servicing, retirement or
17 refinancing of rate reduction bonds whose proceeds are used to pay off the costs described in clause
18 (i) of this definition.

19 4 Authority to Issue Finance Orders to Finance RRB Costs. Amend RSA 369-B:3, I to read as
20 follows:

21 I. The commission is authorized, upon the petition of an electric utility and after a hearing,
22 to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the
23 commission finds that the issuance of such finance order or finance orders is in the public interest as
24 set forth in RSA 369-B:1, IX or RSA 369-B:1, XVI, **or RSA 369-B:1, XVII** as applicable. Any finance
25 order adopted pursuant to 1999, 289:3, I and II prior to the effective date of this chapter shall,
26 following the effective date of this chapter, be deemed to be authorized by this chapter, provided the
27 commission has made the required finding pursuant to RSA 369-B:3, IV(b).

28 5 New Subparagraph; Authority to Issue Finance Orders to Finance RRB Costs. Amend RSA
29 369-B:3, IV by inserting after subparagraph (c) the following new subparagraph:

30 (d) Authorize the issuance of rate reduction bonds in an amount sufficient to fund any
31 storm costs. The net benefits of accumulated deferred income taxes relating to amounts that will be

recovered through any such issuance of rate reduction bonds shall be credited to retail customers by reducing the amount of such rate reduction bonds that would otherwise be issued by the net present value of the related tax cash flows, using a discount rate equal to the expected interest rate on such rate reduction bonds. This authorization is in addition to any amount authorized in subparagraph (a), (b) or (c).

6 New Section; Finance Orders Concerning Storm Costs. Amend RSA 369-B by inserting after section 3-b the following new section:

369-B:3-c Finance Orders with Respect to Storm Costs. An electric utility may submit to the commission an application for a finance order with respect to incurred storm costs. Storm costs shall be paid off with the proceeds of rate reduction bonds if the commission determines that the issuance of such rate reduction bonds is in the public interest. A determination that such rate reduction bonds are in the public interest may be based on reasons including, but not limited to, a showing that retail customers would experience lower overall costs if such rate reduction bonds are issued, as compared to traditional recovery calculated over the same time period, or that such financing would mitigate bill impacts to retail customers as compared with alternative methods of financing or direct rate recovery of such storm costs. The commission shall issue a final decision on such application for financing of storm costs within a period not to exceed 180 days of its receipt of an application by an electric utility for a finance order.

7 Establishment of RRB Charge to Recover RRB Costs. Amend RSA 369-B:4, II and III to read as follows:

369-B:4 Establishment of RRB Charge to Recover RRB Costs.

II. The commission shall set the RRB charge, per kilowatt-hour of electricity for delivery of retail electric service, in an amount necessary and sufficient to provide for the full recovery of principal, ***premium, if any,*** interest, and credit enhancement on the rate reduction bonds, in accordance with the amortization schedule for such bonds determined at the time of offering, as well as all other fees, costs, and charges in respect to the rate reduction bonds, based upon the electric utility's reasonable assumptions, including sales forecasts.

III. Notwithstanding any provision of RSA 369-B:3, the commission shall approve such adjustments to the RRB charge authorized to be imposed and collected pursuant to a finance order as may be necessary to ensure timely recovery of all RRB costs that are the subject of such finance order, including, without limitation, the costs of capital associated with the provision, recovery, financing, or refinancing thereof and the costs of issuing, servicing, and retiring the rate reduction bonds contemplated by such finance order. Such RRB charge shall be adjusted periodically, but not less frequently than annually nor more frequently than monthly, in accordance with the finance order. The commission shall provide in a finance order for a procedure for the timely approval by the commission of periodic adjustments to the RRB charge that is the subject of such finance order. The commission shall approve such adjustments within 60 days of the filing of such adjustment, or

1 within such shorter period as the finance order may designate. These adjustments shall generally
2 serve to reconcile the actual RRB charges collected with the RRB charges expected to have been
3 collected during the relevant prior period in a manner such that the adjusted RRB charge will be
4 sufficient to provide for scheduled principal, *premium, if any*, interest, credit enhancement, fees
5 and other expenses associated with rate reduction bonds payable in the period during which such
6 adjusted RRB charge will be billed. The electric utility shall include in such filing a report to the
7 commission showing the calculation of each such adjustment.

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

HB 1539-FN- FISCAL NOTE
AS INTRODUCED

AN ACT authorizing electric utilities to issue AAA-rated bonds for the purpose of storm cost recovery and infrastructure resilience.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$500,000 to \$900,00 (Utility Assessments)	Indeterminable Increase \$500,000 to \$1,000,000 (Utility Assessments)	Indeterminable Increase \$500,000 to \$1,000,000 (Utility Assessments)
		Indeterminable (General Fund)	Indeterminable (General Fund)	Indeterminable (General Fund)
<i>Funding Source(s)</i>	Utility Assessments (RSA 363-A:1) and General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill authorizes electric distribution utilities to petition the Public Utilities Commission (PUC) for approval to securitize “storm costs” through the issuance of rate reduction bonds. The bill requires the Commission to conduct hearings, issue financing orders within 60 days of petition filing, and approve periodic adjustments to storm-recovery charges at least annually and possibly monthly. The bill also assigns responsibilities to the Department of Energy related to reviewing filings, providing analysis in proceedings, and ongoing monitoring.

The Department of Energy states this bill will have an indeterminable impact on state expenditures. The Department explains that the recovery of prudently incurred storm-related costs flows through to customers under current law. Allowing a utility to issue rate reduction bonds to securitize major storm costs may reduce carrying charges paid by customers and allow recovery of those costs over a longer period. The Department cannot determine whether securitization would result in long-term savings to customers or to the State because the interest rate of any bonds and the recovery period would not be known until a utility files a petition with the PUC. As the State represents approximately one percent of total electricity usage, securitization would lower the immediate bill impact to the State, but any long-term savings remain unknown. County and local expenditures will also have an indeterminable impact based on their electricity usage.

The Department further states it may need to obtain consultant services to review any utility filing requesting approval to issue rate reduction bonds and to review the bond issuance itself. Consultant services would be procured through competitive solicitation. While actual costs are unknown, the Department estimates consultant costs to range between \$250,000 and \$650,000, which would be specially assessed to the petitioning utility.

The Public Utilities Commission states that it must review each securitization petition, conduct hearings, and issue a financing order within 60 days, which is a significantly accelerated timeline compared to typical rate cases. In addition, the Commission must approve periodic adjustments to storm-recovery charges at least annually and potentially monthly for each utility that issues bonds, resulting in ongoing recurring workload.

To meet these statutory deadlines, the Commission anticipates the need for one full-time Utility Analyst position (13-1190 MISC BUS OPS SPECS-5 SOC11-06) at a cost of \$127,000 in FY 2027, \$133,000 in FY 2028, and \$140,000 in FY 2029 and one full-time Attorney position (23-1010 LAWYERS-3 SOC23-08) at a cost of \$118,000 in FY 2027, \$124,000 in FY 2028, and \$130,000 in FY 2029. The total cost of both positions would be \$245,000 in FY 2027, \$257,000 in FY 2028 and \$270,000 in FY 2029. These expenditures would be paid from the Utility Assessment Fund under RSA 363-A:1.

AGENCIES CONTACTED:

Department of Energy and Public Utilities Commission

Senate Energy and Natural Resources
March 10, 2026
2026-1127s
08/09

Amendment to HB 1539-FN

- 1 Amend the title of the bill by replacing it with the following:
- 2
- 3 AN ACT authorizing electric utilities to issue bonds for the purpose of storm cost recovery and
- 4 infrastructure resilience.

Docket of HB1539		
12/10/2025	H	Introduced 01/07/2026 and referred to Science, Technology and Energy
01/21/2026	H	==CANCELLED== Public Hearing: 01/26/2026 09:30 am GP 229
01/23/2026	H	Public Hearing: 01/29/2026 09:30 am GP 158
01/29/2026	H	Executive Session: 02/03/2026 03:00 pm GP 229
02/09/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0409h 02/03/2026 (Vote 18-0; RC) HC 7 P. 38
02/19/2026	H	Amendment # 2026-0409h: AA VV 02/19/2026 HJ 5
02/19/2026	H	Ought to Pass with Amendment 2026-0409h: MA VV 02/19/2026 HJ 5
02/19/2026	H	Referred to Finance 02/19/2026 HJ 5
02/19/2026	H	Referral Waived by Committee Chair per House Rule 47(f) 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Energy and Natural Resources; SJ 5
03/04/2026	S	Hearing: 03/10/2026, Room 103, SH, 09:20 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1127s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1539-FN, authorizing electric utilities to issue AAA-rated bonds for the purpose of storm cost recovery and infrastructure resilience.

Hearing Date: March 10, 2026

Time Opened: 10:38 a.m.

Time Closed: 11:00 a.m.

Members of the Committee Present: Senators Avar, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill authorizes the securitization of storm-related electric utility costs through finance orders issued by the public utilities commission.

Sponsors:

Rep. Vose
Rep. Mooney
Sen. Avar

Rep. Bernardy
Rep. Schneller
Sen. Watters

Rep. Harrington
Rep. D. Thomas

Who supports the bill: Representative Michael Vose (Rockingham 5), Joshua Elliot (NHDOE), Michael Licata (Eversource), Joe Casey (IBEW-Local 104), Marc Brown (Consumer Energy Alliance), Cory Stone.

Who opposes the bill: Jennifer Favreau, Tami Lanzillo Zeimetz

Summary of testimony presented:

Michael Vose Rock 5

- He introduced HB 1539 and provided an overview of the legislation and its intended purpose.
- He explained that the bill relates to the securitization of certain utility costs, drawing on prior experience and discussions he had on the issue with former Senate President Jeb Bradley.
- He said the goal of the bill is to expand storm recovery costs that may be securitized, particularly those associated with restoring electric service in New Hampshire following major power outages.

- He noted that when utilities incur significant costs to restore electricity after storms or other major events, they are entitled to recover those costs, as long as they are prudent, which are typically passed on to ratepayers.
- He explained that securitizing these costs through bonding would allow them to be spread out over a longer period of time, reducing the immediate financial impact so that ratepayers are not faced with large, sudden increases in distribution charges.
- He added that the bill passed the House committee unanimously and that only a minor modification was made during the committee process.

Senator Rosenwald asked about the title of the bill and the process for issuing the bonds, specifically whether the utilities themselves would rate the bonds or whether they would be rated by independent rating agencies.

Rep. Vose responded that the bonds would be rated by independent rating agencies. He explained that because utilities have a reliable mechanism for recovering costs from ratepayers, the bonds are generally viewed as stable investments. However, he noted that describing them as “triple-A” rated in the title may be somewhat optimistic.

Senator Avard asked whether the bill would create an opportunity to save money for ratepayers.

Rep. Vose confirmed that the intent of the legislation is to reduce costs for ratepayers by spreading expenses over time through securitization.

Senator Watters asked about the authority for using this approach and whether similar programs have been implemented in other states.

Rep. Vose said that Mr. Brown had testified before the committee in the House and explained that many states already allow this type of securitization. He added that those states have reported a large number of savings after implementing similar legislation.

Joe Casey, National Rep for IBEW

- Mr. Casey stated that he supported the legislation and believed it was an important step for New Hampshire in addressing the financial impacts of major storms on the electric system.
- He explained that members of his union are electrical workers employed by many of the state’s utilities and electrical contractors, and that they often serve as the first responders during power outage situations, working long hours in difficult and hazardous conditions to restore power.
- He emphasized that it was important for the state to support both electric consumers and the electrical workers responsible for maintaining and restoring the electric grid.
- He noted that the legislation would give New Hampshire utilities the ability to structure storm recovery costs in a way that helps maintain affordability for electrical customers, while still allowing utilities to respond effectively to major storm damage.

- He highlighted the importance of securitization, explaining that it would allow utilities to finance large storm-related costs over time, helping to reduce the immediate financial burden on ratepayers.
- He stated that it was important for New Hampshire to have a mechanism in place to manage and secure these costs.

Michael Licata, Eversource

- Mr. Licata explained that securitization is a financial tool that converts certain costs into bonds, noting that this approach has been used several times in the past for large utility expenses.
- He stated that the purpose of securitization in this case was to reduce the monthly impact on electric bills for ratepayers, since the costs could be spread out over a longer period of time and financed at lower interest rates than traditional capital recovery.
- He noted that existing state statute already authorizes the Public Utilities Commission (PUC) to review and approve certain cost recovery mechanisms, and that the legislation would simply expand those authorities to include storm cost recovery through securitization.
- He pointed out that the proposal was being considered in response to the numerous severe weather events that have occurred in recent years, which have placed increasing strain on the electric system and recovery budgets.
- He stated that the state had experienced 23 major storms in recent years, including four of the ten most impactful events, and noted that one major event alone resulted in approximately \$113 million in recovery costs after five days without power.
- He concluded that the utility was requesting the option to use securitization to help manage these storm recovery costs, emphasizing that the legislation would not weaken the regulatory review process or create a fast track, but was simply enabling legislation that would allow—though not require—utilities to use securitization if approved.

Senator Watters said he appreciated the concern about affordability and noted that the proposal would save money over time. He asked Mr. Licata whether moving to a 180-day timeline would reduce time pressure.

Mr. Licata said it would reduce pressure and that doing so was the intent of the proposal.

Senator Rosenwald asked what bond rating the utility currently held.

Mr. Licata said the rating was double-B.

Senator Rosenwald then asked how the utility would be able to issue triple-A bonds with that rating.

Mr. Licata explained that once the Public Utilities Commission (PUC) made a prudency determination, the bonds would be issued through a separate PUC-approved charge. He said the bonds would not be issued directly by Eversource but through a special-purpose entity.

Senator Pearl asked about the process.

Mr. Licata explained that the company first charged storm costs and then filed with the commission afterward for a prudency review. The commission used a formula to determine which costs were prudent. The utility then bundled the recoverable and prudent costs and made another filing. The PUC would review the filing and issue a determination.

Senator Pearl asked whether this would occur annually.

Mr. Licata said he would likely bundle two years of costs together, but the costs would still be issued as a single bond.

Senator Pearl then asked what a typical year looked like in terms of costs.

Mr. Licata said the average was about \$17 million per year, though costs had ranged from about \$14 million to \$45 million, with some years around \$22 million, based on past experience.

Senator Pearl asked about the current year.

Mr. Licata said it had been a normal year.

Joshua Elliot, Department of Energy

- Mr. Elliot testified that the department was neutral on the bill, describing it as purely enabling legislation that could potentially reduce costs for both utilities and ratepayers.
- He referenced page 2, line 10 and the following section, explaining that the bonds must be in the best interest of retail customers. The language envisions a scenario where the bond rate could be lower than the utility's typical financing costs. The utility would have the ability to review the proposal and reject it if it was not beneficial, while giving the Public Utilities Commission (PUC) flexibility to use the mechanism when appropriate.

He also emphasized that the bill does not guarantee the issuance of triple-A rated bonds.

SB 570 - AS INTRODUCED

2026 SESSION

26-2191

09/05

SENATE BILL **570**

AN ACT relative to the legislative ethics committee and legislative ethics.

SPONSORS: Sen. Carson, Dist 14; Sen. Ward, Dist 8

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill amends definitions related to determining conflicts of interests for legislators.

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-Six

AN ACT relative to the legislative ethics committee and legislative ethics.

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

1 1 New Paragraph; Legislative Ethics Committee; Definitions. Amend RSA 14-B:1 by inserting
2 after paragraph III-b the following new paragraph:

3 III-c. "Public at large" means any reasonably large group of individuals or organizations that
4 is similarly situated and likely to incur similar benefits or detriments as a result of legislation,
5 including but not limited to professions or occupations, owners of widely held forms of property, or
6 participants in a commercial marketplace.

7 2 Legislative Ethics Committee; Definitions. Amend RSA 14-B:1, V(a) to read as follows:

8 (a) A financial interest exists where a legislator or household member **is an employee**
9 **of, or receives compensation from, an individual or an organization which**~~[or a person or~~
10 ~~organization, whether nonprofit or for-profit, by which the legislator is employed, or from which the~~
11 ~~legislator receives compensation, to act as the person's or organization's agent or advocate,]~~ could
12 stand to gain or lose anything of material value as a result of the official activity.

13 3 New Paragraph; Conflicts of Interests for Legislators; Definitions. Amend RSA 14-C:2 by
14 inserting after paragraph II the following new paragraph:

15 II-a. "Direct benefit" or "direct detriment" means a financial benefit or detriment that flows
16 to the legislator or household member without any intervening action by an independent actor,
17 consumer, or other instrumentality or action that is not under the control of the legislator or
18 household member. A "direct benefit" or "direct detriment" does not include a benefit or detriment
19 that affects a marketplace or program in which the legislator or household member participates as a
20 member of the public at large.

21 4 New Paragraph; Legislative Ethics; Recusal for Conflicts of Interest. Amend RSA 14-C:4-a by
22 inserting after paragraph II the following new paragraph:

23 III. For purposes of this section:

24 (a) "Organization" means the client and not the person, partnership, firm, or corporation
25 acting as lobbyist.

26 (b) A person who registers as a lobbyist pursuant to RSA 15:1 does not "exercise
27 substantial influence over the affairs of the organization" unless he or she also satisfies the test set
28 forth in RSA 14-C:4-c through 14-C:4-e.

29 5 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 570

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

2
3 AN ACT relative to legislative ethics.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 New Paragraph; Legislative Ethics; Recusal for Conflicts of Interest. Amend RSA 14-C:4-a by
8 inserting after paragraph II the following new paragraph:

9 III. For purposes of this section:

10 (a) A “direct benefit” exists when a legislator or household member will receive a
11 financial benefit as the result of the enactment of legislation, unless the decision whether the benefit
12 will be received by the legislator or household member is subject to the discretion of an unrelated
13 third party. A direct benefit exists only when a legislator advocates or votes in a manner to obtain
14 the positive impact of the legislation.

15 (b) A “direct detriment” exists when a legislator or household member will experience a
16 negative impact on their financial interests as the result of the enactment of the legislation, unless
17 the decision whether the detriment will be applied to the legislator or household member is subject
18 to the discretion of an unrelated third party. A direct detriment exists only when a legislator
19 advocates or votes in a manner to avoid the negative impact of the legislation.

20 (c) “Official legislative activity” is any activity that relates to official responsibilities,
21 including the introduction of legislation, testifying before any legislative committee or state agency,
22 voting in committee or in house or senate session, or otherwise participating in any decision of the
23 legislature, county delegation, or any state agency.

24 (d) A legislator who has recused from participation in any official legislative activity
25 pursuant to paragraph I or paragraph II of this section may testify before a legislative committee on
26 the legislation from which the legislator has recused, provided that the legislator makes a written
27 disclosure by filing a declaration of intent and makes a verbal disclosure identifying the conflict of
28 interest before testifying.

29 2 Legislative Ethics; Exceptions to Recusal for Conflicts of Interest. Amend RSA 14-C:4-b to
30 read as follows:

31 14-C:4-b Exceptions to Recusal for Conflicts of Interest. A legislator shall not be required to
32 recuse themselves from participation in any official legislative activity regarding preparation,

Amendment to SB 570

- Page 2 -

1 review, or approval or disapproval of the state *operating* budget, *state capital budget, trailer*
2 *bill*, or general revenue bills *that involve business taxes, meals and rooms tax, tobacco tax,*
3 *interest and dividends tax, real estate transfer tax, communications services tax, current*
4 *use tax, statewide property tax, road tolls, income tax, sales tax, capital gains tax, or*
5 *inheritance tax. This exception from recusal shall not apply to participation in any*
6 *official legislative activity regarding amendments to the trailer bill when the amendment*
7 *concerns solely subject matters as to which the legislator has a conflict of interest.*

8 3 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 570

- Page 3 -

2026-1228s

AMENDED ANALYSIS

This bill adds definitions related to determining conflicts of interests for legislators and adds additional budget-related bills, subject to certain limitations, to the list of exceptions to the recusal requirements.

Docket of SB570		
11/24/2025	S	Introduced 01/07/2026 and Referred to Executive Departments and Administration; SJ 1
01/20/2026	S	Hearing: 01/28/2026, Room 103, SH, 09:10 am; SC 3
03/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1228s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

SB 570, relative to the legislative ethics committee and legislative ethics.

Hearing Date: January 28, 2026

Time Opened: 9:18 a.m.

Time Closed: 9:31 a.m.

Members of the Committee Present: Senators Gannon, Altschiller, Reardon and Pearl

Members of the Committee Absent : Senator McGough

Bill Analysis: This bill amends definitions related to determining conflicts of interests for legislators.

Sponsors:

Sen. Carson

Sen. Ward

Who supports the bill: Senator Sharon Carson, Senator Ruth Ward

Who opposes the bill: Daniel Richardson.

Who is neutral on the bill: Former Senator Ned Gordon.

Summary of testimony presented in support:

Senator Sharon Carson

- This is an attempt to clarify the statute surrounding the legislative ethics committee. We want to provide good structure and set standards. There is continued work that needs to be done and we will return with an amendment.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Former Senator Ned Gordon

- I am the Chair of the Legislative Ethics committee; however, I am not representing the committee and am only representing myself.

- The bill, as it stands, was voted down last time it was presented, and it does need work.
- The bill tries to define “direct benefit” and “direct detriment.”
- The definitions provided may cause more ambiguity than we have currently.
- We have been working hard on how to define “direct benefit” in the sense of immediacy, and not by virtue of luck or chance.
- The bill also changes the definition of financial interest
- This may dilute the recusal provisions, which could be an issue. It may even be better to repeal the existing provisions rather than adopt these changes.
- If there were to be a change in the recusal law, it would be better to allow senators to speak in committee when there is a conflict, provided that the Senator identify their conflict before speaking.
- Recusal rules have been in place for a year, and there has not yet been a violation found.

Senator Pearl asked if there was room to work on amending this bill.

Former Senator Gordon stated that there was and has great respect for the sponsor.

Senator Reardon asked about further clarity needed in the statute, specifically on the differences between a legislator and a member of their household’s employer vs a legislator who is employed.

Former Senator Gordon stated that the public certainly strongly supports recusal provisions. Over time the recusal bill will likely come to be appreciated.

HB 1019 - AS AMENDED BY THE HOUSE

5Mar2026... 0547h

2026 SESSION

26-2340

07/08

HOUSE BILL ***1019***

AN ACT relative to the composition of the state water well board.

SPONSORS: Rep. Petrigno, Hills. 43; Rep. Knab, Rock. 12; Rep. B. Boyd, Hills. 12; Rep. M. Murray, Hills. 37; Rep. Dargie, Hills. 43; Rep. Veilleux, Hills. 34; Rep. N. Murphy, Hills. 12; Rep. W. Thomas, Hills. 12; Sen. Watters, Dist 4; Sen. McGough, Dist 11

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill removes the state geologist from the state water well board.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the composition of the state water well board.

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

1 1 Water Management and Protection; New Hampshire Water Well Board; Water Well Board.
2 Amend RSA 482-B:3, I to read as follows:

3 I. There is created a board to be known as the New Hampshire water well board. The water
4 well board shall be administered by the commissioner of environmental services. The board shall
5 consist of [7] **6** members who are residents of the state, appointed by the governor with the advice
6 and consent of the council as follows: one member shall be the commissioner, department of
7 environmental services, or designee; ~~one shall be the state geologist;~~ 2 shall be active water well
8 contractors with at least 10 years of experience; one shall be an active pump installer with at least
9 10 years of experience; one shall be an active technical driller licensed in the state of New
10 Hampshire with at least 10 years of experience; and one shall be a member of the public who has
11 demonstrated concern for and knowledge of water resources management in New Hampshire. Each
12 member shall hold office for a term of 3 years and until a successor is appointed and qualified. No
13 member shall serve more than 2 consecutive terms. Appointments to fill vacancies shall be for the
14 unexpired term. The governor and council may remove any member of the board for good cause.

15 2 Effective Date. This act shall take effect upon its passage.

Docket of HB1019		
11/07/2025	H	Introduced 01/07/2026 and referred to Resources, Recreation and Development HJ 1
01/26/2026	H	Public Hearing: 02/04/2026 10:00 am GP 228
02/04/2026	H	Executive Session: 02/11/2026 01:30 pm GP 228
02/18/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0547h 02/11/2026 (Vote 16-0; CC) HC 9 P. 25
03/05/2026	H	Amendment # 2026-0547h: AA VV 03/05/2026 HJ 6
03/05/2026	H	Ought to Pass with Amendment 2026-0547h: MA VV 03/05/2026 HJ 6
03/06/2026	S	Introduced 03/05/2026 and Referred to Executive Departments and Administration; SJ 6
03/12/2026	S	Hearing: 03/18/2026, Room 103, SH, 09:00 am; SC 10
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

HB 1030 - AS AMENDED BY THE HOUSE

12Feb2026... 0224h

2026 SESSION

26-2512

09/05

HOUSE BILL ***1030***

AN ACT relative to licensed practical nurse scope of practice.

SPONSORS: Rep. C. McGuire, Merr. 27; Sen. Pearl, Dist 17; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill modifies the scope of practice for licensed practical nurses.

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-Six

AN ACT relative to licensed practical nurse scope of practice.

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

- 1 1 Scope of Practice; Licensed Practical Nurse. Amend RSA 326-B:13, I(a)-(c) to read as follows:
- 2 (a) Collecting data and conducting [~~focused~~] nursing assessments of the health status of
- 3 clients.
- 4 (b) Planning nursing care for clients with stable conditions.
- 5 (c) **Contributing to** [~~Participating in~~] the development and modification of the
- 6 comprehensive plan of care for all types of clients.
- 7 2 Effective Date. This act shall take effect 60 days after its passage.

Senate Executive Departments and Administration
March 18, 2026
2026-1227s
09/07

Amendment to HB 1030

1 Amend the bill RSA 326-B:13, I(a) as inserted by section 1 of the bill by replacing it with the
2 following:

3

4 (a) Collecting data and conducting ~~[focused]~~ nursing assessments ***to contribute to the***
5 ***comprehensive assessment*** of the health status of ***assigned*** clients.

Docket of HB1030		
11/07/2025	H	Introduced 01/07/2026 and referred to Executive Departments and Administration HJ 1
01/13/2026	H	Public Hearing: 01/21/2026 01:30 pm GP 231
02/03/2026	H	Executive Session: 01/21/2026 01:30 pm GP 231
02/03/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0224h 01/28/2026 (Vote 12-0; CC) HC 6 P. 5
02/12/2026	H	Amendment # 2026-0224h: AA VV 02/12/2026 HJ 4
02/12/2026	H	Ought to Pass with Amendment 2026-0224h: MA VV 02/12/2026 HJ 4
02/13/2026	S	Introduced 02/05/2026 and Referred to Executive Departments and Administration; SJ 4
02/19/2026	S	Hearing: 03/04/2026, Room 103, SH, 09:00 am; SC 7
03/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1227s, 03/26/2026; Vote 3-0; CC; SC 11

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

HB 1030, relative to licensed practical nurse scope of practice.

Hearing Date: March 4, 2026

Time Opened: 9:02 a.m.

Time Closed: 9:18 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon and Reardon

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill modifies the scope of practice for licensed practical nurses.

Sponsors:

Rep. C. McGuire

Sen. Pearl

Sen. Prentiss

Who supports the bill: Senator Howard Pearl, Carlene Ferrier (NH Nurse Association), Alyssa Cummings (LPN), Ben Bradley (NHHA), Cory Stone, Mary Behnke, Sally Patton, Joline Manseau, Polly Campion, Joan Widmer, Lisa Mantz, and Jen Ufkin.

Who opposes the bill: June Garen.

Who is neutral on the bill:

Summary of testimony presented in support:

Alyssa Cummings of Dartmouth Hitchcock Medical Center and Ben Bradley of New Hampshire Licensed Association

- Ms. Cummings stated that HB 1030 ensures that Licensed Practical Nurses (LPNs) are able to practice at the highest level of their education and training.
- Ms. Cummings explained that current language permits LPNs to conduct segmented patient focused assessments while leaving out whole body assessments. She added that this does not reflect the current state training as LPNs are trained to give full body assessments.
- She explained that this has led organizations to adopt more conservative and restrictive policies to ensure compliance with state law.

- Ms. Cummings explained that LPNs are critical to the healthcare workforce and should be able to contribute as much as they are trained to.

Senator McGough asked about the difference in training for a Registered Nurse (RN) and a Licensed Practical Nurse.

Ms. Cummings responded that LPNs are expected to perform head-to-toe assessments on stable patients.

Senator McGough asked if with an increase in LPNs in a hospital setting, there would be a dilution to the wage pool and a decrease in quality of care.

Ms. Cummings responded that LPNs will still be practicing under the umbrella of an RN who oversees the care given. She added that this allows RNs to provide additional assessment and care so that they are also contributing to the patient care.

Senator McGough asked how it can be ensured that the retention and motivation of RN staff doesn't decrease resulting in a decrease in quality of service.

Mr. Bradley responded that hospitals have policy in place to make sure LPNs are only working with stable patients and in an environment where they are comfortable.

Senator McGough asked if an LPN can replace an RN regarding their diagnostic skills.

Ms. Cummings explained that if an LPN observes a sign that indicates a patient is no longer stable, they would report to the RN.

Senator McGough asked what prevents the hospital to hire less qualified bedside caregivers upon the passage of the bill as proposed.

Mr. Bradley responded that this is not in the best interest of any hospital and the bill would not make the .

Carlene Ferrier of the New Hampshire Nurses Association

- Ms. Ferrier voiced the association's support for HB 1030 as it allows all nurses to work at the top of their education.
- Ms. Ferrier explained that all nursing education programs teach full body assessments to LPNs.
- She explained that RNs often have better outcomes in healthcare and that it would be detrimental to hospitals to decrease the number of RNs in a given hospital.

Senator Pearl asked if the language of the legislation would create a situation where RNs are replaced with LPNs.

Ms. Ferrier explained that she did not believe this would be the case RNs serve a crucial role in the hospital.

Senator McGough asked about the idea of hospitals moving towards a model that doesn't promote new RNs.

Ms. Ferrier responded that this is a legitimate concern that needs to be monitored, however, this bill does not promote a decrease in RNs.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

BM

Date Hearing Report completed: March 4, 2026

HB 1033 - AS AMENDED BY THE HOUSE

19Feb2026... 0399h

2026 SESSION

26-2726

09/05

HOUSE BILL **1033**

AN ACT establishing a commission to study the legislative bill enrollment process.

SPONSORS: Rep. Weber, Ches. 5

COMMITTEE: Legislative Administration

ANALYSIS

This bill establishes a commission to study the legislative bill enrollment process.

.....

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-Six

AN ACT establishing a commission to study the legislative bill enrollment process.

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

1 1 New Section; Commission to Study the Legislative Bill Enrollment Process. Amend RSA 14 by
2 inserting after section 8 the following new section:

3 14:8-a Commission to Study the Legislative Bill Enrollment Process.

4 I. There is established a commission to study the procedures for the legislative bill
5 enrollment process.

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

7 (a) Three members of the house of representatives, two of which shall be named by the
8 speaker of the house of representatives and one of which shall be named by the minority leader.

9 (b) Two members of the senate, appointed by the president of the senate.

10 (c) The senate clerk.

11 (d) The house clerk.

12 (e) The secretary of state or designee.

13 (f) The director of the office of legislative services or designee.

14 III. Legislative members of the commission shall receive mileage at the legislative rate
15 when attending to the duties of the commission.

16 IV. The commission shall:

17 (a) Study the current legislative bill enrollment process for handling bills from the time
18 they are enrolled until they reach the governor's desk.

19 (b) Determine any possible improvements to such procedures.

20 V. The members of the study commission shall elect a chairperson from among the
21 members. The first meeting of the commission shall be called by the first-named house member.
22 The first meeting of the commission shall be held within 45 days of the effective date of this section.
23 A simple majority of the members shall constitute a quorum.

24 VI. The commission shall report its findings and any recommendations for proposed
25 legislation to the speaker of the house of representatives, the president of the senate, the house
26 clerk, the senate clerk, the governor, and the state library on or before November 1, 2026.

27 2 Prospective Repeal. RSA 14:8-a, relative to the commission to study the legislative bill
28 enrollment process, is repealed.

29 3 Effective Date.

30 I. Section 2 of this act shall take effect November 30, 2026.

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

Docket of HB1033		
11/07/2025	H	Introduced 01/07/2026 and referred to Legislative Administration HJ 1
01/08/2026	H	Public Hearing: 01/22/2026 09:45 am GP 234
01/14/2026	H	Public Hearing on non-germane Amendment # 2026-0096h: 01/22/2026 01:30 pm GP 234
01/22/2026	H	Executive Session: 01/29/2026 10:00 am GP 234
02/06/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0399h 01/29/2026 (Vote 11-0; CC) HC 7 P. 16
02/19/2026	H	Amendment # 2026-0399h: AA VV 02/19/2026 HJ 5
02/19/2026	H	Ought to Pass with Amendment 2026-0399h: MA VV 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Executive Departments and Administration; SJ 5
03/03/2026	S	Hearing: 03/11/2026, Room 103, SH, 09:50 am; SC 9
03/18/2026	S	Committee Report: Referred to Interim Study, 03/26/2026; Vote 4-0; CC; SC 11

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

HB 1033, establishing a commission to study the legislative bill enrollment process.

Hearing Date: March 11, 2026

Time Opened: 10:12 a.m.

Time Closed: 10:13 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon and Reardon

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill establishes a commission to study the legislative bill enrollment process.

Sponsors:
Rep. Weber

Who supports the bill: Forty-nine signed in support online.

Who opposes the bill: Cory Stone and Pam Baucom.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Reardon introduced the bill on behalf of the sponsor.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

HB 1037 - AS INTRODUCED

2026 SESSION

26-2995

06/05

HOUSE BILL

1037

AN ACT extending the commission to study OHRV use in New Hampshire and adding a member from the department of tourism.

SPONSORS: Rep. Ouellet, Coos 3; Rep. Cole, Hills. 26; Sen. Rochefort, Dist 1

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill extends the commission an extra 2 years and adds a member from the division of travel and tourism development to its membership.

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-Six

AN ACT extending the commission to study OHRV use in New Hampshire and adding a member from the department of tourism.

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

1 1 OHRV Commission Session Law. Amend 2022, 301:8, I to read as follows:

2 301:8 Effective Date.

3 I. Section 2 of this act shall take effect November, 1 [~~2026~~] **2028**.

4 2 OHRV Commission Membership. RSA 215-A:44-a, II is repealed and reenacted to read as
5 follows:

6 II. Membership and Compensation. The members of the commission shall be as follows:

7 (a) Four members of the house of representatives, appointed by the speaker of the house
8 of representatives:

9 (1) Two of whom shall be members of the house resources, recreation and
10 development committee, one of whom shall be from the majority party and one of whom shall be
11 from the minority party.

12 (2) One of whom shall be a member from the house transportation committee.

13 (3) One of whom shall be a member from Coos county.

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

15 (c) One representative of the fish and game department, appointed by the executive
16 director of the fish and game department.

17 (d) The chief supervisor of the bureau of trails of the department of natural and cultural
18 resources, or designee.

19 (e) One representative of municipal police departments, appointed by the New
20 Hampshire Association of Chiefs of Police.

21 (f) One representative of the department of transportation, appointed by the
22 commissioner.

23 (g) One representative of the New Hampshire state police, appointed by the director of
24 the state police.

25 (h) One representative of the New Hampshire Off Highway Vehicle Association,
26 appointed by the association.

27 (i) One representative of the New Hampshire Municipal Association, appointed by the
28 association.

29 (j) One member representing landowners, appointed jointly by the New Hampshire
30 Timberland Owners Association and New Hampshire Farm Bureau.

HB 1037 - AS INTRODUCED

- Page 2 -

1 (k) One representative of the New Hampshire Auto Dealers Association, appointed by
2 the association.

3 (l) One member representing the New Hampshire Society for the Protection of Forests,
4 the Appalachian Mountain Club, and the Nature Conservancy, appointed jointly by those
5 organizations.

6 (m) One representative of the New Hampshire Rail Trail Coalition, appointed by the
7 coalition.

8 (n) Two members of the public; one of whom shall be appointed by the New Hampshire
9 Association of Conservation Commissions; and one of whom shall be appointed by the North Country
10 Council who shall be an abutter.

11 (o) One member representing the New Hampshire division of travel and tourism
12 development.

13 3 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1037		
11/07/2025	H	Introduced 01/07/2026 and referred to Resources, Recreation and Development HJ 1
01/26/2026	H	Public Hearing: 02/04/2026 11:00 am GP 228
02/04/2026	H	Executive Session: 02/04/2026 01:30 pm GP 228
02/09/2026	H	Committee Report: Ought to Pass 02/04/2026 (Vote 14-0; CC) HC 7 P. 19
02/19/2026	H	Ought to Pass: MA VV 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Executive Departments and Administration; SJ 5
03/12/2026	S	Hearing: 03/18/2026, Room 103, SH, 09:30 am; SC 10
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

HB 1126 - AS INTRODUCED

2026 SESSION

26-2353

09/08

HOUSE BILL ***1126***

AN ACT repealing the certification requirement to perform residential mold assessments.

SPONSORS: Rep. Slottje, Hills. 13

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill repeals the requirement for certification to perform residential mold assessments.

.....

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-Six

AN ACT repealing the certification requirement to perform residential mold assessments.

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

- 1 1 Repeal. RSA 310-A:189-b, relative to mold assessment certifications, is repealed.
- 2 2 Directive; Report Required; Office of Professional Licensure and Certification. The office of
- 3 professional licensure and certification (OPLC) shall repeal any administrative rules adopted
- 4 pursuant to RSA 310-A:189-b, and shall inform the general court in a report to the speaker of the
- 5 house of representatives and the senate president by January 1, 2027 if the OPLC believes any
- 6 further statutory changes are necessary to accomplish the goals of this act.
- 7 3 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1126		
12/01/2025	H	Introduced 01/07/2026 and referred to Executive Departments and Administration
01/14/2026	H	Public Hearing: 01/22/2026 02:15 pm GP 153
02/06/2026	H	Executive Session: 01/22/2026 02:15 pm GP 153
02/06/2026	H	Committee Report: Ought to Pass 02/04/2026 (Vote 15-0; CC) HC 7 P. 12
02/19/2026	H	Ought to Pass: MA VV 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Executive Departments and Administration; SJ 5
03/12/2026	S	Hearing: 03/18/2026, Room 103, SH, 09:40 am; SC 10
03/19/2026	S	Committee Report: Inexpedient to Legislate, 03/26/2026, Vote 3-0, CC; SC 11

HB 1204 - AS AMENDED BY THE HOUSE

5Mar2026... 0471h

2026 SESSION

26-2589

08/09

HOUSE BILL ***1204***

AN ACT relative to the grading and use of timber grown in New Hampshire.

SPONSORS: Rep. A. Davis, Coos 2; Rep. Tierney, Coos 1; Rep. Durkin, Coos 1; Rep. Cole, Hills.
26

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill allows certain timber grown in New Hampshire to be graded as spruce-pine-fir and requires the consideration of New Hampshire harvested timber for state building projects.

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-Six

AN ACT relative to the grading and use of timber grown in New Hampshire.

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

1 1 Statement of Findings and Purpose. The general court hereby finds that:

2 I. The majority of structural timber harvested for building materials in New Hampshire
3 comes from Coos County, and many areas of Coos County extend farther north than portions of
4 Canada, where lumber is graded as spruce pine fir (SPF).

5 II. Timber graded as SPF from Canada is viewed as stronger and denser under international
6 design standards in part because of cold climate growth conditions; however, New Hampshire's
7 northern climate, soils, and growing conditions are substantially similar and produce the same
8 species of spruce, pine, and fir included in the SPF designation.

9 III. Architects and engineers typically specify "SPF" lumber in certain residential
10 construction documents. Because "SPF" is an international designation reserved for Canadian
11 graded wood, New Hampshire's native lumber graders cannot certify New Hampshire-grown spruce,
12 pine, and fir as SPF. Instead, the same species must be graded as spruce-pine-fir south (SPFS),
13 which is viewed in the industry as a separate, slightly weaker classification.

14 IV. This technical distinction disadvantages New Hampshire sawmills, loggers, and the
15 forest products industry, even though New Hampshire-grown wood from the north country is of
16 equal type and quality.

17 V. It is therefore the policy of the state of New Hampshire to ensure that New Hampshire
18 families and New Hampshire builders can build New Hampshire homes with New Hampshire wood
19 by eliminating the barrier between SPF and SPFS within the state building code.

20 VI. The general court of New Hampshire finds that wood density should be a latitudinal
21 demarcation rather than an arbitrary designation of density based upon political borders. Viewed as
22 latitude, New Hampshire encompasses 42 degrees, 40 minutes north up to 45 degrees, 18 minutes.
23 Timber harvested to produce building lumber between the latitude of 43 degrees, 45 minutes, 18
24 seconds north to 45 degrees, 18 minutes north warrants the same density demarcation as Canadian
25 SPF unless otherwise designated by a licensed architect or structural engineer.

26 2 New Section; Use of Spruce-Pine-Fir (SPF) and Spruce-Pine-Fir-South (SPFS). Amend RSA
27 155-A by inserting after section 14 the following new section:

28 155-A:15 Use of Spruce-Pine-Fir (SPF) Lumber and Spruce-Pine-Fir-South (SPFS) Lumber.

29 I. For purposes of the state building code, spruce-pine-fir south (SPFS) lumber harvested
30 and milled in New Hampshire and graded either by a grader permitted under RSA 426:18 or by an

HB 1204 - AS AMENDED BY THE HOUSE

- Page 2 -

1 American Lumber Standard Committee (ALSC) accredited agency shall be accepted wherever
2 spruce-pine-fir (SPF) is specified.

3 II. Structural design and inspection shall use the published SPFS design values for the
4 grade and size provided.

5 III. Where a code evaluation report, product listing, or manufacturer's installation
6 instructions differentiate allowable loads or limitations by lumber species group, the allowable loads
7 corresponding to the installed species group shall be used. When SPFS lumber is installed, the
8 values for SPFS shall govern. This requirement shall apply, but not be limited to, structural
9 connectors, hangers, fasteners, truss plates, adhesives, and proprietary systems.

10 IV. Municipalities shall accept either a native lumber certificate pursuant to RSA 426:18 or
11 an ALSC grade stamp as sufficient proof of grade.

12 V. Nothing herein shall prevent a licensed architect or engineer from specifying higher
13 strength materials if required for safety and structural integrity of a structure. Licensed architects
14 and structural engineers shall also consider and shall provide alternative options of construction
15 utilizing SPFS lumber.

16 VI. This section shall not be construed to prohibit the use of SPF lumber graded by an ALSC
17 accredited agency.

18 3 Effective Date. This act shall take effect 180 days after its passage.

Docket of HB1204		
12/01/2025	H	Introduced 01/07/2026 and referred to Resources, Recreation and Development
01/26/2026	H	Public Hearing: 02/04/2026 02:30 pm GP 228
02/05/2026	H	Executive Session: 02/11/2026 01:30 pm GP 228
02/18/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0471h 02/11/2026 (Vote 16-0; CC) HC 9 P. 26
03/05/2026	H	Amendment # 2026-0471h: AA VV 03/05/2026 HJ 6
03/05/2026	H	Ought to Pass with Amendment 2026-0471h: MA VV 03/05/2026 HJ 6
03/06/2026	S	Introduced 03/05/2026 and Referred to Executive Departments and Administration; SJ 6
03/12/2026	S	Hearing: 03/18/2026, Room 103, SH, 09:20 am; SC 10
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

HB 1259 - AS AMENDED BY THE HOUSE

12Feb2026... 0360h

2026 SESSION

26-2791

09/08

HOUSE BILL ***1259***

AN ACT relative to the issuance of certificates as a certified public accountant.

SPONSORS: Rep. Johnson, Straf. 11; Rep. Colby, Merr. 9; Rep. Muns, Rock. 29; Rep. Vallone, Rock. 5; Sen. Reardon, Dist 15

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill modifies certain requirements for obtaining a certificate as a certified public accountant and allows for individuals with certificates issued by other states to offer services in New Hampshire subject to certain requirements.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the issuance of certificates as a certified public accountant.

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

1 1 New Hampshire Accountancy Act; Definitions. Amend RSA 309-B:3, XVIII and XIX to read as
2 follows:

3 XVIII. ~~["Substantial equivalency" is a determination by the office or its designee that the~~
4 ~~education, examination, and experience requirements contained in the statutes and administrative~~
5 ~~rules of another jurisdiction are comparable to or exceed the education, examination, and experience~~
6 ~~requirements contained in the Uniform Accountancy Act, or that the individual certified public~~
7 ~~accountant's education, examination, and experience qualifications are comparable to or exceed the~~
8 ~~education, examination, and experience requirements contained in the Uniform Accountancy Act. In~~
9 ~~ascertaining substantial equivalency as used in this statute, the office shall take into account the~~
10 ~~qualifications without regard to the sequence in which experience, education, or examination~~
11 ~~requirements were attained.~~

12 XIX.] "Uniform Accountancy Act" means the [May 2014] **ninth** edition of the model
13 legislation developed jointly by the American Institute of Certified Public Accountants and the
14 National Association of State Boards of Accountancy, **published in July 2025**.

15 2 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public
16 Accountant. RSA 309-B:5, III is repealed and reenacted to read as follows:

17 III. The education requirements for a certificate shall be as follows:

18 (a) A post-baccalaureate degree conferred by a college or university acceptable to the
19 board, the total educational program to include an accounting concentration or equivalent as
20 determined by board rule;

21 (b) A baccalaureate degree plus an additional 30 semester credit hours, conferred by a
22 college or university acceptable to the board, the total educational program to include an accounting
23 concentration as determined by board rule; or

24 (c) A baccalaureate degree conferred by a college or university acceptable to the board,
25 the total education program to include an accounting concentration or equivalent as determined by
26 board rule.

27 3 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public
28 Accountant. Amend RSA 309-B:5, V to read as follows:

29 V. An applicant shall be required to pass all sections of the examination provided for in
30 paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. The
31 applicant shall pass all sections of the examination within a time period established by the board, in

HB 1259 - AS AMENDED BY THE HOUSE

- Page 2 -

1 accordance with rules adopted by the board pursuant to RSA 309-B:4, VI and RSA 309-B:5, IV. ***An***
2 ***applicant may be able to sit for the examination as of a date no more than 120 days before***
3 ***the applicant expects to obtain his or her baccalaureate degree, pursuant to rules***
4 ***established by the board.***

5 4 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public
6 Accountant. RSA 309-B:5, IX(a)-(b) is repealed and reenacted to read as follows:

7 (a) Two years, for a candidate who is applying for licensure on the basis of the
8 educational requirement in RSA 309-B:5, III(c).

9 (b) One year, for a candidate who is applying for licensure on the basis of the educational
10 requirement in RSA 309-B:5, III(a) or (b).

11 5 New Section; New Hampshire Accountancy Act; Mobility. Amend RSA 309-B by inserting
12 after section 6 the following new section:

13 309-B:6-a Mobility.

14 I. An individual whose principal place of business is outside this state is granted the
15 privilege to perform or offer to perform services, whether in person or by mail, telephone, or
16 electronic means, in this state as a certified public accountant without notice to the board, the
17 submission of any other documentation, or the payment of any fee if the individual holds a valid and
18 unrevoked license or permit to practice as a certified public accountant issued by another state, a
19 territory of the United States, or the District of Columbia, and satisfies the education, examination,
20 and experience requirements of RSA 309-B:5.

21 II. An individual whose principal place of business is outside this state, who holds a valid
22 and unrevoked license or permit to practice as a certified public accountant issued by another state,
23 a territory of the United States, or the District of Columbia, and who as of the effective date of this
24 section had practice privileges in this state pursuant to this state's substantial equivalency
25 provisions shall continue to have the privilege to perform or offer to perform services, whether in
26 person or by mail, telephone, or electronic means, in this state as a certified public accountant
27 without notice to the board, the submission of any other documentation, or the payment of any fee.

28 III. An individual licensee of another state exercising the privilege afforded under this
29 section and the firm which employs that licensee hereby simultaneously consent, as a condition of
30 the grant of this privilege:

31 (a) To the personal and subject matter jurisdiction and disciplinary authority of the
32 board;

33 (b) To comply with RSA 309-B and the board's rules thereunder;

34 (c) That in the event the license from the state of the individual's principal place of
35 business is no longer valid, the individual will cease offering or rendering professional services in
36 this state individually and on behalf of a firm; and

HB 1259 - AS AMENDED BY THE HOUSE

- Page 3 -

1 (d) To the appointment of the state board which issued his or her license as his or her
2 agent upon whom process may be served in any action or proceeding by this board against the
3 licensee.

4 6 Repeal. RSA 309-B:7, VI and VII, relative to substantial equivalent foreign designation
5 applicants, is repealed.

6 7 Effective Date. This act shall take effect upon its passage.

Docket of HB1259		
12/01/2025	H	Introduced 01/07/2026 and referred to Executive Departments and Administration
01/14/2026	H	Public Hearing: 01/22/2026 01:00 pm GP 153
02/03/2026	H	Executive Session: 01/22/2026 01:00 pm GP 153
02/03/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0360h 01/28/2026 (Vote 12-0; CC) HC 6 P. 5
02/12/2026	H	Amendment # 2026-0360h: AA VV 02/12/2026 HJ 4
02/12/2026	H	Ought to Pass with Amendment 2026-0360h: MA VV 02/12/2026 HJ 4
02/13/2026	S	Introduced 02/05/2026 and Referred to Executive Departments and Administration; SJ 4
03/12/2026	S	Hearing: 03/18/2026, Room 103, SH, 09:10 am; SC 10
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

HB 1287 - AS AMENDED BY THE HOUSE

19Feb2026... 0198h

2026 SESSION

26-2802

06/07

HOUSE BILL **1287**

AN ACT relative to special number plates for veterans and eligibility therefore.

SPONSORS: Rep. Corcoran, Hills. 28

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill changes rules regarding the distribution of special number plates for veterans and eligibility therefore.

.....

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-Six

AN ACT relative to special number plates for veterans and eligibility therefore.

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

1 1 Statutory Construction. Amend RSA 21:50, I(a)(2) to read as follows:

2 (2) Has been discharged or released from duty in the United States armed forces
3 with:

4 (A) An honorable discharge; or

5 (B) An uncharacterized discharge based on a service-connected injury, illness, or
6 disability; **or**

7 **(C) A general discharge under honorable conditions.**

8 2 Special Number Plates for Veterans. Amend RSA 261:87-b, I to read as follows:

9 I. The director is hereby authorized to issue special number plates to be used on motor
10 vehicles owned by veterans of the United States armed services, in lieu of other number plates. The
11 design of these special plates shall be determined by the commissioner, and shall be distinct from
12 the design or designs of those plates issued under RSA 261:86. Such plates shall be issued to
13 veterans as defined in RSA 21:50, I(a) and veterans discharged or released from duty in the United
14 States armed forces with a general discharge under honorable conditions upon application, proof of
15 veteran status in a form authorized by RSA 21:50, I(b), and payment of the regular motor vehicle
16 registration fee and the \$4 per plate fees under RSA 261:75. ~~[The director shall also issue such~~
17 ~~plates to any person providing proof of honorable discharge from the armed services of any nation~~
18 ~~allied with the United States during World War II and proof of such person's service during World~~
19 ~~War II.]~~ Renewals of such special number plates shall be charged the fee assessed for standard
20 motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are
21 non-transferable, except that the surviving spouse may use the plates indefinitely after the death of
22 the veteran until the date that the surviving spouse remarries.

23 3 Eligibility. Amend RSA 261-C:3 to read as follows:

24 261-C:3 Eligibility. Multi-use veterans decal plates shall be issued only to those veterans
25 defined in RSA 21:50, I[(a)]. Additionally, an individual shall demonstrate to the satisfaction of the
26 director of the division of veteran's services that he or she was a member of a specific branch of
27 service or was awarded the medal represented on the requested decal. The plates furnished
28 pursuant to this section are non-transferable except that the surviving spouse may use the plates
29 indefinitely after the death of the veteran until the date that the surviving spouse remarries.

30 4 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1287		
12/01/2025	H	Introduced 01/07/2026 and referred to State-Federal Relations and Veterans Affairs
01/08/2026	H	Public Hearing: 01/16/2026 10:30 am GP 228
01/08/2026	H	==RECESSED== Executive Session: 01/16/2026 02:00 pm GP 228
01/29/2026	H	==CONTINUED== Public Hearing: 02/06/2026 09:00 am GP 228
02/09/2026	H	==CONTINUED== Executive Session: 02/06/2026 09:00 am GP 228
02/10/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0198h (NT) 02/06/2026 (Vote 17-0; CC) HC 7 P. 20
02/19/2026	H	Amendment # 2026-0198h: AA VV 02/19/2026 HJ 5
02/19/2026	H	Ought to Pass with Amendment 2026-0198h: MA VV 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Executive Departments and Administration; SJ 5
03/03/2026	S	Hearing: 03/11/2026, Room 103, SH, 09:20 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

HB 1287, relative to special number plates for veterans and eligibility therefore.

Hearing Date: March 11, 2026

Time Opened: 9:28 a.m.

Time Closed: 9:37 a.m.

Members of the Committee Present: Senators McGough, Gannon, Pearl and Reardon

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill changes rules regarding the distribution of special number plates for veterans and eligibility therefore.

Sponsors:
Rep. Corcoran

Who supports the bill: Nicole Bixler (DMAVS), Brent Fraser (DMAVS), Kevin Grady (SVAC), Cory Stone, and Tami Lanzillo Zeimet.

Who opposes the bill: None.

Who is neutral on the bill: Jim Michaud

Summary of testimony presented in support:

Kevin Grady of the State Veterans Advisory Council:

- Mr. Grady stated that in state law there is a distinction made between honorable discharge and general discharge. He added that general discharge is a regular occurrence and any other kind of discharge would be made abundantly clear.
- He explained that past law has not properly recognized those with a general discharge even though it is by definition an honorable discharge.
- This bill is part of an effort to amend these discrepancies.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Jim Michaud of Hudson:

- Mr. Michaud explained that he found this bill's language to be very clean and he believed it would be easily understood by most town employees.
- Mr. Hudson stated that the procedures for honorably discharged and generally discharged are separate in HB1287, rather than joined together as in SB 448.
- Mr. Hudson said that this helps provide clarity.
- He added that the separation is also preferable as it allows municipalities to choose how they want to make this distinction when regarding tax credits.

BM

Date Hearing Report completed: March 12, 2026

HB 1472 - AS INTRODUCED

2026 SESSION

26-3044

09/08

HOUSE BILL **1472**

AN ACT relative to the suspension period in cases involving the administrative appeals unit relative to licensure or certification concerning lead paint poisoning prevention.

SPONSORS: Rep. D. Kelley, Hills. 32; Rep. Aldrich, Belk. 6; Rep. Bailey, Straf. 2; Rep. Sirois, Hills. 32; Rep. DeRoy, Straf. 3

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows for individuals or educational programs licensed or certified to perform various lead abatement, inspection, or educational functions to reapply for a license or certificate 2 years after their initial notice of revocation.

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-Six

AN ACT relative to the suspension period in cases involving the administrative appeals
unit relative to licensure or certification concerning lead paint poisoning
prevention.

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

- 1 1 New Paragraph; Lead Paint Poisoning Prevention and Control; Licensure; Certification.
- 2 Amend RSA 130-A:12 by inserting after paragraph IV the following new paragraph:
- 3 V. If the department revokes a license or certificate issued under this section pursuant to
- 4 rules adopted under RSA 541-A, the individual or educational program shall be eligible to reapply
- 5 for a license or certificate 2 years from the date of the initial notice of revocation of the license or
- 6 certificate.
- 7 2 Effective Date. This act shall take effect 60 days after its passage.

Docket of HB1472		
12/04/2025	H	Introduced 01/07/2026 and referred to Executive Departments and Administration
01/14/2026	H	Public Hearing: 01/22/2026 02:30 pm GP 153
02/03/2026	H	Executive Session: 01/22/2026 02:30 pm GP 153
02/03/2026	H	Committee Report: Ought to Pass 01/28/2026 (Vote 12-0; CC) HC 6 P. 5
02/12/2026	H	Ought to Pass: MA VV 02/12/2026 HJ 4
02/13/2026	S	Introduced 02/05/2026 and Referred to Executive Departments and Administration; SJ 4
03/03/2026	S	Hearing: 03/11/2026, Room 103, SH, 09:40 am; SC 9
03/18/2026	S	Committee Report: Inexpedient to Legislate, 03/26/2026, Vote 4-0, CC; SC 11

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

HB 1472, relative to the suspension period in cases involving the administrative appeals unit relative to licensure or certification concerning lead paint poisoning prevention.

Hearing Date: March 11, 2026

Time Opened: 9:52 a.m.

Time Closed: 10:12 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon and Reardon

Members of the Committee Absent : Senator Altschiller

Bill Analysis: This bill allows for individuals or educational programs licensed or certified to perform various lead abatement, inspection, or educational functions to reapply for a license or certificate 2 years after their initial notice of revocation.

Sponsors:

Rep. D. Kelley
Rep. Sirois

Rep. Aldrich
Rep. DeRoy

Rep. Bailey

Who supports the bill: Representative Diane Kelley, Sabrina Rahme (NH Lead Professionals Association), Debbie Valente, Scott Burns, Judith Ackerson, Kenneth Ackerson, William Yacopucci, and Tami Lanzillo Zeimetz.

Who opposes the bill: Cory Stone and Marjorie Boyer.

Who is neutral on the bill: No one.

Summary of testimony presented in support:

Representative Dianne Kelley

- Representative Kelly explained that HB 1472 seeks to address concerns around licensure suspension.
- Representative Kelly stated the intent of the bill to allow for the licensee to reapply within two years of an initial decision.
- Representative Kelly explained that the current process in which a person who has had their license revoked is taking multiple years and could result to more

than 5 years without practice. She explained that these people often prefer to change their line of work rather than waiting for a decision.

Senator Pearl asked if this is already in law and the intent of the bill is to codify this process.

Representative Kelley responded that the intent of HB 1472 is to have people who have had their license revoked be able to serve this 2-year period while the appeal is still in the system, rather than after the appeal is completed.

Debbie Valente

- Ms. Valente stated that this bill makes the punishment fit the crime, and is meant to address an overarching issue not one specific case.
- Ms. Valente explained that the essence of the bill was to allow time served to count in your favor when applying for an appeal.
- Ms. Valente gave her account of her experience in the revocation and appeals process.
- Ms. Valente stated that her appeal has been in the system for almost 3 years, which has had major implications on work needs.
- She further explicated that the industry is already short on professionals and the court system is hindering that further.

Senator Pearl asked about any issues leading up to licensure revocation.

Ms. Valente responded that her two fines for filing reports late were considered her first two strikes.

Senator Pearl asked if that process was timely.

Ms. Valente answered that these appeals lasted a year and a half before a decision was made.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Colleen Smith and Knatalie Vetter of the Department of Health and Human Services

Senator Pearl asked what the process is for an appeal.

Ms. Vetter explained that once an appeal is filed it goes to the appeals unit where both the department and the license holder will make their case, the unit will deliberate and provide a ruling.

Senator Pearl asked if there are any time restrictions on the appeal unit to come up with a ruling.

Ms. Vetter explained that this is up to the discretion of the appeal unit and DHHS does not have authority to speed it up. There are only rules on the time frame to file an appeal.

Senator Pearl asked if it is true that the board has only revoked 1 license in the past 18 years and if there have been other appeals that have gone to the appeal unit that have not resulted in revocation.

Ms. Vetter responded that there has only been one revocation and there are appeals for fines and license denial among other things.

Senator Pearl asks what the typical time frame for those decisions are.

Ms. Vetter explained that speed of this process depends on the complexity of the appeal however it could take some time.

Senator Pearl asked if the more than 2 years total that Ms. Valente has experienced is typical.

Ms. Vetter explained that the department does not see enough appeals to make a judgment on the average length of appeals.

Senator Reardon asks if once the appeals unit takes over, their office has no further authority over the case.

Ms. Vetter stated this was correct. Additionally, the appeals board will meet with the department before the hearing and ask if they would like to settle. She added that after the hearing has begun, they have no say in the matter.

Senator Reardon asked if the appeals unit hears only appeals on this program or all programs in DHHS.

Ms. Vetter responded that they hear all appeals in DHHS.

Senator Pearl asked if the bill as written could allow the license holder who is waiting for their appeal to also be applicant for relicensing.

Ms. Vetter stated this was possible.

Ms. Smith added that the department has tools that would help address this possible situation.

Senator Pearl asked if it would be reasonable to assume then that a person waiting on a decision would immediately be denied a new licensure.

Ms. Smith stated it was possible.

Ms. Vetter responded that this is their interpretation of the department rules.

HB 1768-FN - AS AMENDED BY THE HOUSE

12Feb2026... 0358h

2026 SESSION

26-2926

06/08

HOUSE BILL

1768-FN

AN ACT

exempting honorably discharged New Hampshire veterans from metered parking fees at state parks upon presenting acceptable proof of status and raising the value of individual gifts and donations that may be received by the division of parks and recreation without the approval of the governor or the executive council.

SPONSORS:

Rep. Bridle, Rock. 29; Rep. Bordes, Belk. 5; Rep. Coker, Belk. 2; Rep. Edgar, Rock. 29; Rep. McGrath, Rock. 40

COMMITTEE:

Resources, Recreation and Development

AMENDED ANALYSIS

This bill exempts honorably discharged New Hampshire veterans from metered parking fees at state parks upon presenting acceptable proof of status and raises the value of individual gifts and donations that may be received by the division of parks and recreation without the approval of the governor or the executive council.

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-Six

AN ACT exempting honorably discharged New Hampshire veterans from metered parking fees at state parks upon presenting acceptable proof of status and raising the value of individual gifts and donations that may be received by the division of parks and recreation without the approval of the governor or the executive council.

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

1 1 New Paragraphs; Fees for Park System. Amend RSA 216-A:3-g by inserting after paragraph
2 V the following new paragraphs:

3 V-a. No metered parking fee shall be charged at any state park lot, including but not limited
4 to Hampton Beach South and Wallis Sands, for any vehicle displaying a veteran license plate issued
5 by the New Hampshire division of motor vehicles.

6 V-b.(a) Notwithstanding any other provision of law to the contrary, the department of
7 natural and cultural resources, through the division of parks and recreation, may solicit, receive, and
8 procure monetary or in-kind donations for the purpose of offsetting revenue losses resulting from
9 statutory exemptions from day-use admission or parking fees, including, but not limited to,
10 exemptions for persons with disabilities and honorably discharged veterans.

11 (b) Donations received under this paragraph may be acknowledged through limited
12 sponsor recognition, including the display of a name, logo, or identifying mark, as determined by the
13 department, provided that such recognition is incidental to the donation, non-promotional in nature,
14 and does not imply endorsement by the state.

15 (c) All monetary donations received under this paragraph shall be deposited in the state
16 parks gifts and donations account established under RSA 216-A:3-o and expended in accordance with
17 that section.

18 2 Expansion of State Park System; State Park Gifts and Donations; Account Established.
19 Amend RSA 216-A:3-o, I to read as follows:

20 I. Notwithstanding any other provision of law to the contrary, individual gifts and donations
21 not exceeding [~~\$2,500~~] **\$50,000** in value in a fiscal year may be received by the division of parks and
22 recreation without the approval of the governor or [~~the governor and~~] council. Individual gifts and
23 donations exceeding [~~\$2,500~~] **\$50,000** in value in a fiscal year may be received by the division of
24 parks and recreation with the approval of the governor and council.

25 3 Effective Date. This act shall take effect upon its passage.

HB 1768-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT # 2026-0358h)

AN ACT exempting honorably discharged New Hampshire veterans from metered parking fees at state parks upon presenting acceptable proof of status and raising the value of individual gifts and donations that may be received by the division of parks and recreation without the approval of the governor or the executive council.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Decrease (\$70,000 to \$165,000) (State Park Fund)	Indeterminable Decrease (\$70,000 to \$165,000) (State Park Fund)	Indeterminable Decrease (\$70,000 to \$165,000) (State Park Fund)
		Indeterminable Increase (State Parks Gifts and Donations Fund)	Indeterminable Increase (State Parks Gifts and Donations Fund)	Indeterminable Increase (State Parks Gifts and Donations Fund)
<i>Revenue Fund(s)</i>	State Park Fund and State Parks Gifts and Donations Fund			
Expenditures*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill exempts vehicles displaying a New Hampshire veteran license plate from metered parking fees at state parks and authorizes the Division of Parks and Recreation to solicit and receive individual gifts and donations not exceeding \$50,000 in value in a fiscal year without approval of the Governor and Executive Council.

The Department of Natural and Cultural Resources states this bill would reduce revenues to the State Park Fund beginning in FY 2027. During the 2025 operating season, the Department generated \$3,083,467 in parking meter fees.

Based on data published by New Hampshire Employment Security, approximately 7% of New Hampshire residents are veterans. Because the Department does not track either the residency

or veteran plate status of park visitors, it assumed that between 33% and 75% of park visitors are New Hampshire residents, and that 7% of those residents would qualify for the exemption. Using those assumptions, the Department estimates the annual revenue loss for a full operating season would range from approximately \$71,228 to \$161,882, as shown below:

Assumed Share of NH Resident Visitors	Estimated Annual Revenue Loss
33% of visitors	\$71,228
50% of visitors	\$107,921
66% of visitors	\$142,456
75% of visitors	\$161,882

The bill also increases the threshold for individual gifts and donations that may be accepted by the Division of Parks and Recreation without approval of the Governor and Executive Council from \$2,500 to \$50,000. To the extent donors provide gifts in excess of the prior \$2,500 limit, the State Parks Gifts and Donations Account established under RSA 216-A:3-o could experience an indeterminable increase in revenue ranging from \$0 to \$47,500 per individual gift, depending on the amount and number of donations received. The Department did not estimate the amount of potential additional donations.

AGENCIES CONTACTED:

Department of Natural and Cultural Resources

Docket of HB1768		
12/17/2025	H	Introduced 01/07/2026 and referred to Resources, Recreation and Development HJ 1
01/08/2026	H	Public Hearing: 01/21/2026 02:30 pm GP 228
01/21/2026	H	Executive Session: 01/28/2026 10:00 am GP 228
02/03/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0358h (NT) 01/28/2026 (Vote 16-0; RC) HC 6 P. 18
02/12/2026	H	Amendment # 2026-0358h: AA VV 02/12/2026 HJ 4
02/12/2026	H	Ought to Pass with Amendment 2026-0358h: MA VV 02/12/2026 HJ 4
02/12/2026	H	Referred to Ways and Means 02/12/2026 HJ 4
02/17/2026	H	Referral Waived by Committee Chair per House Rule 47(f) 02/19/2026
02/25/2026	S	Introduced 02/19/2026 and Referred to Executive Departments and Administration; SJ 5
03/03/2026	S	Hearing: 03/11/2026, Room 103, SH, 09:00 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

HB 1768-FN, exempting honorably discharged New Hampshire veterans from metered parking fees at state parks upon presenting acceptable proof of status and raising the value of individual gifts and donations that may be received by the division of parks and recreation without the approval of the governor or the executive council.

Hearing Date: March 11, 2026

Time Opened: 9:01 a.m.

Time Closed: 9:10 a.m.

Members of the Committee Present: Senators Pearl, McGough and Reardon

Members of the Committee Absent : Senators Gannon and Altschiller

Bill Analysis: This bill exempts honorably discharged New Hampshire veterans from metered parking fees at state parks upon presenting acceptable proof of status and raises the value of individual gifts and donations that may be received by the division of parks and recreation without the approval of the governor or the executive council.

Sponsors:

Rep. Bridle

Rep. Bordes

Rep. Coker

Rep. Edgar

Rep. McGrath

Who supports the bill: Nicole Bixler (DMAVS), Brent Fraser (DMAVS), Kevim Grady (SVAC), Cory Stone, and Eric Pauer.

Who opposes the bill: Suzanne Derynioski and Tami Lanzillo Zeimetz.

Who is neutral on the bill: No one.

Senator Reardon introduced the bill on behalf of the sponsor.

Summary of testimony presented in support:

Kevin Grady of the State Veterans Advisory Committee

- Mr. Grady stated the bill is a courteous act the State can show its veteran population.

- Mr. Grady explained that there was concern in the House over costs and impact on revenue for the park systems. This is what lead to the House amendment.
- He stated that the increased dollar amount allotted in the donation process would mean a more streamlined procedure and more revenue generation. He added that this would create a smaller fiscal note for the bill.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Darienne Messer, Deputy Supervisor of Park Operation for NH State Parks

- Ms. Messer explained that the bill refers to exclusion from metered parking in certain state parks that do not have metered parking. She added that this could cause confusion on how to enforce the bill in those areas, although it seems to mean that veterans would be exempted should metered parking be instituted there.

Senator Pearl asked how parking is enforced in parks without metered parking.

Ms. Messer responded the rate is 15 dollars per vehicle per day.

Senator Reardon asked if the solution could be including a veteran's section on the website to address this issue.

Ms. Messer responded that this is a possible solution but wouldn't necessarily be as simple as the online senior discount since this legislation specifies the parks.

Senator Reardon asked if these spots reserved online fill up quickly.

Ms. Messer responded that this is the case.

Senator Pearl clarified that the concern was around how to enforce this at the parks listed which do not have metered parking.

Ms. Messer confirmed.

Senator Pearl asked if online reservation counted as metered parking.

Ms. Messer stated that she held that to be distinct from metered parking.

Senator Reardon asked about handicap placard parking.

Ms. Messer stated that this was free parking in any parking area by statute.

Senator Pearl asked for any suggestions on resolving these issues.

Ms. Messer stated that the bill could either be changed to increase the scope or leave it as written regarding metered parking.

Senator Pearl asked for clarification that the department interprets the bill as written to only include metered parking.

Ms. Messer responded that this is their interpretation of HB 1768-FN, and also that it would apply to any metered parking added to the parks which are listed but do not currently have metered parking.

BM
Date Hearing Report completed: March 13, 2026

SB 448-FN - AS AMENDED BY THE SENATE

01/29/2026 0061s

2026 SESSION

26-2026

06/08

SENATE BILL

448-FN

AN ACT

modifying the definition of veteran and relative to lifetime hunting and fishing license fees for disabled veterans.

SPONSORS:

Sen. Innis, Dist 7; Sen. Long, Dist 20; Sen. Avar, Dist 12; Sen. McGough, Dist 11; Sen. McConkey, Dist 3; Sen. Ward, Dist 8; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Rochefort, Dist 1; Sen. Gannon, Dist 23; Sen. Carson, Dist 14; Sen. Perkins Kwoka, Dist 21; Sen. Abbas, Dist 22; Rep. Harvey-Bolia, Belk. 3; Rep. See, Merr. 26; Rep. Sellers, Graf. 10; Rep. Thibault, Merr. 25

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill:

I. Changes the definition of veteran and expands eligibility for state benefits and programs that depend on veteran status, ensuring that individuals discharged under honorable conditions, including those with a general discharge under honorable conditions, are not excluded from eligibility.

II. Establishes a lifetime combination hunting and fishing license for state resident veterans, with a one-time fee adjusted according to the veteran's service-connected disability rating.

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-Six

AN ACT modifying the definition of veteran and relative to lifetime hunting and fishing license fees for disabled veterans.

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

1 1 Statutory Construction; Definition of Veteran. Amend RSA 21:50, I(a)(2)(A) to read as follows:

2 (A) ~~[An honorable discharge]~~ **Any discharge under honorable conditions**; or

3 2 New Hampshire Veterans' Home; Command and Employees. Amend RSA 119:6 to read as
4 follows:

5 119:6 Commandant and Employees. The board shall appoint, or may remove, for just cause, a
6 commandant of the home. ~~[Honorably discharged veterans as defined in RSA 119:1]~~ **A veteran as**
7 **defined by RSA 21:50** shall have preference for employment in the home if qualified by the New
8 Hampshire division of personnel.

9 3 Preference of Resident Laborers and Veterans; Employment of Veterans. Amend RSA 283:4, I
10 to read as follows:

11 I. In public employment of clerks, office help, mechanics, laborers, inspectors, supervisors,
12 foremen, janitors, peace officers, and relief employees in the construction of public works, public
13 projects and in the conduct of city, town or district departments by a county, city, town, or district, or
14 by persons contracting therewith for such construction, carrying out of relief projects and in the
15 conduct of city, town, or district departments, preference shall be given to citizens of the state who
16 have served in the armed forces of the United States, for not less than 90 days, in times of war, and
17 ~~[have been discharged honorably therefrom, or released from active duty therein]~~ **meet the**
18 **definition of "veteran" in RSA 21:50**, if equally qualified for said employment and if registered in
19 accordance with the provisions of RSA 283:7. Where such employment is obtained from relief rolls or
20 for persons in need, in cases of equal or greater need preference shall be given to such veterans.

21 4 Property Taxes; Certain Disabled Veterans. Amend the introductory paragraph in RSA 72:36-
22 a to read as follows:

23 72:36-a Certain Disabled Veterans. Any person, who is ~~[discharged from military service of the~~
24 ~~United States under conditions other than dishonorable]~~ **a veteran as defined by RSA 21:50**, or an
25 officer who is honorably separated from military service, who owns a specially adapted homestead
26 which has been acquired with the assistance of the Veterans Administration or which has been
27 acquired using proceeds from the sale of any previous homestead which was acquired with the
28 assistance of the Veterans Administration, the person or person's surviving spouse, shall be exempt
29 from all taxation on said homestead, provided that:

SB 448-FN - AS AMENDED BY THE SENATE

- Page 2 -

5 Reemployment of Veterans; Veterans Guaranteed Reemployment. Amend RSA 97:1 to read as follows:

97:1 Veterans Guaranteed Reemployment. Each county, town, city, precinct, school board or other political subdivision of the state shall reemploy a veteran of any branch of the military service of the United States who has been placed on inactive status or ~~[been given a discharge other than dishonorable]~~ **is a veteran as defined by RSA 21:50** and who, within 90 days after being so made inactive or discharged, in writing, notifies the treasurer or other fiscal agent of such political subdivision that he **or she** desires to be reinstated in the position he **or she** held with such political subdivision at the time he **or she** entered said military service.

6 Interstate Compact on Educational Opportunity for Military Children. Amend RSA 110-D:3, XX to read as follows:

XX. "Veteran" ~~[means a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable]~~ **shall have the same meaning as in RSA 21:50.**

7 Honorable Discharge; References Amended. Amend the following RSAs by replacing "honorable discharge" or "an honorable discharge" with "a discharge under honorable conditions pursuant to RSA 21:50": RSA 115-A:16; 115-A:29, I-II; 115-B:1, II(a); 115-B:1, II(c); 165:5; 175:1, XXII; 176:10; 261:86, I(d); 261:87-b, I; 275-G:1, II; 466:8, I; and 651-A:13.

8 Honorably Discharged; References Amended. Amend the following RSAs by replacing "honorably discharged" with "discharged under honorable conditions pursuant to RSA 21:50": RSA 72:28, IV(a); 72:28-b, IV; 72:35, I; 99-F:2, VI(a)(1)-(3); 100-A:4, VI(a)(2); 119:1, I; 119:2, II; 261:86, I(c)-(e); 261:141, VIII(c); 261:157-a; and 291:3.

9 New Section; Lifetime License for Veterans. Amend RSA 214 by inserting after section 2 the following new section:

214:2-a Lifetime License; Veterans.

I. The executive director of the fish and game department shall issue a lifetime combination hunting and fishing license to any resident of this state who is a veteran as defined in RSA 21:50 and who presents satisfactory proof of such status.

II. The fee for a lifetime license issued under this section shall be adjusted according to the veteran's service-connected disability rating as determined by the United States Department of Veterans Affairs, as follows:

VA Disability Rating	License Fee (One-Time)
0% – 29%	75 percent of the standard resident lifetime license fee
30% – 49%	50 percent of the standard resident lifetime license fee
50% – 99%	25 percent of the standard resident lifetime license fee
100% (Permanent & Total)	No fee

SB 448-FN - AS AMENDED BY THE SENATE

- Page 3 -

1 III. A veteran who has already purchased a lifetime license at the standard rate may, upon
2 presentation of proof of qualifying disability rating, apply for a one-time partial refund proportional
3 to the difference established under paragraph II.

4 IV. The fish and game department may adopt rules under RSA 541-A relative to verification
5 of disability status, application processing, and refund procedures.

6 10 Effective Date.

7 I. Section 9 of this act shall take effect January 1, 2027.

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

SB 448-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-0061s)

AN ACT modifying the definition of veteran and relative to lifetime hunting and fishing license fees for disabled veterans.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Decrease		
Revenue Fund(s)	Fish and Game Fund, Lifetime Licenses Account			
Expenditures*	\$0	Indeterminable Increase		
Funding Source(s)	Fish and Game Fund, Lifetime Licenses Account			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill amends the state's definition of "veteran" across several statutes. Specific to Fish and Game licenses, this bill, effective January 1, 2027:

- Requires the Fish and Game Department ("Department") to issue lifetime combination hunting and fishing licenses to veterans under this new definition.
- Establishes a sliding scale discount on license fees based on United States Department of Veterans Affairs disability ratings, ranging from a 75% discount for 0–29% disability, 50% for 30–49%, 75% for 50–99%, and no fee for 100% disability.
- Requires the Department to refund a proportional portion of license fees to all veterans with any disability rating who previously purchased a lifetime combination license.

The Department currently offers a discount of 50% off the regular cost to veteran state residents purchasing a hunting, fishing, or combination hunting and fishing lifetime license, if the purchaser has a permanent disability rating of 80%-99%. The Department states it cannot determine how many lifetime combination licenses were sold to veterans meeting the new definition with disability ratings below 80%, nor how many would qualify for refunds under the proposed change. Since license costs vary by purchaser age, and the number of qualifying veterans is unknown, the Department anticipates an indeterminable loss of revenue from discounted sales and an indeterminable increase in expenditures due to required refunds.

For informational purposes, the Department states that from 2022 to 2024 an average of 1,367 lifetime combination licenses were sold annually at \$1,534.29 each, totaling approximately \$2.1 million in revenue.

AGENCIES CONTACTED:

Fish and Game Department and Department of Military Affairs and Veterans Services

Senate Finance
March 17, 2026
2026-1209s
07/05

Amendment to SB 448-FN

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

2

3 AN ACT modifying the definition of veteran.

4

5 Amend the bill by replacing all after section 8 with the following:

6

7 9 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 448-FN
- Page 2 -

2026-1209s

AMENDED ANALYSIS

This bill changes the definition of veteran and expands eligibility for state benefits and programs that depend on veteran status, ensuring that individuals discharged under honorable conditions, including those with a general discharge under honorable conditions, are not excluded from eligibility.

Docket of SB448		
11/21/2025	S	Introduced 01/07/2026 and Referred to Executive Departments and Administration; SJ 1
12/10/2025	S	Hearing: 01/08/2026, Room 103, SH, 09:30 am; SC 46
01/20/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0061s, 01/29/2026; Vote 5-0; CC; SC 3
01/29/2026	S	Committee Amendment # 2026-0061s, AA, VV; 01/29/2026; SJ 2
01/29/2026	S	Ought to Pass with Amendment #2026-0061s, MA, VV; Refer to Finance Rule 4-5; 01/29/2026; SJ 2
03/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1209s, 03/26/2026; Vote 7-0; CC; SC 11

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

SB 448-FN, modifying the definition of veteran and relative to lifetime hunting and fishing license fees for disabled veterans.

Hearing Date: January 8, 2026

Time Opened: 10:05 a.m.

Time Closed: 10:24 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill:

I. Changes the definition of veteran and expands eligibility for state benefits and programs that depend on veteran status, ensuring that individuals discharged under honorable conditions, including those with a general discharge under honorable conditions, are not excluded from eligibility.

II. Establishes a lifetime combination hunting and fishing license for state resident veterans, with a one-time fee adjusted according to the veteran's service-connected disability rating.

Sponsors:

Sen. Innis
Sen. McGough
Sen. Murphy
Sen. Gannon
Sen. Abbas
Rep. Sellers

Sen. Long
Sen. McConkey
Sen. Pearl
Sen. Carson
Rep. Harvey-Bolia
Rep. Thibault

Sen. Avar
Sen. Ward
Sen. Rochefort
Sen. Perkins Kwoka
Rep. See

Who supports the bill: Sen. Dan Innis, Sen. Howard Pearl, Sen. Tim McGough, Sen. Mark McConkey, Sen. David Rochefort, Sen. Ruth Ward, Major Gen. David Mikolaities (DMAVS), Nicole Desilets-Bixler (DMAVS), Brent Fraser (DMAVS), Tony Gagnon (NGANH), Kim MacKay (NHVH), Leo Paquin (SVAC), Kevin Grady (SVAC), Margaret LaBrecque, Eric Pauer

Who opposes the bill: Melissa Nemeth (NHFG), Jessica Whelehan (NHFG)

Who is neutral on the bill: Jim Michaud

Summary of testimony presented in support:

Senator Dan Innis:

- The bill has two parts.
 - o 1st, it hopes to address some ambiguity on the definition of veteran and include any discharge under honorable conditions as part of the definition for veteran benefits.
 - o Amendment offered helps clarify this definition applies throughout
 - o 2nd, it establishes a lifetime combination hunting and fishing license. Currently only veterans 100% disabled can get a fee-free license for state parks. The bill would include adjusted fees for veterans based on service-related disability ratings. There is significant data to support the importance of outdoor activity for veteran mental health outcomes.

I am open to changing as needed to address concerns of Fish and Games.

Major Gen. David Mikolaities:

- We support this bill and the minor revisions in the proposed amendment. When someone is discharged, they receive a particular defense department form. This bill better specifies who qualifies to get veteran benefits in New Hampshire by capturing the two "good" discharges.

Mr. Kevin Grady:

- We found out last year that a general discharge did not qualify for veterans plates, which is not good.
- We are aiming to get a wide range of definitions cleaned up, like this bill does.

Summary of testimony presented in opposition:

Melissa Nemeth and Jessica Whelehan (NHFG)

- We have begun discussions with Sen. Innis on how to work through this.
- Department currently offers a range of options for veterans. Concerns around the bill are purely financial.
- It is hard to quantify how many people have purchased veterans lifetime in the past.
- There are a number issues, including that it only includes combination licenses and the possibility of retroactive refunds. Sen. Innis has expressed an openness to work out concerns.

Senator Howard Pearl asked if NHFG would be willing to work with sponsor prior to the bills hearing in the Finance Committee to get to a mutually agreeable place.

Ms. Nemeth indicated she would need to get formal approval, but it was possible.

Neutral Information Presented:

Mr. Jim Michaud:

- Chief Assessor, Town of Hudson. Neither speaking for Hudson Board of Select nor for NHAO.
- I am worried about towns applying the statute correctly. Normally, towns look for specific terms regarding discharges. We want to make sure all discharges that are meant to be included are caught in the language.
- Additionally, the bill would add around 4 thousand more veterans who may apply for tax credits. This would only take place after a community adopts or readopts veterans tax credit.
- At the local level, the last expense added to tax rate is total veterans tax.

Senator Pearl asked if Mr. Michaud believed this legislation would require a new vote at the town level.

Mr. Michaud said he believed so.

BM

Date Hearing Report completed: January 12, 2026

SB 498-FN - AS INTRODUCED

2026 SESSION

26-2064

05/09

SENATE BILL

498-FN

AN ACT relative to children's mental health services for persons 18 years of age and younger.

SPONSORS: Sen. Birdsell, Dist 19

COMMITTEE: Health and Human Services

ANALYSIS

This bill establishes the New Hampshire children's behavioral health association for the purpose of collecting assessments to fund payments to care management entities for the provision of childhood behavioral health services. The association is authorized to collect assessments from insurance carriers, stop loss carriers, and third-party administrators for fully insured and self-funded health plans. The assessment base would include covered lives in the state employee health plan, as well as pooled risk management programs under RSA 5-b. The funds provided for this purpose would be deposited in a dedicated fund administered by the insurance commissioner.

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-Six

AN ACT relative to children's mental health services for persons 18 years of age and younger.

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

1 1 New Subdivision; System of Care for Children's Mental Health; New Hampshire Children's
2 Behavioral Health Association. Amend RSA 135-F by inserting after section 9 the following new
3 subdivision:

4 New Hampshire Children's Mental Health Association

5 135-F:10 Definitions. In this chapter:

6 I. "Assessable coverage" means:

7 (a) Health coverage as defined in RSA 420-G:2, IX;

8 (b) Stop loss coverage that conforms with RSA 415-H:3, or other group excess loss
9 insurance purchased against the risk that any particular claim, or total liability, will exceed a
10 specified dollar amount; or

11 (c) Group health plan, as defined by 42 U.S.C. section 300gg-91(a).

12 II. "Assessable entity" means any:

13 (a) Health maintenance organization, as defined by RSA 420-B:1, VI.

14 (b) Third party administrator, as defined by RSA 402-H:1, I.

15 (c) Entity providing administrator services and required to register with the insurance
16 commissioner under RSA 402-H:11-a or RSA 402-H:11-b.

17 (d) Insurance company licensed pursuant to RSA 401:1, IV.

18 (e) Health service corporation, as defined by RSA 420-A:1, III.

19 III. "Assessable lives" means all children under 19 years of age residing in the state who
20 have assessable coverage written or administered by an assessable entity, with the exception of
21 children whose childhood behavioral health services are paid for under Medicaid.

22 IV. "Assessment" means the assessable entity's liability with respect to the childhood
23 behavioral health services determined in accordance with this chapter. For purposes of rate setting
24 and medical loss ratio calculations, all association assessments are considered pharmaceutical or
25 medical benefit costs and not regulatory costs. In the event of any insolvency or similar proceeding
26 affecting any payer, assessments shall be included in the highest priority of obligations to be paid by
27 or on behalf of such payer.

28 V. "Association" means the New Hampshire children's behavioral health association.

29 VI. "Board" means the board of directors of the New Hampshire children's behavioral health
30 association.

SB 498-FN - AS INTRODUCED
- Page 2 -

1 VII. "Care management entity" means an organizational entity that serves as a centralized
2 entity to coordinate all care for youth with complex behavioral health challenges who are involved in
3 multiple systems and their families, as defined in RSA 135-F:4.

4 VIII. "Childhood behavioral health services" mean any of the following services:

5 (a) Behavioral health intensive in-home services, which are therapeutic interventions
6 delivered to children and families in their homes and other community settings to improve child and
7 family functioning and prevent out-of-home placement. The components of intensive in-home
8 services include, but are not limited to individual and family therapy, skills training and behavioral
9 interventions, functional supports, and family support and training.

10 (b) Behavioral health intensive structured outpatient programs, which include short-
11 term, clinically intensive, structured day or evening service for a child with a behavioral health
12 disorder, and provides multidisciplinary treatment to address the subacute needs of children and
13 youth, while allowing them to continue to work or attend school and be part of family life.

14 (c) Intensive care coordination, including but not limited to evidence based approaches
15 like a high-fidelity wraparound for children and youth with significant behavioral health conditions,
16 which includes assessment and service planning, accessing and arranging for services, coordinating
17 multiple services, including access to crisis services. Assisting the child and family to meet basic
18 needs, advocating for the child and family, and monitoring progress are also included. The
19 wraparound "facilitator" is the intensive care coordinator who organizes, convenes, and coordinates
20 this process.

21 (d) Parent and youth peer support services provided by trained peer support specialists.

22 IX. "Commissioner" means the commissioner of the department of health and human
23 services.

24 X. "Estimated cost" means the estimated cost to the state over the course of a state fiscal
25 year to reimburse the care management entities for provision of the childhood behavioral health
26 services they provide to assessable lives.

27 XI. "Provider" means a person licensed or certified by this state, or otherwise qualified to
28 provide health care services to persons or a partnership or corporation made up of those persons.

29 XII. "Total non-federal program cost" means the estimated childhood behavioral health
30 services cost less the amount of federal revenue available to the state for the administration and
31 provision of childhood behavioral health services.

32 135-F:11 New Hampshire Children's Behavioral Health Association Established. There is
33 hereby created a nonprofit corporation to be known as the New Hampshire children's behavioral
34 health association. The association is formed to assess assessable entities for the cost of childhood
35 behavioral health services provided to certain children in New Hampshire.

36 135-F:12 Membership, Powers, and Duties of the New Hampshire Children's Behavioral Health
37 Association.

SB 498-FN - AS INTRODUCED
- Page 3 -

1 I. The New Hampshire children's behavioral health association shall be comprised of all
2 assessable entities.

3 II. The New Hampshire children's behavioral health association shall be a not-for-profit,
4 voluntary corporation under RSA 292 and shall possess all general powers of a not-for-profit
5 corporation.

6 III. The board of directors shall include:

7 (a) Three representatives selected from the assessable entities currently writing,
8 maintaining, or administering assessable coverage through a voting process where votes are based
9 on assessable lives. The plan of operation shall provide details for this selection process.

10 (b) Two health care provider representatives appointed by the commissioner.

11 (c) The commissioner of the department of health and human services, who shall serve
12 as an ex officio member.

13 (d) The commissioner of the department of insurance who shall serve as an ex-officio
14 member.

15 (e) One member appointed by the governor and council who shall represent self-insured
16 entities.

17 (f) One public member appointed by the speaker of the house of representatives.

18 (g) One public member appointed by the president of the senate.

19 IV. The directors' terms and appointments shall be specified in the plan of operation adopted
20 by the New Hampshire children's behavioral health association.

21 V. The board of directors of the association shall:

22 (a) Prepare and adopt articles of association and bylaws.

23 (b) Prepare and adopt a plan of operation.

24 (c) Submit the plan of operation to the commissioner of insurance for approval after the
25 consultation with the commissioner.

26 (d) Conduct all activities in accordance with the approved plan of operation.

27 (e) On an annual basis, no later than November 1 of each year, establish the amount of
28 the assessment for the succeeding year.

29 (f) Enter into contracts as necessary or proper to collect and disburse the assessment.

30 (g) Enter into contracts as necessary or proper to administer the plan of operation.

31 (h) Sue or be sued, including taking any legal action necessary or proper for the recovery
32 of any assessment for, on behalf of, or against members of the association or other participating
33 person.

34 (i) Appoint from among its directors, committees as necessary to provide technical
35 assistance in the operation of the association, including the hiring of independent consultants as
36 necessary.

1 (j) Determine an assessment amount and collect payments from assessed entities in
2 accordance with RSA 135-F:13.

3 (k) Submit an annual report to the commissioner of insurance, in a manner and form
4 determined by the commissioner, listing the association membership base, providing a count of
5 assessable lives by assessable entity, identifying changes in assessable lives by assessable entity,
6 describing the collection of assessments, listing payment delinquencies, and containing such other
7 related information as the commissioner may require.

8 (l) Allow each assessable entity up to 45 days after the closing of each calendar quarter
9 to report its assessable lives and remit its corresponding assessment amount as calculated pursuant
10 to RSA 135-F:13.

11 (m) Collect assessments from assessable entities as calculated under RSA 135-F:13 and
12 deposit said assessments less the association's administrative costs annually and reserves with the
13 state treasurer to the credit of the childhood behavioral health services fund established pursuant to
14 RSA 135-F:19. At the written request of the association following a majority vote of the board of
15 directors, any funds forwarded to the state treasurer for the childhood behavioral health services
16 fund remaining unexpended for childhood behavioral health services, shall promptly be returned to
17 the association.

18 (n) Be authorized to enter into one or more agreements with other applicable authorities
19 in surrounding states to reduce the risk of duplicate assessments and to assure provision of
20 childhood behavioral health services for children who are residents of this state but who receive
21 childhood behavioral health services in other states. Any costs relating to any such agreement shall
22 be considered additional childhood behavioral health services costs of the program for purposes of
23 determining the association's assessments.

24 (o) Adopt procedures by which affiliated assessable entities calculate their assessment
25 on an aggregate basis and procedures to ensure that no assessable life is counted more than once.
26 Unless otherwise determined by the board, the assessable entity responsible for the payment of the
27 provider's administrative costs for childhood behavioral health services shall be the entity
28 responsible for reporting assessable lives and payment of the corresponding assessment.

29 (p) Submit an annual report regarding the association's activities and its financial
30 reports adopted by the department of health and human services to the president of the senate, the
31 speaker of the house of representatives, and the governor.

32 (q) Perform any other functions as may be necessary or proper to carry out the plan of
33 operation.

34 135-F:13 Assessment Determination.

35 I. The board shall determine an assessment for each assessable entity in accordance with
36 this section. An assessment determination made pursuant to this section is a medical benefit cost
37 and not a regulatory cost for purposes of calculating the carrier's medical loss ratio.

SB 498-FN - AS INTRODUCED
- Page 5 -

1 II. In determining the assessment amount, the board shall:

2 (a) Estimate the total non-federal program cost for the succeeding year;

3 (b) Add its anticipated operating costs for the succeeding year and such additional
4 working capital reserves as may be established by the board from time to time;

5 (c) Add a reserve of up to 10 percent of the anticipated cost under subparagraph (a) for
6 unanticipated costs associated with providing childhood behavioral health services to children
7 covered; and

8 (d) Subtract the amount of any unexpended assessments collected in the preceding year
9 along with any unexpended interest accrued to the fund during the preceding year.

10 III. The board shall include in its plan of operations, details regarding the timing for
11 assessment collections, and the form and format assessable entities shall use to calculate
12 assessments.

13 IV. The board shall include in its plan of operation details regarding payment due dates,
14 grace periods, late payment fees, interest, and other details regarding the collection of assessments.

15 V. The board may determine an interim assessment for new childhood behavioral health
16 services or unanticipated shortfalls in the association's ability to meet childhood behavioral health
17 services funding needs. The board shall calculate the interim assessment in accordance with
18 paragraph II, and the interim assessment is payable the calendar quarter that begins no less than
19 30 days following the establishment of the interim assessment. The board shall not impose more
20 than one interim assessment per year.

21 VI. In the event that the association discontinues operation for any reason, any unexpended
22 assessments, including unexpended funds from prior assessments in the state vaccine purchase
23 fund, shall be refunded to payees in proportion to the respective assessment payments by payees
24 over the most recent 8 quarters prior to discontinuation of association operations.

25 135-F:14 Powers and Duties. In addition to the duties and powers enumerated elsewhere in this
26 chapter:

27 I. The commissioner of insurance shall, after notice from the association, issue a show cause
28 order to any assessable entity that fails to comply with the association's plan of operation. In
29 addition to late fees and other penalties imposed by the association, assessable entities may, after a
30 finding of just cause, be subject to a minimum fine of \$5,000, a maximum fine of 25 percent of the
31 total amount of delinquent assessments, and licensure suspension.

32 II. The insurance commissioner shall annually review the assessment report required under
33 RSA 135-F:12, V(k) to ensure that all assessable entities are participating in the association and
34 that all assessable entities have accurately reported assessable lives. The association shall remedy
35 any problem identified by the commissioner with respect to assessable entities and assessable lives.

36 III. The commissioner of insurance may adopt rules, pursuant to RSA 541-A, as necessary to
37 carry out the purposes of this subdivision.

SB 498-FN - AS INTRODUCED
- Page 6 -

1 135-F:15 Examinations and Annual Reports. The board of directors shall submit to the
2 commissioner, no later than 120 days after the close of the association's fiscal year, a financial report
3 in a form approved by the commissioner.

4 135-F:16 Exemption From Taxes. The association shall be exempt from payment of all fees and
5 all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

6 135-F:17 Immunity from Liability. There shall be no liability on the part of and no cause of
7 action of any nature shall arise against any association member or its agents or employees, the
8 association or its agents or employees, members of the board of directors, or the commissioner or the
9 commissioner's representatives, for any action or omission by them in the performance of their
10 powers and duties under this chapter.

11 135-F:18 Severability of Chapter. If any provisions of this chapter or the application thereof to
12 any person or circumstance is held invalid, the invalidity does not affect other provisions or
13 applications of the chapter which can be given effect without the invalid provisions or applications,
14 and to this end the provisions of this chapter are severable.

15 135-F:19 Childhood Behavioral Health Services Fund. There is hereby established a childhood
16 behavioral health services fund for the payment to the care management entities for the provision of
17 childhood behavioral health services. Any funds provided to the department for this purpose and
18 deposited in the fund shall not be used for any other purpose. Moneys in the fund shall be
19 continually appropriated to the commissioner.

20 2 New Subparagraph; State Treasurer; Application of Receipts. Amended RSA 6:12, I(b) by
21 inserting after subparagraph (410) the following new subparagraph:

22 (411) Moneys deposited in the childhood behavioral health services fund established
23 in RSA 135-F:19.

24 3 Insurance; Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, V-
25 a to read as follows:

26 V-a. The commissioner shall periodically require health insurers, health service
27 corporations, and health maintenance organizations to submit the comparative analysis described in
28 42 U.S.C. section 300gg-26(a)(8)(A) for review to ensure compliance with this chapter and with the
29 Act. ***These comparative analyses shall also include specific comparative data for***
30 ***medical/surgical benefits and mental health and substance use disorder benefits available***
31 ***to consumers by age group including ages 0-5 years and 18 years and younger, and***
32 ***including services available, coverage guidelines, denial rates, complaints about lack of***
33 ***services, network capacity data, provider qualifications and restrictions for comparable***
34 ***services, and other factors that indicate whether there are barriers to care that affect***
35 ***parity.*** To the extent allowable under state and federal law, such analysis shall be made public.

36 4 Effective Date. This act shall take effect 60 days after its passage.

SB 498-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to children's mental health services for persons 18 years of age and younger.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Increase > \$2.5 million	Indeterminable Increase > \$2.5 million	Indeterminable Increase > \$2.5 million
<i>Revenue Fund(s)</i>	General Fund Insurance Premium Tax, Health Insurance Assessment, Childhood Behavioral Health Services Fund			
Expenditures*	\$0	Indeterminable Increase > \$2.5 million	Indeterminable Increase > \$2.5 million	Indeterminable Increase > \$2.5 million
<i>Funding Source(s)</i>	General Fund Insurance Premium Tax, Health Insurance Assessment, Childhood Behavioral Health Services Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill creates an association for the purpose of collecting assessments to fund payments to care management entities for the provision of childhood behavioral health services. The Association is authorized to collect assessments from insurance carriers, stop loss carriers, and third-party administrators for fully insured and self-funded health plans. The assessment base would include covered lives in the state employee health plan, as well as pooled risk management programs under RSA 5-b. The funds provided for this purpose would be deposited in the Childhood Behavioral Health Services Fund created by the bill.

The fiscal analysis that follows is based on information provided by the Insurance and Health and Human Services Departments in response to an equivalent bill from the 2025 legislative session.

The Insurance Department (NHID) estimates that the number of covered lives will be approximately 160,000. The NHID states that the assessment amount is indeterminable, as it is based primarily on an estimate of the cost of reimbursing care management entities for the provision of childhood behavioral health services they provide to assessable lives. The NHID assumes this refers to costs currently covered by the Department of Health and Human Services (DHHS) for the Medicaid population. In addition to program costs, the assessment would also cover administrative costs, as well as maintain a 10 percent reserve. The NHID estimates the administrative costs would be approximately \$175,000 and would likely increase with inflation.

The NHID assumes the assessment in the bill would exert upward pressure on premiums and increase costs for self-funded plans, including the state employee health plan and municipal pooled risk management programs. Any increases to premiums would increase the corresponding premium tax dollars collected. However, a significant rise in health insurance premiums could also cause consumers to purchase cheaper, less benefit rich plans or forgo the purchase of health insurance altogether, which could have a negative impact on the premium tax collected. County and local government expenditures for health insurance could be impacted. The NHID notes the assessment amount would also be subject to retaliatory taxes by other states which would cause NH domestic insurers' tax base in other states to rise as well.

The NHID assumes the total assessment, administrative cost and 10% reserve percentage would likely be greater the \$2.5 million per year and that it would likely be able to absorb any additional responsibilities within its current budget. The NHID notes that it is possible the legality of this proposed assessment could be challenged, which could result in additional litigation costs for the State.

The Department of Health and Human Services (DHHS) assumes the money in the dedicated Childhood Behavioral Health Services Fund would not lapse, though the language as written does not currently indicate that, so if enacted as proposed, the funds would lapse at the end of each fiscal year. The DHHS assumes the expenses to support the New Hampshire Children's Mental Health Association operation would also be funded from this revenue source and suggests this be clarified in proposed RSA 135-F:13. The DHHS anticipates the bill would result in an indeterminable increase in state revenues and expenditures. The estimated range of impact would likely be \$2,000,000 to \$3,000,000 per fiscal year. In the last three calendar years, the Care Management Entity billing for these services, paid for with State funds, ranged from

\$1.1 million to \$2 million. The range estimated was determined utilizing this actual data as a base, with additional amounts added in consideration of the assessment determination outlined in Section 135-F:13, such as the reserve of up to 10 percent of the anticipated cost, additional working capital reserves as may be established by the board from time to time, and the board's operations.

The DHHS notes a possible error in Section 135-F:13 VI, as it references the "state vaccine purchase fund" and not the "Childhood Behavioral Health Services Fund."

It is assumed that any fiscal impact would occur after FY 2026.

AGENCIES CONTACTED:

Departments of Insurance and Health and Human Services

Docket of SB498		
11/21/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
02/05/2026	S	Hearing: 02/11/2026, Room 100, SH, 09:30 am; SC 5
02/18/2026	S	Committee Report: Ought to Pass, 03/05/2026; Vote 4-1; CC; SC 8
03/03/2026	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 03/05/2026; SJ 5
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 7-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 498-FN, relative to children's mental health services for persons 18 years of age and younger.

Hearing Date: February 11, 2026

Time Opened: 10:29 a.m.

Time Closed: 12:29 p.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill establishes the New Hampshire children's behavioral health association for the purpose of collecting assessments to fund payments to care management entities for the provision of childhood behavioral health services. The association is authorized to collect assessments from insurance carriers, stop loss carriers, and third-party administrators for fully insured and self-funded health plans. The assessment base would include covered lives in the state employee health plan, as well as pooled risk management programs under RSA 5-b. The funds provided for this purpose would be deposited in a dedicated fund administered by the insurance commissioner.

Sponsors:
Sen. Birdsell

Who supports the bill: 196 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 8 people signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: 2 people signed in neutral on the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Summary of testimony presented:

Senator Regina Birdsell, Senate District 19

- This bill involves the FAST Forward program and establishes New Hampshire's Children's Behavioral Health Association for the purpose of collecting

assessments from insurance carriers, so that services currently covered by the state can be covered and paid for.

- Senator Birdsell's understanding is that the state is paying approximately \$2 million every biennium for a portion of the FAST Forward program.
- There are a few children in this program who have commercial insurance coverage, but do not receive coverage for these services. This means the state must cover that portion.
- Senator Birdsell explained that the Insurance Department is working on an amendment between the carriers and Care Management Entities (CMEs). She asked for more time to work this out before the bill goes to the House.

Keith Nyhan and Jennifer Smith, New Hampshire Insurance Department

- Deputy Commissioner Nyhan read a statement on behalf of Commissioner Bettencourt.
- Commissioner Bettencourt supports the underlying objectives of this legislation. He described this as both sound public policy and a practical necessity.
- Early intervention and coordinated care models can improve outcomes, reduce system strain, and provide meaningful stability for families facing complex challenges.
- The Insurance Department remains committed to working with the legislature and Department of Health and Human Services (DHHS) to advance sustainable and durable solutions.
- The current structural and financing arrangements of this program's operations is placing strain on the DHHS Medicaid budget.
- Commissioner Bettencourt acknowledged that the assessment mechanism is not his preferred approach in addressing this issue. He has concerns about assessments because they ultimately flow the market and cause secondary implications for consumer premiums and cost transparency.
- This proposal does contain features that distinguish it from other assessment constructs. It includes a defined and controlled aggregate cost cap, therefore making the state's fiscal exposure contained and predictable.
- While the assessment mechanism is not favored by Commissioner Bettencourt, this concern is not a basis for the Department to oppose this legislation at this time.
- Commissioner Bettencourt noted that alternative approaches were explored, including proposals developed by the Department. These proposals remain viable from a regulatory and actuarial perspective.
- Stakeholder discussions are ongoing and it is Commissioner Bettencourt's impression that they are proceeding in good faith.
- Senator Birdsell asked for an update on what has transpired with the potential amendment.

- Ms. Smith explained that conversations have been underway since this past fall. The Department crafted an amendment that is still being fine-tuned that would move away from the assessment and move toward CMEs billing commercial insurance.
- The amendment is trying to unbundle the payment for these services, while keeping the bundled services intact.
- Most of the providers are not in-network with insurance carriers, so they would be reimbursed at the qualified payment amount, which is normally higher than the out-of-network reimbursement rate.
- By doing this, it will help bridge a gap in which there is no claims data to know the costs of these services. If there are parts of the bundled services that are normally not covered, the state can continue to fund that small set of services.
- The Department also thinks there may be an opportunity to utilize grant funding to assist CMEs with the process of billing.
- The number of children who have commercial coverage and utilize these services is a small enough amount for carriers to try to get in-network with providers. Work on the amendment has paused to allow CMEs and carriers to discuss if they could get in-network and address this issue.
- Senator Prentiss asked if carriers are supposed to have network adequacy for certain behavioral and mental health services.
- Deputy Commissioner Nyhan confirmed that all of the carriers meet network adequacy, but not all providers are in network with carriers.
- Senator Prentiss asked if this is throughout the state and what we would do if a provider is not in-network.
- Ms. Smith explained that the amendment is drafted to give CMEs an alternate route and receive something higher than the out-of-network rate. She emphasized that coming into network can be a nuanced process for CMEs and explained that while there is an adequate network, these providers are just not in it.
- Senator Prentiss asked if there are any points in which there are zero providers offering care within networks.
- Ms. Smith said she does not believe so for these particular services. The Department looks to clinical services in terms of network adequacy, but some other parts of the bundle are not necessarily thought of as reimbursable through traditional insurance. That is why the Department is trying to build an amendment in a way that they are not excluded.
- Senator Prentiss noted that there seems to be a level of optimism about this amendment and asked about what would happen when providers meet their coverage limits and if the state would be responsible.

- Ms. Smith confirmed that anything not covered would be going to the state. She explained that the stakeholders do not want to unbundle these services, so the amendment is seeking to only unbundle the payment to see what can be reimbursed by commercial insurance. She acknowledged that there will be a delta of services that are not traditionally covered by carriers. Once the billing starts, we will have a more accurate estimate on the need for state reimbursement. She noted that CMEs may get reimbursed at a higher rate than what they are getting from the state.
- Senator Prentiss asked if there are any other models similar to this, and Deputy Commissioner Nyhan said he is not aware of any.
- Senator Avard asked if moving away from the assessment model would have an impact on the fiscal note.
- Ms. Smith said she believes it would bring the fiscal note down and noted that the Department can complete a fiscal analysis on the amendment.
- Senator Avard inquired about the grant money.
- Ms. Smith explained that the Department was considering utilizing grant money to assist CMEs get set up to bill insurance to ensure that the costs are not coming out of their operating budgets.
- Senator Avard asked if this will affect any compliance issues.
- Deputy Commissioner Nyhan said there are none that he is aware of, but there has been a lot of collaborative work done to bridge gaps.
- Senator Birdsell asked how much has been recently done on this, noting that there was a lot of interaction in the end of last year.
- Ms. Smith said her understanding is that there is no stalemate. The Department has taken a step back to allow the CMEs and Anthem to work together on potentially coming in-network. Her understanding is that those conversations have been going forward. She noted that while this may seem slow, it has been accelerated from a contracting perspective.
- Senator Rochefort agreed that Anthem has been responsive in general.

Jenny O'Higgins, Morissa Henn, & Daryll Tenney, Department of Health and Human Services

- Deputy Commissioner Henn stated that the Department is not taking a position on the bill at this time.
- FAST Forward is New Hampshire's high fidelity wraparound program for children and youth with the most complex mental and behavioral health needs.
- These are children who are truly struggling. They often have significant trauma, home life issues, and have not been successful with traditional outpatient services. They are also at risk of being placed in costly institutional care.

- FAST Forward is not a collection of discrete services. It is a bundled, team and community based approach driven by the needs and preferences of the youth and family.
- Deputy Commissioner Henn emphasized that the bundle is what makes this so efficacious.
- FAST Forward is a game changer both in New Hampshire and nationally. Thanks to this program, the Department has been able to prevent institutional care for vulnerable children and families.
- This program strengthens families, saves state resources, and treats underlying issues.
- The Department reduced the number of children served at the Sununu Youth Services Center from 75 to 12 in 5 years utilizing this type of program.
- Deputy Commissioner Henn stated that the Department must use general funds to cover about 20% of children in the FAST Forward program. While the majority of kids are on Medicaid, there is still about \$2 million in taxpayer money every year that the Department must use to cover children with commercial insurance in the program.
- CMEs offering these servings are being forced to cut back on services because of the lack of sustainable funding.
- The Department is fairly agnostic about how this gets done, but they would like to see carriers and CMEs come together and work this out. Deputy Commissioner Henn emphasized that this is an emergency.
- Senator Prentiss asked what the specific cost difference is between inpatient care and community-based services.
- Mr. Tenney explained that inpatient psychiatric hospitalization is usually around \$1,500 per night, while FAST Forward can be anywhere between \$45,000-\$65,000 per year. The daily rate for the bundled service is around \$77 per day for care coordination with the additions of family and youth peer support. He noted that the range of costs for FAST Forward is so wide because it is such an individualized program.
- Deputy Commissioner Henn explained that it is not uncommon for out-of-state residential treatment to cost around \$500,000 per year or more.
- Senator Prentiss said she is hearing the real need is to fund FAST Forward because it is a more cost efficient, community based model and our current situation is costing the state more than it would cost to implement FAST Forward.
- Deputy Commissioner Henn said there are two ways to think about costs from a public standpoint. There is a real return on investment with FAST Forward because underlying needs are being addressed. Many children who go to residential or inpatient psychiatric treatment will cycle through many times.

There is also a value in avoiding high-intensity care, as we want families to be served in the context of their home and community.

- Senator Avard asked how many children are being sent out of state for treatment.
- Deputy Commissioner Henn stated that there are 6 youth currently being served out of New England. The Department is soon going to be announcing an initiative to reduce this number even further.
- Senator Avard asked if this will be affecting any compliance issues with the federal government.
- Mr. Tenney said his understanding is that there will be no impact on compliance.
- Senator Avard confirmed that 6 youth are currently being treated out of region for about \$500,000 each, while this bill is looking to fund \$2.5 million for FAST Forward.
- Ms. O'Higgins explained that the inpatient care is separate because it is what happens when we are unable to get children into FAST Forward and crises continue. Without having scalable and sustainable funding for this program, the ability for it to keep succeeding in reducing the need for inpatient care will decrease over time. If those needs increase because less children have access to a program like this, the cost to the state will continue to increase.
- The number in the fiscal note is specific to the number of children receiving FAST Forward services. Of all of the children receiving FAST Forward, approximately 20% have commercial insurance. Approximately 70% of that 20% qualify for Medicaid coverage through the Home Care for Children with Severe Disabilities (HCCSD) program. Approximately \$2 million is being covered annually by state general funds for the group of children who have commercial insurance and do not qualify for Medicaid.
- Senator Avard asked how this would affect the 6 children in out of state care.
- Ms. O'Higgins explained that those children are being paid for to receive out of state care. If children had access to this program, earlier intervention would have had a better outcome for them. The Department is trying to reduce the number of children who reach that high level of care.
- Deputy Commissioner Henn explained that this is also how we can get children home from inpatient care. It is often that we don't have a way to get children home from these settings because of their home life. FAST Forward allows us to step kids down from these levels of treatment.
- Mr. Tenney explained that the number of children in out of state care has been significantly reduced over time because of programs like this.
- Deputy Commissioner Henn noted that there are also approximately 200 children who are also out of home receiving inpatient care in the region.

- Senator Birdsell asked if those 6 children would not be in out-of-state treatment if FAST Forward had more space.
- Mr. Tenney stated that the primary goal of FAST Forward is to prevent youth from needing those higher levels of care.
- Senator Prentiss asked for clarification on the percentages of children who have commercial insurance.
- Ms. O'Higgins explained that of the 20% of kids who have commercial insurance, about 70% of them qualify for the HCCSD Medicaid. But there is still the 30% of those who do not qualify and receive the general funds to pay for care.
- Deputy Commissioner Henn estimated that there about 60 kids per year who need FAST Forward, have commercial insurance, and cannot be covered by Medicaid.
- Ms. O'Higgins emphasized that all of the kids still have access to the program, but the budget constraints are a concern because the state is picking up kids with general funds, expanded Medicaid access, and regular Medicaid. If the children with commercial insurance had expanded coverage for these services, it would reduce the burden on the state.
- Senator Prentiss confirmed that the additional coverage is what the bill is trying to redirect and find a way to fund.
- Deputy Commissioner Henn confirmed and explained it comes out to about 50-60 kids per year.
- Senator Prentiss asked if there are any other clinical services like this that also have the same gap in which the state is picking up coverage.
- Deputy Commissioner Henn said there is not any that she is aware of.

Sam Hawkins, NAMI New Hampshire

- Mr. Hawkins stated that he is speaking in support of the bill.
- As a provider of family peer support services through this program, NAMI can attest to its positive impact.
- Commercially insured youth are currently not able to access coverage for these services through their private plans. While there may be similar sounding services offered through their plans, there is no true comparison to the quality and fidelity of services they would receive through FAST Forward.
- These youth and families are essentially left to wait until their condition declines for the state and taxpayers to pick up the tab. Mr. Hawkins emphasized that this is both a funding and access issue.
- Mr. Hawkins referenced the potential amendment and emphasized that these services need to be covered in the full bundled suite. Allowing plans to pick and choose which services they will cover is no different than the status quo.

- Senator Long asked if there are certain areas of the state in which more youth do not have access to FAST Forward.
- Mr. Hawkins explained that New Hampshire has two CMEs that work through the FAST Forward program covering different areas of the state, so there is coverage for these services throughout multiple regions. The issue is that commercially insured youth cannot pay for these services until their condition worsens and the state pays for it.
- Senator Birdsell referenced the amendment and asked Mr. Hawkins if he agrees that stakeholders are trying to keep the bundles together.
- Mr. Hawkins said he would have to see the amendment to know definitively. He emphasized that if the state were to continue paying for the services that commercial carriers refuse to, it would not be substantially different from the current situation.

Dennis Calcutt, Connected Families New Hampshire

- Mr. Calcutt stated that Connected Families New Hampshire is one of the two CMEs.
- New Hampshire children and families are suffering. The outcomes for children with serious mental health issues and the outcomes for children with cancer are similar if left untreated.
- Connected Families New Hampshire provides an intensive care coordination service that enables them to bring a team together and help families.
- There are children awaiting care in emergency departments and in residential treatment. Mr. Calcutt believes those children are there because we do not have enough in the continuum of care.
- The goal of this work is to keep youth in the community and connected to the supports around them.
- CMEs are contracted through the Bureau for Children's Behavioral Health in DHHS. Mr. Calcutt emphasized that this is an evidence-based approach, intersecting between research, what's in the literature, clinical expertise, and family values.
- Over the last 15 years, this process has been developed with initial funding from the Substance Abuse and Mental Health Services Administration. It is now a life changing service for families.

Luke Reynard, North American Family Institute North

- Dr. Reynard stated that North American Family Institute North (NFI North) is the other CME in New Hampshire.
- Dr. Reynard explained that the validity of the program seems to be accepted among stakeholders, but the issue is financing it.

- NFI North is a statewide program serving every county. Over the past couple of years, the percentage of families seeking this care without Medicaid coverage is increasing. Four years ago it was approximately 20% and this past year it was 31%.
- NFI North has a number of painful decisions to make as this proportion continues to grow disproportionately.
- NFI North has worked collaboratively with insurance companies, particularly Anthem. NFI North has 31 people with Anthem coverage who have come to them in the past six months. Dr. Reynard emphasized that there is a disconnect in committing to a bundle and in the contractual process of negotiating a rate. He noted that while there is still a lot of progress to be made, this is the farthest we have come so far.
- Senator Avard inquired about the specific social services not being covered.
- Dr. Reynard explained that in discussions with insurance companies, they look at clinical and medical services versus more social services. Peer support, which is billed in 15 minute increments, is something that could be considered a more social service. While there may not be a clinical background, the social benefit is big. There are also other components of the wraparound model that are not provided by licensed clinicians.

Katie Lyon Pingree

- Ms. Lyon Pingree stated that she is speaking in support of the bill.
- This bill would ensure that children and families with private insurance have access to wraparound supports that are designed to help and guide them in facilitating an environment for healing to take place.
- The reality is that this is not the current mental health system we have in place. We have a frustrating and confusing system that people struggle to navigate.
- Ms. Lyon Pingree told a personal story about her son who struggled with mental health until his death at age 18. Their family had to search for anything that might help him without knowing what their options were.
- If the FAST Forward program was available to them as a privately insured family, they would have had a case coordinator to help them navigate the system and additional family and peer supports. All of these services would have also been available to them at home, helping them avoid inpatient stays.
- Ms. Lyon Pingree's family paid almost \$120,000 in out-of-pocket expenses in a two-year time span.

Andrea Brochu

- Ms. Brochu stated that she is speaking in support of this bill.
- She told a personal story about her child struggling with mental health.

- Before they had access to FAST Forward, their family was lost trying to navigate this system.
- Ms. Brochu is an educated professional who has spent years working in non-profits and social systems. Despite this, she was still lost and overwhelmed. Once the situation deteriorated, Ms. Brochu was forced to place her son in residential care in a different state and paid over \$100,000 for this placement.
- Ms. Brochu emphasized that her son was failed by the medical system, school system, and local resources, but he was saved by FAST Forward.
- The only way for them to access these services was to apply for Medicaid. She emphasized that they should not have to use funds from another system to access this care, as they pay for private insurance.
- Ms. Brochu questioned why a program that serves families across income levels and communities is being funded exclusively by Medicaid.
- Senator Rochefort asked if Ms. Brochu's family would have been willing to pay more in premiums if they knew these services would be covered, and Ms. Brochu confirmed.

Kristen Sheppard

- Ms. Sheppard stated that she is speaking in support of this bill.
- Passing this bill will allow families with any type of insurance to be provided with the opportunity to work with this important service.
- Ms. Sheppard told a personal story about her son struggling with mental health issues. They were in a cycle of going to the emergency room and being released because there were not enough available mental health beds in the state until her son eventually went into out-of-state residential care.
- During this time, her family was able to get FAST Forward services because her son was on Medicaid from his adoption.
- Accessing FAST Forward was the first time Ms. Sheppard's family felt connected to something that could truly help.
- As a social worker, Ms. Sheppard knows this field well. Yet, when her son began struggling it was very difficult.
- Ms. Sheppard emphasized that FAST Forward saved both her son's life and her family.
- She emphasized that mental health services should not be defined by the type of insurance someone has.

Cheryl Guerin

- Ms. Guerin shared a personal story about her son's struggle with mental health.
- She spent four years navigating the mental health system, seeking support and services. During this time, her family faced emergency room boarding twice, a

two-week stay at Hampstead Hospital, among other processes. Meanwhile, her family was not receiving the support they needed.

- Ms. Guerin's family was eventually able to access the FAST Forward program. Participation in this program was the key turning point in her son's recovery.
- Even though Ms. Guerin had employer-sponsored health insurance, her family was only able to access these services once her son's condition worsened to the point of eligibility for state dollars. Ms. Guerin emphasized that it should not have taken years of struggle before things improved.
- Care coordination services and peer support are necessary, life saving services that should be available to all families before they are in crisis.

Paula Rogers, America's Health Insurance Plans

- Ms. Rogers stated that this program make sense.
- While the conversation has been productive in some ways, it has been unproductive in others.
- Ms. Rogers' understanding is that the FAST Forward program does not align with commercial coverage in its coverage extension.
- Ms. Rogers referenced a bulletin from the Insurance Department clarifying what is likely to be covered by insurance for providers.
- When Medicaid coverage is bumping up against commercial insurance, the commercial insurance carrier is the first payer before Medicaid. However, the CMEs do not seem to be presently billing.
- After last year's hearing, the carriers discussed the situation with DHHS, so we now have statistics and know what the problem is. Anthem is taking the lead on negotiations with CMEs, as they have the most members in CMEs. These negotiations are to see if they can come in network or provide an appropriate compensation for a portion of the bundle of services.

Sabrina Dunlap, Anthem Blue Cross Blue Shield

- Ms. Dunlap stated that she is speaking in opposition to this bill. Anthem does not think it is necessary and it raises policy concerns as drafted.
- FAST Forward is a DHHS program designed specifically for high-risk youth receiving publicly funded behavioral health services. Historically, commercial carriers have had no role or visibility into this program or with CMEs.
- Ms. Dunlap emphasized that the fact that commercial carriers have historically not been part of this program does not mean there is a gap in children's behavioral health coverage between Medicaid and commercial insurance.
- FAST Forward is one program among many in addressing the behavioral health needs of children in New Hampshire.

- Anthem wants their members to have the right care at the right place and at the right time. They provide coverage for a variety of services through providers in their network.
- Ms. Dunlap emphasized that the issue is that entities administering the FAST Forward program are out-of-network. This issue is currently being worked on outside of the legislative setting.
- When the issue of commercial insurance and CMEs first arose, the carriers asked for data on how many members were going to CMEs. Ms. Dunlap's data says there were 37 total members, and as Anthem is the largest carrier, they agreed to take the lead in discussions.
- Anthem is actively engaged with the CMEs on whether network participation makes sense. Contracting can take time, especially when an entity has no history of working with commercial standards. Ms. Dunlap emphasized that safeguards are in place for a reason and progress is being made.
- Senator Rochefort asked if there is an expected trajectory on coming to a resolution.
- Ms. Dunlap explained that it is hard to specify a firm date and emphasized that there is a large team at Anthem working as quickly as possible. These processes normally take 3-6 months with entities that are used to dealing with commercial insurance, which is not the case here. Ms. Dunlap believes they are in the middle of the process and noted that there are still questions about services and what they can cover. She emphasized that they are working in good faith and can figure out how to fund the services for this small amount of kids.
- Senator Avard asked if Ms. Dunlap was part of the amendment conversation, and she confirmed that she was in the conversation when they learned of the proposal from the Insurance Department. She noted that there are some operational challenges with the amendment, but Anthem is not opposed to working on an amendment.
- Senator Prentiss said she has a level of faith and optimism based on previous experience and asked if Ms. Dunlap feels the same way.
- Ms. Dunlap said she shares that level of optimism. Now that there is a better understanding of the issue, Ms. Dunlap does not think there is a need for legislation.
- Senator Prentiss referenced parity and noted that this seems to be a unique situation. She asked if the specific services not being covered have been identified and if carriers are looking to cover them to bring some parity.
- Ms. Dunlap explained that commercial insurance has moved closer to covering almost 100% of what Medicaid covers, although they are different programs. Health insurance has not historically covered things that are not clinical. She emphasized that it is not a judgement on the service, but rather a practical and

operational issue. Those things are being discussed, and carriers would like to see if they can be covered through existing codes.

Cam Lapine & Margaret Reynolds, Cigna

- Mr. Lapine noted that while Anthem has around 30 members connected to this program, Cigna has 4. He explained that it may not make sense to enter into a formal contract for such a small number of members and noted that individual case agreements may work better.
- Ms. Reynolds asked the Committee to consider having the assessments be limited to children based on their carrier for plans in New Hampshire.
- Ms. Reynolds asked that any hiring contracts this association might have in excess of \$10,000 go before the Executive Council for approval. She emphasized that any excess assessment dollars should go back to the carriers that paid the assessment.
- Ms. Reynolds asked the Committee to consider changing the effective date to allow for more preparation time.
- Senator Prentiss asked what Cigna's perception of the amendment is at this point.
- Mr. Lapine explained that they looked at the framework of the amendment in early December aligning with what the Department has described. They have some operational concerns with what was presented, but they are happy to continue working on this.
- Ms. Reynolds emphasized that Cigna looks forward to working with CMEs to address this issue with a potentially non-legislative solution.
- Senator Rochefort clarified that Cigna has 4 kids that would be covered by this, and Mr. Lapine emphasized that the DHHS data presented to stakeholders in December identified 4 children connected with Cigna involved in the FAST Forward Program.
- Senator Rochefort asked why Cigna would not pay for only 4 kids.
- Mr. Lapine explained that Cigna cannot pay if the CMEs are not billing.

Peter Bragdon, Harvard-Pilgrim

- Mr. Bragdon noted that DHHS data shows 4 children connected to Harvard-Pilgrim utilizing FAST Forward services. He emphasized that payment for these kids comes down to the issue of network.
- A couple years ago, the Insurance Department directed carriers to reach out to CMEs about coming into network. Mr. Bragdon explained that one CME did not return phone calls or emails and the other was not interested.
- Mr. Bragdon said he believes the contract between the CMEs and DHHS requires them to send bills to insurance, but Harvard-Pilgrim has not received any.

- Now that stakeholders have come together and there is a better sense of the issue, Mr. Bragdon is optimistic that an agreement can be reached. He emphasized that while the amendment seems to be better than the underlying bill, he believes a non-legislative solution is possible.
- Mr. Bragdon expressed concern about section 3 of the bill. Federal law currently requires reporting on mental health parity with the state, and this bill significantly expands that requirement. He emphasized that this would be a tremendous amount of work and that the Insurance Department has broad authority to determine what needs to be reported. He noted that dividing up data can also impact its meaning and usefulness.
- Senator Rochefort said his takeaway is that Harvard-Pilgrim is going to get the CMEs into network to pay for these 4 kids, and Mr. Bragdon said Harvard-Pilgrim will work with them to get them in-network.

Michele Merritt, New Futures

- Ms. Merritt stated that she is speaking in support of the bill.
- She has been working on this issue since February 2021, at which time 51 children were boarding in emergency rooms. There are currently only a handful of kids in this situation now, thanks to programs like FAST Forward.
- Ms. Merritt emphasized that progress on this issue has been painfully slow, with still no commitment from carriers to pay for these bundled services.
- No carriers are currently paying for FAST Forward or high fidelity wraparound in New Hampshire. CMEs cannot submit bills for these services because there are no contracts, and there is no claims data because these services are not being covered. Ms. Merritt emphasized that CMEs have been responsive and trying to address this issue.
- Ms. Merritt referenced the amendment and noted that it pertains to a qualified payment amount for these services. New Futures currently does not find that to be a reasonable solution to the issue because it would only apply to the fully insured market, while an assessment would equitably distribute responsibility among all carriers.
- Ms. Merritt emphasized that these services are already being paid for utilizing general fund taxpayer dollars. This means the question should not be if there should be a tax, but rather who should pay it.

SB 541-FN-A - AS INTRODUCED

2026 SESSION

26-2151

08/05

SENATE BILL ***541-FN-A***

AN ACT making an appropriation for regional drinking water infrastructure.

SPONSORS: Sen. Abbas, Dist 22; Sen. McGough, Dist 11; Sen. Birdsell, Dist 19; Sen. Avar, Dist 12; Sen. Carson, Dist 14; Rep. DeSimone, Rock. 18; Rep. Donnelly, Rock. 25; Rep. Harb, Rock. 20; Rep. Nelson, Rock. 13; Rep. Sweeney, Rock. 25

COMMITTEE: Finance

ANALYSIS

This bill makes an appropriation to the department of environmental services to fund regional drinking water infrastructure.

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-Six

AN ACT making an appropriation for regional drinking water infrastructure.

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

1 1 Department of Environmental Services; Appropriation. The sum of \$16,500,000 for the fiscal
2 year ending June 30, 2027, is hereby appropriated to the department of environmental services for
3 the purpose of funding regional drinking water infrastructure as part of Phase 2 of the Southern
4 New Hampshire Regional Water Project to increase water supply by over 2 million gallons per day to
5 multiple towns impacted by per- and polyfluoroalkyl substance contamination and growing water
6 demands. The infrastructure shall include all ancillary projects needed, including but not limited to
7 booster pumping stations, pressure reducing stations, water storage tanks, water mains, and all
8 associated design, land acquisition, and construction permits. This sum shall be nonlapsing. No
9 current public utility ratepayer shall be adversely affected by any direct or indirect costs to bring
10 drinking water to communities receiving new services through any projects funded by this
11 appropriation. The governor is authorized to draw a warrant for said sum out of any money in the
12 treasury not otherwise appropriated.

13 2 Effective Date. This act shall take effect July 1, 2026.

**SB 541-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT making an appropriation for regional drinking water infrastructure.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$16,500,000	\$0	\$0
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$16,500,000	\$0	\$0
<i>Funding Source(s)</i>	General Fund			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill appropriates \$16,500,000 from the General Fund to the Department of Environmental Services for the purpose of funding regional drinking water infrastructure as part of Phase 2 of Southern New Hampshire Regional Water Project. These funds are nonlapsing. Local revenues and expenditures will increase by an indeterminable amount based on when funds are received and when expenses occur for the water project

AGENCIES CONTACTED:

None

Amendment to SB 541-FN-A

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

AN ACT relative to capital appropriations for regional drinking water infrastructure.

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

1 Capital Improvements; Department of Environmental Services. 2025, 159:1, V is repealed and reenacted to read as follows:

V. Department of Environmental Services.

1. Dam Repairs and Reconstruction	10,810,000
2. Drinking Water State Revolving Fund State Match	8,846,360
3. Superfund State Match	829,217
4. Clean Water State Revolving Fund State Match	9,467,496
5. Winnepesaukee River Basin Program Infrastructure Upgrades	19,700,000
Less Other Funds (Revolving Loan Fund)*	(19,700,000)
Net State	0
6. Southern NH Regional Water Interconnection Project, Phase 2B **	10,000,000
Total state appropriation paragraph V	\$39,953,073

*To provide funds for the appropriations made in paragraph V, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$19,700,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Winnepesaukee river basin control account established in RSA 485-A:50.

**To provide funds for the appropriations made in section 6 of Paragraph V, the state treasurer is hereby authorized to borrow upon the credit of the state \$10,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-a. \$5,000,000 of the \$10,000,000 for the Southern NH Regional Water Interconnection Project, 2B shall only be bonded once an additional \$10,000,000 for the project is secured from another funding source, including but not limited to a loan from the drinking water groundwater trust fund. The commissioner of the department of environmental services shall certify to the state treasurer when the funding is secured. Any federal funds received after January 1, 2026, for the

Amendment to SB 541-FN-A
- Page 2 -

1 Southern NH Regional Water Interconnection Project, 2B shall supplant any or all of the
2 \$10,000,000 appropriation to the extent allowable under state and federal requirements.

3 2 Capital Appropriations; Funds Adjusted; 2026. Amend the total state appropriation of section
4 1 on the line following 159:1, XVII to read as follows:

5 Total state appropriation section 1 [~~\$137,678,945~~] **\$142,678,945.**

6 3 Bonds Authorized; Funds Adjusted; 2026. Amend RSA 2025, 159:7 to read as follows:

7 159:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds
8 made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the
9 credit of the state not exceeding the sum of \$171,060,895 and for said purposes may issue bonds and
10 notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of
11 RSA 6-A. The sources of funds are as follows: General Fund [~~\$137,678,945~~] **\$142,678,945**, Highway
12 Funds \$10,000,000, and Other Funds \$23,381,950.

13 4 Project Amended; Department of Environmental Services. Amend 2020, 30:6 to read as
14 follows:

15 30:6 Capital Appropriation; Department of Environmental Services. The sum of \$50,000,000 is
16 hereby appropriated to the department of environmental services for capital expenditures for the
17 remediation of per- and polyfluoroalkyl substances in the state's drinking water sources and
18 wastewater residuals, which expenditures may include loans to public or private entities on such
19 terms and conditions as the department of environmental services shall determine. ***Of the***
20 ***amounts appropriated, \$5,000,000 shall be used for the Southern New Hampshire Regional***
21 ***Water Interconnection Project, Phase 2B.*** To provide funds for the appropriation made in this
22 section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding
23 the sum of \$50,000,000 and for said purpose may issue bonds and notes in the name of and on behalf
24 of the state of New Hampshire in accordance with RSA 6-13-e. Notwithstanding the provisions of
25 RSA 9:18, the appropriation made in this section shall not lapse.

26 5 Appropriation; Department of Environmental Services; Pipe, Water Filtration and Well
27 Upgrades; Pillsbury Lake Village District. Amend 2025, 141:380 to read as follows:

28 141:380 Appropriation; Department of Environmental Services; Pipe, Water Filtration, and Well
29 Upgrades; Pillsbury Lake Village District. The sum of \$325,000 for the biennium ending June 30,
30 2027, is appropriated to the department of environmental services to the Pillsbury Lake Village
31 District for the purpose of addressing [~~loan~~] costs associated with the following upgrades:

32 I. Piping Upgrades: \$155,000 to cover a loan used for upgrading the pipes under Concord
33 Drive in Webster.

34 II. Water Filtration Upgrade: \$105,000 to cover a loan for upgrading the water filtration
35 system.

36 III. [~~New Well Development~~] ***Water System Improvements:*** \$65,000 to cover [~~a loan for~~
37 ~~digging a new well, known as the Franklin Pierce well, which requires less processing and will~~

Amendment to SB 541-FN-A

- Page 3 -

1 ~~reduce overall costs]~~ ***water system improvements as agreed upon by both the department of***
2 ***environmental services and Pillsbury Lake Village District.***

3 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
4 otherwise appropriated.

5 6 Effective Date. This act shall take effect July 1, 2026.

Amendment to SB 541-FN-A
- Page 4 -

2026-1223s

AMENDED ANALYSIS

This bill:

I. Makes an appropriation to the department of environmental services to fund regional drinking water infrastructure.

II. Makes an appropriation to the department of environmental services to the Pillsbury Lake Village District for the purpose of addressing loan costs associated with certain water system upgrades.

III. Amends the definition of drinking water standard and requires a share of moneys appropriated to the department of environmental services in 2020 to be used for the Southern New Hampshire Regional Water Interconnection Project.

Docket of SB541		
11/24/2025	S	Introduced 01/07/2026 and Referred to Finance; SJ 1
01/14/2026	S	Hearing: 01/20/2026, Room 103, SH, 01:15 pm; SC 1
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1223s, 03/26/2026; Vote 7-0; CC; SC 11

Senate Finance Committee

Deb Martone 271-4980

SB 541-FN-A, making an appropriation for regional drinking water infrastructure.

Hearing Date: January 20, 2026

Time Opened: 1:17 p.m.

Time Closed: 1:35 p.m.

Members of the Committee Present: Senators Gray, Innis, Birdsell, Lang, Rosenwald and Watters

Members of the Committee Absent: Senators Carson and Pearl

Bill Analysis: This bill makes an appropriation to the department of environmental services to fund regional drinking water infrastructure.

Sponsors:

Sen. Abbas

Sen. McGough

Sen. Birdsell

Sen. Avard

Sen. Carson

Rep. DeSimone

Rep. Donnelly

Rep. Harb

Rep. Nelson

Rep. Sweeney

Who supports the bill: Senators Abbas and McGough; Sara Burke Cohen; Nick Taylor; Philip Croasdale; Fred Wallace; Wayne Amark; Charlie Lanza; Jeremy Bouvier; Nancy Bishop; Sara Persechino;

Who is neutral on the bill: Adam Crepeau; Mike Unger

Summary of testimony presented in support:

Senator Abbas, Prime Sponsor:

- There was a similar bill to this last session. It involves the Southern New Hampshire Regional Water Pipeline Project. Much infrastructure has already been invested in this project.
- This bill would appropriate \$16.5 million toward the project. Senator Abbas understands that is a difficult number.
- Money has been allocated for many miscellaneous parts of the project. One pumping station will be built in and maintained by the Town of Derry, but to complete that phase of the project they actually need two pumping stations.
- They are looking to pump approximately two million gallons of water per day. Most of the piping has already been put in. It is simply delivering the water.
- This project will serve the communities of Salem, Windham, minor parts of Derry, Plaistow, Atkinson, and Hampstead.

- There is much development going on in the southern part of the state. Much of it is restricted by what you can and cannot do based on what utility services you have, particularly in Salem. The development impacts Derry, Hampstead and Atkinson around Route 11. There is much state-owned land located in that area.
- There is also the potential for additional development, particularly with the allowance of commercial property for residential use. But again, with the lack of municipal utilities, it does limit what can be developed.
- There is a public interest in completing this project. The question is securing the financing.
- Clean, drinking water benefits all communities.

Neutral Information Presented:

Adam Crepeau, Assistant Commissioner, Department of Environmental Services:

- SB 541-FN-A would allow the Department and the communities of Salem, Windham, Hampstead, Atkinson, Plaistow, and many other southern New Hampshire communities to connect to clean, drinking water. We already have about one million gallons flowing to those communities today.
- Quite a bit of investment has gone into this project, which is a multi-year, multi-phase project to address PFAS contamination and economic development, and is by far one of the largest projects that the Department has worked on over the years.
- This funding would complete Phase 2b, which was funded via ARPA and various other funds. Some of Phase 2b was funded last session through a \$5 million capital appropriation and a \$11.5 million appropriation through the Drinking Water Groundwater Trust Fund.
- SB 541-FN-A would provide an additional \$16 million to complete Phase 2b. One million gallons is currently flowing into those communities. The project would allow for up to 3.13 million gallons to flow into those southern New Hampshire communities and will round out that project.
- The Department takes no position on the source of funds used for this. It believes it is an important project worth considering.
- If the Legislature does move forward with an appropriation, there are efforts being made to try and obtain federal funding for this project to supplant an appropriation. The Department can help draft an amendment should the committee desire one.
- Senator Gray indicated the Department can draft the amendment whether or not an appropriation is made or federal funds are sought. He suggested the Department do so, regardless of the state of the bill. Commissioner Crepeau agreed to provide an amendment.

Mike Unger, Drinking Water Program, Department of Environmental Services:

- Mr. Unger is the primary DES engineer on this project, working with the communities involved.
- There are members of the partner communities attending this hearing. They include Manchester Water Works, Salem, and Hampstead Area Water Company. These folks are available if there are specific questions for them.

- The Department is looking for the funding to complete Phase 2, which would let the water flow to the full 3.13 million gallons a day, which was in the intermunicipal agreement.
- Senator Rosenwald inquired if the Department had considered seeking authority for bonding the project. Commissioner Crepeau stated in the last Capital Budget they received \$5 million to bond this part of the project but the total cost is tens of millions of dollars. The remaining cost is \$19.83 million. Costs have escalated a little bit since the bill was drafted.
- Senator Lang assumed the Drinking Water Groundwater Trust Fund is zeroed out. There is no money available in the fund. This appropriation would be a General Fund appropriation? Commissioner Crepeau stated the Drinking Water Groundwater Trust Fund does have some funding in it, but that fund is governed by an advisory commission who determines where those funds go, not the Department. Senator Waters happens to sit on that commission. Senator Lang wondered if the bill must specify federal funding. Commissioner Crepeau indicated in other bills the Department has been involved with they have specified should other funds become available, those funds will supplant whatever funding is appropriated.
- Senator Rosenwald asked if the Legislature had previously appropriated money from the Drinking Water Groundwater Trust Fund for lead testing and for water. Commissioner Crepeau stated they had for schools and daycare centers. Senator Rosenwald reasoned the Legislature could also appropriate money from the Trust fund because the commission is a legislatively-created body. The Legislature could decide to appropriate money in addition to the commission. Commissioner Crepeau noted the Department does not have unilateral authority to take money out of the Trust Fund and designate it.
- Senator Watters indicated he does serve on the advisory commission. He was very supportive of this project in general. And he supported taking money out of the Trust Fund as mandated by HB 2 as it made sense. This bill makes sense, as well. But the advisory commission had to ensure that the Trust Fund would still be able to fund projects out to the 20-year date that was envisioned for PFAS and other remediation. They have to ensure funding to help people with their wells and water systems as a result of PFAS and many other projects. That appropriation out of the Trust Fund did require the advisory commission to reassess and re-estimate how far out the existing funding in the Trust Fund would last and prioritize projects.
- The trend has been to issue grants out of the Trust Fund to try and extend the life of those funds and get more value out of each dollar. The commission has a formula whereby it determines the capacity of communities to raise taxes. Certain criteria determines how much is granted versus how much is loaned. This is why it would be smart for this appropriation to come out of General Funds.
- This project is very unique to the other projects that the Trust Fund pays for or issues grants or loans to because it involves so many communities and affects so many different people on drinking water systems. There is not a good way to appropriate this amongst all the communities. The Department does have

agreements with all of the communities. But the funding becomes a little bit more difficult when you're allocating who's paying for what. That is why this is being sought out of the General Fund.

- Senator Rosenwald inquired if there have been any internal discussions about asking the communities that are going to benefit from this infrastructure to contribute to the cost of it. Commissioner Crepeau indicated there had been some discussions. Mr. Unger explained the communities are contributing by paying a "source development charge" to Manchester Water Works. That is a capital fee that is assessed whenever a new customer connects. Most if not all of the partners have received authority for that funding. It totals approximately \$11 million, which are direct contributions by the communities themselves to the project. There have been conversations about getting additional funding, whether it's through developer impact fees or other mechanisms. But at this point the source development charge is what they've committed to.

dm

Date Hearing Report completed: January 23, 2026

SB 545-FN - AS INTRODUCED

2026 SESSION

26-2127

05/08

SENATE BILL

545-FN

AN ACT

relative to financial eligibility for the Medicare savings program.

SPONSORS:

Sen. Rosenwald, Dist 13; Sen. Long, Dist 20; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24; Rep. Wallner, Merr. 19; Rep. Weber, Ches. 5; Rep. Telerski, Hills. 11; Rep. Hakken-Phillips, Graf. 12; Rep. Nagel, Belk. 6

COMMITTEE:

Health and Human Services

ANALYSIS

This bill removes the resource limit for the Medicare savings program and, subject to CMS approval, makes the low income subsidy for Medicare Part D available to residents to assist with prescription drug costs.

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-Six

AN ACT relative to financial eligibility for the Medicare savings program.

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

1 1 Short Title. This act shall be known as "The Help for Low Income Seniors Act of 2026".

2 2 New Section; Financial Eligibility for Medicare Savings Program. Amend RSA 167 by
3 inserting after section 4-f the following new section:

4 167:4-g Medicare Savings Program.

5 I. The department shall administer the Medicare savings program as described in 42 U.S.C.
6 section 1396a(a)(10)(E) in accordance with federal law and this section.

7 II. Financial eligibility for the Medicare savings program shall:

8 (a) Include a resource disregard, thereby eliminating the resource test; and

9 (b) Subject to CMS approval, make the low income subsidy for Medicare Part D available
10 to residents to assist with prescription drug costs.

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

SB 545-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to financial eligibility for the Medicare savings program.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$2.3 million general funds; \$3.6 million federal funds	\$2.3 million general funds; \$3.6 million federal funds	\$2.3 million general funds; \$3.6 million federal funds
<i>Funding Source(s)</i>	General funds; federal funds			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill removes asset limits for the Medicare Savings Program and, subject to approval by the federal Centers for Medicare and Medicaid Services (CMS), makes the low income subsidy for Medicare Part D available to residents to assist with prescription drug costs. Per the Department of Health and Human Services, there are multiple groups within the Medicare Savings Program, each with their own eligibility requirements. In the aggregate, removing the asset limits would result in an estimated 2,033 new individuals qualifying for the program, based on Department data detailing the number of people previously denied for being over the resource limit. Of these, 884 are qualified Medicaid beneficiaries, for whom the Department will be responsible for paying an estimated \$3,519 per year, and 1,149 are specified low-income beneficiaries, for whom the Department will be responsible for paying \$2,436 per year. Total costs are therefore expected to be \$5,909,760 per year. Since the general fund / federal fund split does not apply to all categories, the Department anticipates that \$3,582,150 will be federal funds, with the remaining \$2,327,610 a general fund expense. As the low-income subsidy for Medicare Part D is administered by the federal government, that aspect of the bill is not expected to have a state impact.

AGENCIES CONTACTED:

Department of Health and Human Services

Senate Finance
March 17, 2026
2026-1210s
07/08

Amendment to SB 545-FN

1 Amend RSA 167:4-g, II as inserted by section 2 of the bill by replacing it with the following:

2

3 II. Financial eligibility for the Medicare savings program shall, subject to CMS approval,
4 make the low income subsidy for Medicare Part D available to residents to assist with prescription
5 drug costs.

Docket of SB545		
11/24/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
12/15/2025	S	Hearing: 01/14/2026, Room 100, SH, 09:00 am; SC 47
02/12/2026	S	Committee Report: Ought to Pass, 02/19/2026; Vote 4-1; CC; SC 6
02/18/2026	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 02/19/2026; SJ 4
03/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1210s, 03/26/2026; Vote 7-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 545-FN, relative to financial eligibility for the Medicare savings program.

Hearing Date: January 14, 2026

Time Opened: 9:01 a.m.

Time Closed: 9:31 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill removes the resource limit for the Medicare savings program and, subject to CMS approval, makes the low income subsidy for Medicare Part D available to residents to assist with prescription drug costs.

Sponsors:

Sen. Rosenwald

Sen. Long

Sen. Fenton

Sen. Watters

Sen. Perkins Kwoka

Sen. Altschiller

Rep. Wallner

Rep. Weber

Rep. Telerski

Rep. Hakken-Phillips

Rep. Nagel

Who supports the bill: 149 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 1 person signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: 1 person signed in neutral on the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Summary of testimony presented:

Senator Cindy Rosenwald, Senate District 13

- Senator Rosenwald stated that this will help low income granite staters pay for Medicare parts A, B, and D by making one change and one clarification to New Hampshire's Medicare Savings Programs (MSP).
- Currently, there are about 20,000 residents enrolled in these programs.

- SB 545-FN removes the asset ceiling of \$9,600 for individuals and \$14,400 for a married couple living together. This change would make several hundred more people eligible for assistance to pay for Medicare hospital and doctor deductibles and co-pays.
- It would also relieve the Department of Health and Human Services (DHHS) of the administrative burden necessary to track assets.
- Applicants would still be subject to income limits.
- The fact that MSPs include automatic enrollment in the federally funded low income drug subsidy programs will be helpful to our lowest income Medicare enrollees.
- The second part of the bill clarifies that New Hampshire will continue to facilitate eligible Medicare beneficiaries' enrollment in these federally funded low income drug subsidies.
- Congress' H.R. 1 introduced some confusion as to whether states that were already doing this work had to stop doing so, but this clarifies that we will still do what we have been doing all along.
- Senator Rosenwald believes this is a reasonable approach to a serious problem.
- Senator Rochefort asked if this is similar to a bill Senator Rosenwald had last year, and she explained it was either last year's bill or the year before. The difference is that it removed the asset limit but also raised the income threshold. This legislation removes only one part, so the fiscal impact will be significantly reduced.
- Senator Rochefort commented that they did not get a fiscal note with this and asked if Senator Rosenwald has communicated with LBA. Senator Rosenwald stated that she does not have a fiscal note, but DHHS previously told her that when she removed the asset threshold the cost would be around \$1.5 million.
- Senator Avard asked how long the asset requirement has been in place.
- Senator Rosenwald replied that the Department could answer that question, but she knows it gets adjusted every year along with the federal poverty limit. She believes it has been in place since the MSP began.

Mary Roberge, AARP New Hampshire

- This bill seeks to remove resource limits for the MSP.
- With continued coordination with CMS, it will ensure the availability of the low income subsidy to assist with prescription drug costs.
- This bill aligns with AARP's mission by addressing the critical issue of health care and prescription drug cost affordability.
- This bill ensures that individuals who have modest savings or assets will not be disqualified from receiving the health care that they need. It allows older adults to maintain a small financial cushion without jeopardizing their health.

- Many low income adults are struggling to meet their monthly expenses. These costs are continually rising, and people must choose how they will maintain their quality of life and health care.
- This bill represents a significant step toward improving the financial security of low income older adults, as well as the disabled, in our state.

Judith Jones, New Futures & New Hampshire Alliance for Healthy Aging

- Ms. Jones believes this bill will put dollars back in the pockets of low income older adults.
- It is important for the Committee to look at the interplay between the MSP and Medicare.
- She referenced written testimony containing a chart that outlines the Medicare program, showing what costs are associated with traditional Medicare.
- Individuals who don't choose Medicare can choose a Medicare Advantage Plan. This provides the benefit of lower premiums and lower costs, but individuals are still required to pay their Medicare Part B premiums.
- Ms. Jones explained that Part D of Medicare is the prescription drug benefit. The low income subsidy is federal money that pays for the holes in Part D coverage. Increasing the eligibility for the MSP allows more people to benefit from the federal dollars through the subsidy program.
- This bill provides the benefit of federal dollars and helps older adults on Medicare Advantage Plans pay for their premiums.
- Ms. Jones believes this bill is a tangible way to help older adults in New Hampshire who are dealing with financial difficulties.
- Senator Avard commented that there is the potential to gain federal dollars and asked if New Hampshire's compliance would be in jeopardy if we get rid of the asset requirement.
- Ms. Jones explained that we would not be in jeopardy, as federal law allows states to have great flexibility on income and resources.

Lori Raymond, Partnership for Public Health

- Ms. Raymond explained that her professional experience as a State Health Insurance Assistance Program councilor gives her direct insight into how much this bill is needed.
- Ms. Raymond has heard countless stories from older adults and families about how they cannot get assistance because they have some modest savings. Many feel like they are being punished for being proactive and having savings. They need their savings for property taxes, car registrations, repairs, and other needs that may be unexpected.
- Ms. Raymond is often told that these individuals cannot afford the costs of rising Medicare deductibles and copays.

Cheryl Steinberg, New Hampshire Legal Assistance

- Ms. Steinberg explained that in the past few years, there has been an increase in older clients who need to apply for local welfare assistance.
- A legal needs assessment poll from last year received an overwhelming response from people concerned about their financial situation.
- 2/3 of the people served over the past 3 years would be income eligible for the MSP. Over 40% of their clients are at or below the federal poverty line. Many of them would be eligible, except for the fact that they are over the resource limit.
- Ms. Steinberg told a story about a current client who has no money left after being financially exploited. With increasing rent, they cannot afford their medication under the Part D Plan. Ms. Steinberg emphasized that this is a real issue being seen all the time.
- Ms. Steinberg said there would be less of an administrative burden for DHHS, and this would ultimately save money for the State.
- Senator Long asked if Ms. Steinberg has seen an increase in people seeking this aid in the past couple years, and Ms. Steinberg explained that many people do not know about it.

David Chorney, Department of Health and Human Services

- The Department estimates that about 2,000 new MSP enrollees would be added by removing the asset test.
- There are several different states that have removed the asset test, including Alabama, Mississippi, Arizona, Connecticut, Massachusetts, and Vermont.
- Senator Avarad mentioned that the cost for this is about \$2.3 million from general funds and asked if there is an estimate for the reduction in administrative costs.
- Mr. Chorney replied that he does not have an estimate of how much it will save on administrative costs. He added that if these individuals become eligible for better health services by removing the asset test, they will be healthier when they become eligible for Medicaid and the State will save money on long-term costs.

SB 557-FN - AS AMENDED BY THE SENATE

03/12/2026 1159s

2026 SESSION

26-2144

07/09

SENATE BILL

557-FN

AN ACT

making synthetic and semisynthetic kratom illegal.

SPONSORS:

Sen. Altschiller, Dist 24; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Rep. Manos, Rock. 12; Rep. N. Murphy, Hills. 12

COMMITTEE:

Judiciary

AMENDED ANALYSIS

This bill makes synthetic and semisynthetic kratom illegal.

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-Six

AN ACT making synthetic and semisynthetic kratom illegal.

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

1 1 New Subdivision; Synthetic Kratom Policy. Amend RSA 318-B by inserting after section 50
2 the following new subdivision:

3 Synthetic Kratom Policy

4 318-B:51 Definitions. In this subdivision, "synthetic kratom" or "semisynthetic kratom" means:

5 I. An alkaloid or alkaloid derivative that has been created by chemical synthesis or
6 biosynthetic means, including fermentation, recombinant techniques, yeast derived, and enzymatic
7 techniques, rather than traditional food preparation techniques, such as heating or extracting that
8 synthetically alters the composition of any kratom alkaloid or constituent; or

9 II. An alkaloid or alkaloid derivative contained in kratom that has been exposed to
10 chemicals or processes that would confer a structural change in the alkaloids, resulting in material
11 that has been chemically altered.

12 318-B:52 Synthetic Kratom Limitations. No person or entity person shall prepare, distribute,
13 manufacture, sell, possess, or advertise synthetic or semisynthetic kratom.

14 2 New Paragraph; Controlled Drug Act; Scheduling by the Commissioner. Amend RSA 318-B:1-
15 a by inserting after paragraph VIII the following new paragraph:

16 IX. Notwithstanding paragraph I, synthetic or semisynthetic kratom shall be classified as a
17 schedule II controlled drug.

18 3 Effective Date. This act shall take effect upon its passage.

**SB 557-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-1159s)**

AN ACT making synthetic and semisynthetic kratom illegal.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

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

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association

Amendment to SB 557-FN

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

2

3 AN ACT making synthetic and semisynthetic kratom illegal to prepare, distribute,
4 manufacture, sell, possess, or advertise, with exceptions made for scientific research.

5

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

7

8 1 New Subdivision; Synthetic Kratom Policy. Amend RSA 318-B by inserting after section 50
9 the following new subdivision:

10

Synthetic Kratom Policy

11

318-B:51 Definitions. In this subdivision, "synthetic kratom" or "semisynthetic kratom" means:

12

I. An alkaloid or alkaloid derivative that has been created by chemical synthesis or
13 biosynthetic means, including fermentation, recombinant techniques, yeast derived, and enzymatic
14 techniques, rather than traditional food preparation techniques, such as heating or extracting that
15 synthetically alters the composition of any kratom alkaloid or constituent; or

16

II. An alkaloid or alkaloid derivative contained in kratom that has been exposed to
17 chemicals or processes that would confer a structural change in the alkaloids, resulting in material
18 that has been chemically altered.

19

318-B:52 Synthetic Kratom Limitations. No person or entity person shall prepare, distribute,
20 manufacture, sell, possess, or advertise synthetic or semisynthetic kratom, unless such preparation,
21 distribution, manufacturing, sale, possession, or advertisement is undertaken for the sole purpose of
22 scientific research.

23

2 New Paragraph; Controlled Drug Act; Scheduling by the Commissioner. Amend RSA 318-B:1-
24 a by inserting after paragraph VIII the following new paragraph:

25

IX. Notwithstanding paragraph I, synthetic or semisynthetic kratom shall be classified as a
26 schedule II controlled drug.

27

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

Amendment to SB 557-FN
- Page 2 -

2026-1211s

AMENDED ANALYSIS

This bill makes synthetic and semisynthetic kratom illegal to prepare, distribute, manufacture, sell, possess, or advertise, with exceptions made for scientific research.

Docket of SB557		
11/24/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
02/05/2026	S	Hearing: 02/10/2026, Room 100, SH, 02:00 pm; SC 5A
03/09/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1052s, 03/12/2026, Vote 5-0; SC 9
03/12/2026	S	Committee Amendment # 2026-1052s, AF, VV; 03/12/2026; SJ 6
03/12/2026	S	Sen. Abbas Floor Amendment # 2026-1159s; 03/12/2026; SJ 6
03/12/2026	S	Without Objection, Sen. Avarad Moved the Question, MA; 03/12/2026; SJ 6
03/12/2026	S	Sen. Abbas Floor Amendment # 2026-1159s, AA, VV; 03/12/2026; SJ 6
03/12/2026	S	Ought to Pass with Amendment #2026-1159s, MA, VV; Refer to Finance Rule 4-5; 03/12/2026; SJ 6
03/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1211s, 03/26/2026; Vote 5-2; CC; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 557-FN, prohibiting the sale of kratom products to anyone under 21 years of age and providing for the regulation of the sale of kratom products.

Hearing Date: February 10, 2026

Time Opened: 2:45 p.m.

Time Closed: 4:28 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill regulates kratom products and prohibits the sale of such products to anyone under 21 years of age.

Sponsors:

Sen. Altschiller
Rep. Manos

Sen. Watters
Rep. N. Murphy

Sen. Prentiss

Who supports the bill: 92 individuals signed in support of this bill. For a complete list of those signed in support please contact Brendan Bunnell (Brendan.Bunnell@gc.nh.gov)

Who opposes the bill: Walker Gallman (Global Kratom Coalition), Graham Rigby (AHPA), Kaylee McGlynn, Marissa McGlynn, Alexandra McGlynn, Celeste Clark, Hannah Andersen, Pamela Bala, Sue Homola, and Eli Roberts.

Who is neutral on the bill: Matt Amatucci.

Summary of testimony presented:

Senator Debra Altschiller (SD-24), presented the bill and explained that SB 557-fn would prohibit the sale of kratom products to anyone under age 21 and establish a regulatory structure governing their manufacture, labeling, and sale.

- To illustrate the current marketplace, she displayed several products purchased locally in Concord and on the seacoast. These included a two-ounce “Feel Free Classic” drink purchased for \$9.99, a single 7-OH tablet containing 14 milligrams costing \$10, and a candy cone containing kratom purchased for about \$6. She also presented photographs of additional items: a K-Fuel kratom shot containing 75 milligrams of *Mitragyna speciosa* priced at \$9.99, a two-pack

of lemon-lime flavored gummies containing 30 milligrams each priced at \$3.99, and a five-pack of high-potency tablets containing 40 milligrams each costing \$40. She stated that all of these products, totaling under \$80, were purchased without any age verification or questioning, and argued that teenagers with pocket money could easily obtain them.

- Senator Altschiller then described kratom as being derived from the leaves of *Mitragyna speciosa*, a tropical tree traditionally used in Southeast Asia for mild stimulant effects.
- She stated that modern U.S. products differ significantly from traditional use and emphasized that the primary alkaloids, mitragynine and 7-hydroxymitragynine, bind to mu-opioid receptors in the brain in the same way as morphine, oxycodone, and fentanyl.
- She cited FDA structural and computational analyses and laboratory studies indicating that 7-hydroxymitragynine may be up to 13 times more potent than morphine on a per-molecule basis. She stated that many products labeled as kratom contain concentrated or synthetic alkaloids far exceeding natural leaf potency.
- Presented statistics indicating that U.S. poison control centers received 1,690 kratom-related exposure calls in the first seven months of 2025, surpassing the total for 2024, and that 35 percent of cases involving 7-OH resulted in severe outcomes including seizures, respiratory distress, and lethargy. She reported that EMS data showed 4,200 kratom-related overdose encounters nationwide between 2023 and 2025 and stated that addiction treatment providers in New Hampshire and elsewhere report increasing numbers of patients with kratom dependence. She referenced an op-ed by Doctors Chun O’Leary, Willette, and Harker published in the New Hampshire Bulletin warning about kratom, and a letter from Dr. Jillian Snowdom supporting age restrictions as a harm-reduction measure.
- She described withdrawal symptoms reported by clinicians including muscle aches, insomnia, anxiety, nausea, irritability, and cravings, noting that some users report consuming high-potency products multiple times daily and spending hundreds or thousands of dollars per month.
- She stated that the DEA lists kratom as a drug and chemical of concern and that the FDA has issued multiple advisories warning of addiction, overdose, and death risks. She also described marketing practices that present kratom as a natural supplement, including candy-like packaging, flavored beverages, and placement on open shelves near energy drinks, and she argued that adolescents are particularly vulnerable to addiction because the prefrontal cortex continues developing into the mid-twenties.
- The senator then outlined the provisions of SB 557-FN, including setting a minimum purchase age of 21, banning synthetic alkaloids and products

exceeding potency limits, prohibiting combustible or vaporizable forms, requiring child-resistant packaging, mandating clear labeling of alkaloid content and health warnings, establishing heavy-metal limits and solvent restrictions, prohibiting marketing to youth, and creating licensing and enforcement authority for the Department of Health and Human Services, with fees and penalties dedicated to program administration.

- She compared these kratom products to opium, tobacco, and deadly nightshade, and stated that multiple countries and U.S. jurisdictions have enacted bans or regulations. She emphasized that the bill would not criminalize adult possession and concluded by urging the committee to recommend the bill ought to pass.
- Senator Abbas then asked why, if kratom has opioid-like effects, the state would want to license retail sales at all.
 - Senator Altschiller replied that kratom binds to opioid receptors and has addictive qualities but is not federally scheduled; therefore, NH state regulation is the available option to impose safeguards.
- Senator Gannon followed with another question, stating that if the substance is harmful and opioid-like, why not remove the age-21 limit and ban it entirely.
 - Senator Altschiller responded that some individuals report benefits, and she did not want to remove a substance that may help people; instead, she favored recognizing its pharmacology, communicating both risks and potential benefits, and making it harder for those under 21 to obtain.

Walker Gallman, legislative director for the Global Kratom Coalition, described the organization as an alliance of consumers, researchers, public-health advocates, and responsible industry leaders and said it supports regulation that distinguishes natural kratom from synthetic derivatives, prohibits marketing to minors, and ensures proper labeling and safety. However, he stated that the organization opposes SB 557 unless amended.

- Gallman objected to language banning kratom combined with psychoactive substances, arguing that the term “psychoactive” is overly broad and could include harmless substances such as sugar or caffeine.
- He also raised concerns about child-resistant packaging requirements, explaining that kratom is treated as a dietary supplement and such packaging is not standard in that category, and that no evidence suggests widespread accidental ingestion by children. He noted that the bill already includes age restrictions and labeling requirements and argued these measures should be sufficient.

- He then provided background on natural kratom, describing it as a botanical with centuries of traditional use and citing a University of Florida study estimating that 23.9 million Americans use natural kratom leaf. He referenced an FDA clinical trial in 2024 that found natural leaf tolerable in humans even at high servings, reporting only mild nausea. He explained the chemical composition of the plant, describing more than 40 alkaloids working together and stating that trace amounts of 7-hydroxymitragynine occur naturally at about 0.004 percent. He emphasized that problems arise when alkaloids are isolated, concentrated, or synthesized into highly potent forms.
- Gallman stated that many products marketed as kratom, including candy cones and tablets, are actually concentrated synthetic products very different from the natural plant.
- He cited statements from federal agencies, including a July 2025 joint FDA, DEA, and HHS press conference announcing that concentrated synthetic 7-OH was being referred for scheduling while natural leaf kratom was not targeted. He referenced statements by FDA Commissioner Marty Makary, an earlier eight-factor analysis in which natural leaf kratom was not scheduled, and similar conclusions by the World Health Organization. He argued that the industry needs regulation to address bad actors and ensure consumers can distinguish natural leaf from synthetic products.
- Senator Abbas asked whether natural kratom is addictive.
 - Gallman replied that it can be somewhat addictive but compared withdrawal to caffeine withdrawal, describing symptoms such as sniffles and headaches rather than severe opioid-type withdrawal.
 - Abbas then asked whether it is possible to overdose on natural kratom.
 - Gallman replied that there is no known overdose level and that natural kratom is not intoxicating or euphoric.
- Senator Altschiller asked whether natural leaf kratom is commonly sold in its natural state, stating that most products she had found were mixed with other ingredients.
 - Gullman responded that beverages like Feel Free contain crushed leaf mixed with other substances such as kava, and that bags of leaf and capsules containing crushed leaf are commonly sold in many markets, though he was not familiar with the New Hampshire market specifically. He distinguished these from synthetic tablets and candy-like products that are often marketed to children.
- Senator Altschiller then asked whether his organization would support restrictions on flavored or child-appelling products such as gummies.

- o Gallman agreed that prohibiting bright colors, cartoon imagery, and child-targeted marketing would be appropriate but reiterated concerns about child-resistant packaging requirements.
- Senator Abbas asked whether other states have adopted comprehensive kratom policies.
 - o Gallman cited Nebraska as a “gold standard,” as well as Georgia and Colorado, and emphasized that strong enforcement provisions are necessary.
- Senator Abbas then asked why he opposed packaging restrictions if kratom can be addictive and is not recommended for children.
 - o Gallman responded that kratom is not a drug and dietary supplements are not subject to such requirements, noting that even alcoholic beverages are not sold in child-resistant containers.
 - Senator Abbas followed up by asking, given that some people use kratom for pain relief, what harm there is in requiring packaging restrictions.
 - o Gallman replied that dietary supplements are sometimes used anecdotally for health purposes but are not intended to treat conditions and are not marketed as such.

Kaylee McGlynn testified in opposition to the bill, stating that although it imposes age restrictions, it still sends a message that the state approves kratom use by adults and fails to address the broader dangers of unregulated substances. She cited the DEA’s designation of kratom as a chemical of concern and argued that the bill misses the mark on drug-prevention policy and that eliminating unregulated sales would be more appropriate.

Graham Rigby, CEO of the American Herbal Products Association, testified in opposition of the bill. He stated that kratom has historically been consumed as tea and that language banning products labeled as foods or beverages could conflict with potential determinations that certain uses are generally recognized as safe.

- He argued that banning kratom combined with other ingredients is overly broad and should instead target specific problematic formulations such as synthetic 7-OH. He stated that bans on child-appealing forms and age restrictions already address youth access and that child-resistant packaging would impose redundant costs.

- He also recommended allowing flexibility in labeling language to avoid excessively long labels and suggested listing alkaloid content per serving rather than per package.

Officer Justin Agraz, of the Merrimack Police Department testified that his work involves prevention, enforcement, and treatment related to addiction. He expressed concern that kratom affects opioid receptors and can produce tolerance, leading users to seek stronger drugs as costs increase.

- He cited FDA warnings, DEA designations, and CDC data linking kratom to deaths, and stated that as of August 2025 kratom was illegal in seven states and regulated in several others.
- He said he personally favored making kratom illegal but believed the bill was at least a step toward protecting juveniles.

Kristin Makara, a mental health counselor and licensed alcohol and drug counselor, testified that in her clinical experience kratom can be highly addictive and difficult to stop, with some clients reporting withdrawal more difficult than opioids. She stated she would prefer a complete ban.

- Senator Abbas asked whether she meant banning all kratom or only synthetic forms.
 - o Kristin Makara clarified that she meant banning all kratom for all ages.

Kate Frey testified in support of SB 557, stating that the kratom industry uses tactics similar to other industries that target youth, including exploiting regulatory gaps and deceptive marketing, and urged the committee to act.

Sue Homola, testified that the bill does not go far enough and described it as effectively legalizing kratom.

- She argued that both mitragynine and 7-hydroxymitragynine can be dangerous, that kratom is banned in many countries and some U.S. states, and that research has linked mitragynine exposure to hundreds of deaths.
- She cited legal cases involving kratom-related deaths and urged that therapeutic claims be evaluated through FDA processes. No questions were asked.

Renee King, a nurse practitioner and director of nursing at an inpatient detox facility, testified in support of the bill and described increasing numbers of kratom-dependent patients.

- She explained that kratom acts pharmacologically as a drug and described developing a specific detox protocol due to rising cases.
- She provided several case examples, including a patient who began using kratom at age 14 and later developed fentanyl addiction, a patient diagnosed with arsenic toxicity traced to unregulated kratom, and a patient with alcohol use disorder whose withdrawal was complicated by undisclosed kratom use and who later died.
- She argued that banning only specific compounds may be ineffective because manufacturers could modify molecules.
- Senator Abbas asked whether most patients she treats are using synthetic products or natural kratom.
 - Renee King replied that most involve high-potency 7-OH products but that tolerance can lead users from natural forms to stronger substances.
 - Senator Abbas then asked whether withdrawal symptoms can occur with natural kratom.
 - Renee King replied that it is possible depending on frequency of use, duration, and individual predisposition to addiction.

Amanda Rainer testified that she has used kratom for nearly nine years to manage severe chronic pain and has discontinued multiple pharmaceuticals as a result. She described significant improvements in her health and quality of life and argued that most reported deaths involve multiple substances.

- She supported regulation, including age restrictions and improved education, but opposed bans.
- Senator Abbas asked whether she would oppose banning kratom in natural form.
 - Amanda Rainer said she opposed bans on any form, including synthetics, because bans would hinder research.
- Abbas then asked whether she believed there should be limits on milligram dosage per serving.

- o Amanda Rainer replied that dosing varies by product and that responsibility rests with the user to follow labeling instructions.

Jennifer Mercier, a small-batch vendor of natural kratom leaf, testified in support of regulation and removal of products from gas stations, stating that responsible vendors already conduct testing for heavy metals and contaminants.

- She cited research suggesting relatively low dependence rates and distinguished natural leaf from extracts and synthetics.
- Senator Abbas asked whether she would support banning synthetic products while allowing natural leaf.
 - o Jennifer Mercier said she would support that approach.

Dr. Cornel Stanciu, an addiction medicine physician and Dartmouth faculty member, testified in support of SB 557.

- He explained that while natural leaf has a long history of use, recent harms are associated with concentrated and chemically modified products.
- He described three phases in the evolution of the market: early sales of raw leaf, solvent-based extracts beginning around 2014, and the current phase of highly concentrated or synthetic compounds such as 7-OH and mitragynine pseudoindoxyl.
- He suggested amendments including research exemptions, expanded labeling requirements, and clearer terminology distinguishing synthetic and semi-synthetic compounds.
- Senator Abbas asked whether overdose is possible with kratom.
 - o Dr. Stanciu replied that overdose from natural leaf would require impractically large consumption but that overdose and death are possible with concentrated or synthetic forms.
 - Senator Abbas then asked whether overdose could lead to death through respiratory depression similar to opioids.
 - o Dr. Stanciu explained that natural-leaf toxicity may present more as stimulant-like seizures, whereas concentrated products can cause opioid-type respiratory depression.
 - Senator Altschiller, asked him to elaborate on his suggestion for research provisions.

- o Dr. Stanciu explained that researchers conducting IRB-approved studies should be able to access synthetic or semi-synthetic compounds.
- Senator Abbas then asked how difficult it is to convert natural leaf into concentrated forms and whether the process increases potency.
 - o Dr. Stanciu explained that extraction concentrates small quantities of alkaloids into much higher potency and that chemical processes can further modify compounds.
 - Abbas asked whether he could provide his published studies to the committee.
 - o Dr. Stanciu said he would.

Daniel Neslosan, who stated that he and his business partner Eric Boulter were in the process of opening a kava bar in Manchester, testified that kava is a beverage made from the roots of the kava plant and has been consumed for hundreds of years in the South Pacific, primarily for relaxation and sociability.

- He said that when he began researching the business, he initially knew very little about kratom, but learned that roughly 85 percent of American kava bars serve both kava and kratom, typically preparing kratom as a tea brewed from the natural plant. Because of this, he conducted additional research and concluded that there are reasons to support the natural plant and its traditional use in tea form.
- Neslosan stated that he largely supports SB 557 and favors regulation, explaining that in his view education is the key issue and that labeling and clear information for consumers are essential.
- Speaking from the perspective of someone planning to operate a kava bar, he said he supports age restrictions and clear labeling requirements and emphasized that allowing kratom tea made from the natural plant would be important for businesses like his that intend to serve it in a traditional preparation.

Eric Boulter, a resident of Londonderry, testified that what concerned him most during the hearing was the frequent use of the term “kratom” to describe very different substances.

- He said that throughout the hearing he had heard professionals and others describe overdoses, deaths, and extreme behavior and attribute those outcomes

broadly to kratom, and he argued that this conflates synthetic or semi-synthetic derivatives with the natural plant.

- To illustrate his point, he offered an analogy to coffee, explaining that caffeine can be extracted and concentrated into potent pills that can cause harm, but that it would be misleading to attribute those harms to ordinary coffee consumption.
- He argued that the same dynamic is occurring with kratom, where concentrated or synthetic products are being grouped together with the whole-leaf plant. Polter stated that he is in long-term recovery, clean and sober since 2010, and that he has personally seen people come off benzodiazepines and opioids using whole-leaf kratom as a tool to manage symptoms.
- He argued that banning natural kratom entirely would remove an option that some individuals rely on and would interfere with personal autonomy and individual choice in managing recovery or health.
- He concluded by reiterating that equating synthetic or semi-synthetic derivatives with the whole-leaf plant is misleading and thanked the committee. No questions were asked following his testimony.

Shawn Cannizzaro, owner of Hope to Freedom Recovery Homes in Claremont, testified that his organization provides safe, structured, state-certified recovery housing for individuals seeking sobriety.

- He began by acknowledging that he had learned new information during earlier testimony, particularly about differences between natural and synthetic products, but said he wanted to share a specific case from his experience. He told the story of a man named Paul who had entered his recovery home, remained sober for 18 months, helped start meetings and assist other residents, and later relapsed.
- According to Cannizzaro, Paul returned to treatment and then to the recovery home, achieved another 18 months of sobriety, but later overdosed and was hospitalized in critical condition.
- He described being contacted by a social worker who recognized his organization's name in records and asked him to come to the hospital, where he ultimately became Paul's health-care proxy. Paul died, and Cannizzaro described participating in organ donation arrangements and managing his belongings afterward.
- While retrieving Paul's vehicle and cleaning out his apartment, he said he found hundreds of packages of products, some labeled as kratom and others resembling tablets and "Smurf"-type products, many apparently purchased from

gas stations. He said that from what he saw, Paul repeatedly spent his paycheck on these products, which he believed contributed to relapse and eventually to fentanyl use and overdose.

- Cannizzaro stated that he supports regulation of these products to prevent similar cases and urged lawmakers to act, even suggesting that a future law could be named in Paul's memory.

Marissa McGlynn, a 16-year-old and a full-time college student, testified in opposition to SB 557-FN. She stated that she felt compelled to speak because, in her view, young people themselves best understand the realities of youth substance use.

- She said she has seen drug use among young people firsthand through school and community organizations and expressed concern about the deaths, overdoses, and addiction cases discussed earlier in the hearing.
- She argued that the bill does not go far enough, stating that New Hampshire should not settle for incremental improvements but should pursue stronger protections to safeguard youth and promote long-term community wellness.
- She expressed skepticism toward claims that kratom is safe or helpful, arguing that many substances, including heroin or methamphetamine, are sometimes described by users as relieving pain, yet still lead to addiction.
- She also argued that the fact that a substance is natural does not make it safe, comparing it to poisonous berries that occur naturally but are harmful. She urged the committee to prioritize community health over profit.
- Senator Gannon asked what legislation she would prefer to see.
 - Marissa McGlynn replied that she wanted to see the bill deemed inexpedient to legislate.

Leah Kaufman, Vice President of Public Policy for Shatterproof, a national nonprofit focused on addressing addiction, testified in support of SB 557 and focused on national policy trends and youth-protection frameworks.

- She stated that Shatterproof has spent the past year working on policies to protect youth from synthetic drugs and said she would focus on regulatory trends and why she believes the bill appropriately targets public-health risks. Kaufman noted that seven states have made kratom illegal and that at least twenty-four states have enacted partial or comprehensive regulatory frameworks, with additional states considering legislation. She also said that some municipalities, including several in New Hampshire, have enacted bans.

- She then outlined elements of SB 557-FN that she believed were effective based on research into youth-protection strategies. These included setting a minimum purchase age of 21 with ID verification, requiring products to be kept behind the counter, prohibiting candy-like or youth-appealing packaging, banning advanced synthetic forms including 7-OH, establishing limits on alkaloid content, authorizing seizure of non-compliant products, granting rulemaking authority to regulators, and providing license revocation after repeated violations.
- She also discussed penalties in the bill, noting that fines of \$1,000 for a first offense and \$2,000 for a second offense might be insufficient to deter large multi-state operators and suggesting the committee consider stronger penalties.
- Kaufman addressed dosing and serving limits, stating that scientific evidence on safe dosing remains limited because kratom is not FDA-approved, but that the largest controlled human study administered natural leaf doses delivering approximately 53 milligrams of mitragynine per dose without serious adverse events. She recommended lowering the per-serving mitragynine limit in the bill to align with this evidence, while acknowledging that data remain limited.
- She also responded to earlier testimony about whether kratom is a supplement or a drug, noting that it acts on opioid receptors and that clinicians sometimes treat kratom withdrawal using medications such as buprenorphine and naloxone, which she argued demonstrates its psychoactive and opioid-like properties.
- Senator Altschiller asked Leah Kaufman whether she could provide information to the committee on per-serving or per-package limits used in other states.
 - o Leah Kaufman agreed and said she could provide both examples and cautionary cases.
 - o She then described Utah's regulatory framework, explaining that limits based on total alkaloid percentage can be misleading because products with similar percentages may contain vastly different amounts of specific potent compounds such as 7-OH. She explained that regulating alkaloid content by milligrams per dry weight allows more meaningful comparisons across products and aligns with approaches used to regulate substances such as nicotine or caffeine.
- Senator Altschiller then asked for clarification of Leah Kaufman's comparison to nicotine and caffeine regulation.
 - o Leah Kaufman explained that measuring content by dry weight standardizes variability, allows comparisons across product forms, and reflects actual consumer exposure. She compared regulating total alkaloids to regulating alcohol by total liquid volume rather than ethanol content, arguing that measuring the active compound provides a more

accurate assessment of risk. She added that she had additional technical material she could provide to the committee in writing.

BMB

Date Hearing Report completed: February 13, 2026

SB 586-FN - AS AMENDED BY THE SENATE

03/05/2026 0772s

2026 SESSION

26-2110

07/05

SENATE BILL

586-FN

AN ACT

requiring school districts to publish a school administrative unit audit report after the end of the fiscal year.

SPONSORS:

Sen. Murphy, Dist 16; Sen. Gannon, Dist 23; Sen. Pearl, Dist 17; Sen. Sullivan, Dist 18; Sen. Innis, Dist 7; Sen. Avar, Dist 12; Sen. Ward, Dist 8; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14

COMMITTEE:

Election Law and Municipal Affairs

ANALYSIS

This bill requires school districts to publish a school administrative unit audit report after the end of the fiscal year.

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-Six

AN ACT requiring school districts to publish a school administrative unit audit report after the end of the fiscal year.

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

1 1 Education; District Taxes; Reports Required; Cities and School Districts. RSA 198:4-d, III is
2 repealed and reenacted to read as follows:

3 III. Each city, school district, and chartered public school shall file a report for the preceding
4 fiscal year showing a summary of receipts and expenditures, according to uniform classifications,
5 and a balance sheet showing assets and liabilities at the close of the year. This report shall be either
6 an audit completed and verified by an independent certified public accountant or, if no such audit is
7 completed, a financial audit report filed by the governing body of the city, school district, or
8 chartered public school that includes balance sheets; a breakdown of revenue sources; an itemized
9 list of all employees or staff on payroll and their pay; and an itemized list of the school or district's
10 assets, debts, bonds, lease agreements, and capital improvement investment projects. Upon receipt
11 of the final audit or financial report, the school board shall submit the audit or financial report to the
12 department of education. The audit or financial report for the last completed fiscal year shall be
13 submitted within 6 months of the fiscal year. Each report submitted under this paragraph shall
14 include a certification signed by the chairperson of the school district's governing body or the
15 chairperson of the board of trustees of approved public academies that states: "I certify, under the
16 pains and penalties of perjury, to the best of my knowledge and belief, that all of the information
17 contained in this document is true, accurate, and complete." The commissioner of the department of
18 education shall verify that the report appears complete within 6 months of receipt, comparing it
19 against those submitted in prior years. The department may grant extensions to cities, school
20 districts, chartered public schools, and school boards as needed to address any disputed items.
21 Unless the district is actively working with the department to resolve any financial audit or report
22 deficiencies, in no case shall the deficiencies exceed one year from the date of the submission. The
23 commissioner shall withhold any and all state funding allocated to any non-compliant city, school
24 district, or chartered public school until the audit or financial report is completed and submitted to
25 the department, and any questions are answered to the commissioner's satisfaction.

26 2 Effective Date. This act shall take effect July 1, 2026.

SB 586-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-0772s)

AN ACT requiring school districts to publish a school administrative unit audit report after the end of the fiscal year.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable		
Revenue Fund(s)	Education Trust Fund			
Expenditures*	\$0	<u>Department of Education Staffing/Admin</u> \$534K in FY 27, \$461K in FY 28, and \$484K in FY 29 <u>State Aid Programs</u> Indeterminable		
Funding Source(s)	General Fund and Education Trust Fund			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Local Revenue	\$0	Indeterminable		
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill, effective July 1, 2026, requires district public school and charter public schools to complete a financial audit by January 1st each year and requires the Department of Education to withhold all state funding until completed. Under current law and practice, districts are required to complete an audit 12 months after fiscal year close and charter schools are required to submit after 9 months. For FY 2024, 55% of districts returned an audit within 12 months, and 58% of charter schools returned an audit within 9 months. Only 7 public charter schools and 13 district schools returned an audit by January 1st after the fiscal year end.

To effectively manage the review, tracking, and oversight of 179 school district and 35 charter school audits, the Department states it would need two positions focused on district public

schools and one position for charter schools. Furthermore, a contract amendment to develop a new module within an existing software system would require \$75,000.

	FY 2027	FY 2028	FY 2029
Two (2) District Auditors (SOC 13-09, Starting Step 9)	\$320,000	\$318,000	\$334,000
One (1) Charter School Auditor (SOC 13-09, Starting Step 5)	\$139,000	\$143,000	\$150,000
Contract Expense	\$75,000	\$0	\$0
Total	\$534,000	\$461,000	\$484,000

To adapt to the provisions of this bill, the Department states districts would likely take multiple different approaches, which may include:

- Investing in additional resources to ensure more timely audits through hiring staff or contracting additional accounting service supports.
- Accepting higher audit costs to ensure priority is given to audit firms able to prioritize their entity.
- Obtaining loans to account for the delay in State payments.
- Explore local district revenue, in the form of property taxation, due to districts seeking additional appropriation to raise cash reserves instead of incurring interest expenses through loans.

The Department states that while districts are unable to dissolve and relinquish their responsibility to provide an adequate education, charter schools would likely dissolve due to this bill, since they are heavily reliant on State cash payments. To the extent that charter schools dissolve, the State will likely make less charter school payments. The decrease in State expenditures would depend on the pathway the students elect after their charter school dissolves:

- Students leaving an in-person charter school in FY 2027 to attend district school would result in a savings of \$3,367 (\$10,417 charter aid verse \$7,050 district aid).
- Students leaving an in-person charter school in FY 2027 to enter the EFA program would result in a savings of \$5,407 (\$10,417 charter aid verse \$5,407 EFA aid).
- Students leaving an in-person charter school in FY 2027 to enter a home education, non-public pathway, or a district within an excess Statewide Education Property Tax community would result in a savings of \$10,417.

For informational purposes, using only State cash adequacy grants to districts, the below table represents the changes in the payment distribution schedule based on district submission of

their FY 2024 audits using the FY 2027 adequacy cash payment of \$698 million. This does not include other State aid programs like Special Education Aid, Tuition & Transportation, Building Aid, or charter school aid which would also be withheld. The table concludes based on withholding State adequacy payments only, State revenue in interest due to cash staying with the State Treasury would increase by \$1M. Conversely, this would result in less interest revenue or increased borrowing expenditures for local school districts of approximately \$1M in FY 2027.

District Adequacy Paid Based On Completed Audit			Prorated Interest Revenue For State / Interest Expense or Revenue Loss For Districts (Assumes 3% Interest Revenue)
Total Funding	\$ 698,127,641		
	Paid	Withheld	
September 1st Amount	\$139,625,528	\$0	
Percent Paid Or Withheld	100.0%	0.0%	
November 1st	\$139,625,528	\$0	\$0
Percent Paid Or Withheld	100.0%	0.0%	
January 1st	\$209,438,292	\$0	\$0
Percent Paid Or Withheld	100.0%	0.0%	
April 1st	\$71,773,797	\$137,664,496	\$1,032,484
	34.3%	65.7%	
End of Fiscal Year FY 2027			\$1,032,484

AGENCIES CONTACTED:

Department of Education

Docket of SB586		
11/25/2025	S	Introduced 01/07/2026 and Referred to Election Law and Municipal Affairs; SJ 1
01/22/2026	S	Hearing: 01/27/2026, Room 122-123, SH, 09:45 am; SC 3
02/17/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0772s, 03/05/2026; Vote 5-0; CC; SC 8
02/24/2026	S	Committee Amendment # 2026-0772s, AA, VV; 03/05/2026; SJ 5
03/03/2026	S	Ought to Pass with Amendment #2026-0772s, MA, VV; Refer to Finance Rule 4-5; 03/05/2026; SJ 5
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 7-0; CC; SC 11

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

SB 586-FN, requiring school districts to publish a school administrative unit audit report after the end of the fiscal year.

Hearing Date: January 27, 2026

Time Opened: 9:45 a.m.

Time Closed: 9:50 a.m.

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

Members of the Committee Absent: Senator Rochefort

Bill Analysis: This bill requires school districts to publish a school administrative unit audit report after the end of the fiscal year.

Sponsors:

Sen. Murphy
Sen. Sullivan
Sen. Ward

Sen. Gannon
Sen. Innis
Sen. Birdsell

Sen. Pearl
Sen. Avar
Sen. Carson

Who supports the bill: Senator Keith Murphy, Senator Daniel Innis, Senator Ruth Ward, Senator Howard Pearl, Jesse Medeiros, Timothy Finney, Daniel Richardson, James Gardner, Curtis Howland, Pamela Harders

Who opposes the bill: Mary Till, Janet Robertson, Susan Moore, Marlise Bryant, Linda Burnap, Barbara Zaenglein, Eric Zaenglein, Amy Erickson, Meredith Piotrow, Barbara Bryce, Catherine Remesch, Priscilla Dube, Nicole MacKay, Donna Tulley, Barbara Langworthy, Patricia Kellogg, Rebecca Wilson, Debrah Howes, Amy Cole, Karen Burnett-Kurie, Catherine Miller, Cara Cabral, Lois Cote

Summary of testimony presented in support:

Senator Murphy, Prime Sponsor

- This bill is about the Claremont School District budget issues.
- He attended a committee hearing in September, where district officials answered questions. During that meeting, one line stood out to him: they were years behind on the audits. The 2015 fiscal year audit wasn't completed and submitted until 2019, and audits for 2023 through 2025 have not yet been completed.
- That is what this bill is trying to address. If the audits had been conducted in a timely manner, as required, the issue wouldn't have gotten this far.

- We should conduct audits when they are due. The bill states that funding will not be provided to schools until audits are submitted.
- The goal is not to punish school districts but to ensure they submit their audits on time.

Senator Perkins Kwoka said we all have an interest in ensuring that our tax dollars are used properly and that our schools are of high quality. She then asked whether he has considered any kind of structure that allows more flexibility for districts when they miss a deadline, noting that resource-rich schools are likely to find it easier than under-resourced schools.

Senator Murphy stated that audits are already required by state law. The aim is not to punish school districts; no funds will be taken away. They will receive funding upon submitting the audit. Even if they miss the deadline, they will still get all the aid under this bill. Senator Murphy said he would be fine with the committee amending the bill to include additional grace periods or similar provisions, and noted that we can't have school districts submitting audits 3, 5, or 8 years late.

Senator Lang said he likes the bill. Line 16 says, "the commissioner of the department of education shall verify that the report appears complete, comparing against those submitted in prior years," and asked Senator Murphy if he thinks maybe there should be a date attached to that line to ensure that the commissioner reviews the audits in a timely manner to make sure they are okay.

Senator Murphy said he believes that is a good addition to the bill and a good catch.

SB 614-FN - AS AMENDED BY THE SENATE

03/12/2026 1044s

2026 SESSION

26-2226

12/09

SENATE BILL

614-FN

AN ACT establishing multiple-caregiver self-insured risk coverage arrangements for nonprofit and for-profit providers and servicers.

SPONSORS: Sen. Ricciardi, Dist 9; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24; Rep. Kuttub, Rock. 17; Rep. L. Walsh, Rock. 15; Rep. Post, Hills. 42

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill:

I. Establishes a multiple-caregiver self-insured risk coverage arrangement for nonprofit and for-profit providers and servicers of child care, day care, foster care placement, and behavioral health services.

II. Establishes reporting requirements for such arrangements.

III. Authorizes the commissioner of the insurance department to verify such arrangements, including whether the arrangements are to be suspended or terminated.

IV. Authorizes the commissioner of the insurance department to issue penalties and adopt rules relative to such arrangements.

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-Six

AN ACT establishing multiple-caregiver self-insured risk coverage arrangements for nonprofit and for-profit providers and servicers.

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

1 1 New Chapter; Multiple-Caregiver Self-Insured Risk Coverage Arrangements. Amend RSA by
2 inserting after chapter 405-B, the following new chapter:

CHAPTER 405-C

MULTIPLE-CAREGIVER SELF-INSURED RISK COVERAGE ARRANGEMENTS

5 405-C:1 Purpose. This chapter provides authority for 2 or more nonprofit and for-profit
6 providers and servicers of child care, day care, foster care placement, and behavioral health services
7 to participate in a joint self-insurance risk coverage arrangement covering liability risks. The joint
8 self-insurance arrangements authorized under this chapter permit eligible entities to jointly self-
9 insure liability risks, jointly purchase insurance and reinsurance, and contract for risk management,
10 claims, and administrative and legal services.

405-C:2 Definitions.

11 I. "Commissioner" means the commissioner of the New Hampshire insurance department.

12 II. "Covered entity" means a nonprofit or for-profit provider or servicer of child care, day
13 care, foster care placement, and behavioral health services.

14 III. "Department" means the New Hampshire insurance department.

15 IV. "Liability risks" mean risk of loss sustained by an entity and the risk of claims arising
16 from the tortious or negligent conduct or any error or omission of the entity, its officers, employees,
17 agents, or volunteers as a result of a claim that may be made against the entity.

18 V. "Multiple-caregiver self-insured risk coverage arrangement" means a formal arrangement
19 which is established or maintained by or on behalf of 2 or more eligible entities for the purpose of
20 jointly covering liability risk.

21 VI. "Nonprofit organization" means any entity that is exempt from taxation under Section
22 501(c)(3), 501(c)(4), 501(c)(6) or 501(c)(12) of the Internal Revenue Code of 1986, or any subsequent
23 corresponding internal revenue code of the United States, as amended.

24 VII. "Self-insurance" means a formal arrangement of advance funding and management of
25 entity financial exposure to risk of loss that is not entirely transferred through the purchase of an
26 insurance policy or contract.

405-C:3 Declaration of Status; Tax Exemption.

27 I. Any arrangement authorized and meeting the standards required under this chapter is
28 not an insurance company, reciprocal insurer, or insurer under the laws of this state, and
29
30

1 administration of any activities of the arrangement shall not constitute doing an insurance business
2 for purposes of regulation or taxation. Such self-insurance arrangements shall not be subject to the
3 premium tax under RSA 400-A:32 and shall not be subject to assessment with respect to the
4 administration fund under RSA 400-A:39.

5 II. Any such arrangement operating under this chapter, whether or not a body corporate,
6 trust, or charter, may sue or be sued, make contracts, hold and dispose of real property, borrow
7 money, contract debts, and pledge assets in its name.

8 III. Joint self-insurance arrangements shall be governed by this chapter and shall be exempt
9 from this title, except for the provisions of:

10 (a) RSA 400-A:16, relative to investigations;

11 (b) RSA 400-A:17 through RSA 400-A:24, relative to hearings and appeals;

12 (c) RSA 400-A:37, relative to examinations;

13 (d) RSA 402-B relative to insurance claims adjusters;

14 (e) RSA 402-H relative to third-party administrators;

15 (f) RSA 402-J, relative to producer licensing; and

16 (g) RSA 417:1 through 417:31 relative to unfair trade practices and fraud investigations.

17 IV. This section does not apply to or provide exemptions for insurance companies issuing
18 policies to cover the arrangement, third-party administrators, insurance producers, or other
19 licensees subject RSA title XXXVII servicing the joint self-insurance arrangement.

20 405-C:4 Exemptions. This chapter does not apply to a non-profit or for-profit entity that:

21 I. Individually self-insures for property and liability risks;

22 II. Participates in a risk pooling arrangement, including a risk retention group or a risk
23 purchasing group, regulated under RSA 405-A, or is a captive insurer authorized in its state of
24 domicile; or

25 III. Comprises only units of local government or is a group that comprises local governments
26 joined by an interlocal agreement authorized by RSA 5-B.

27 405-C:5 Agreement to Form; Authorized Activities.

28 I. A covered entity may join or form a self-insured risk coverage arrangement together with
29 one or more other covered entities and may jointly purchase insurance or reinsurance with one or
30 more other covered entities for liability risks as permitted under this chapter. Covered entities may
31 contract for or hire personnel to provide risk management, claims, and administrative and legal
32 services in accordance with this chapter.

33 II. The agreement to form a self-insured risk coverage arrangement may include the
34 organization of a separate legal entity with powers delegated to the entity. Any such separate legal
35 entity shall be in compliance with all applicable New Hampshire laws.

36 III. If provided for in the organizational documents, a joint self-insured risk coverage
37 arrangement may, in conformance with this chapter:

- 1 (a) Contract or otherwise provide for risk management and loss control services;
 - 2 (b) Contract or otherwise provide legal counsel for the defense of claims and other legal
3 services;
 - 4 (c) Jointly purchase insurance and reinsurance coverage in a form and amount as
5 provided for in the organizational documents;
 - 6 (d) Obligate the participants to pledge funds or revenues to secure the obligations or pay
7 the expenses of the arrangement, including the establishment of a reserve fund for coverage, and
8 any additional assessment if the reserve fund or the arrangement's revenue or assets are insufficient
9 to cover the liabilities; and
 - 10 (e) Possess any other powers and perform all other functions reasonably necessary to
11 carry out the purposes of this chapter.
- 12 405-C:6 Formation. Before the establishment of a multiple-caregiver self-insured risk coverage
13 arrangement, the covered entities shall obtain the approval of the commissioner. The entity or
14 entities proposing the creation of the arrangement shall submit, as part of the application, a plan of
15 management and operation to the commissioner that provides at a minimum, the following
16 information:
- 17 I. The risk or risks to be covered, including any coverage definitions, terms, conditions, and
18 limitations;
 - 19 II. The amount and method of funding the covered risks, including the initial capital and
20 proposed rates and projected premiums;
 - 21 III. The proposed claim reserving practices;
 - 22 IV. The proposed purchase and maintenance of insurance or reinsurance in excess of the
23 amounts retained by the joint self-insurance arrangement;
 - 24 V. The legal form of the program including, but not limited to, any constitution, articles of
25 incorporation, bylaws, charter, trust, or other agreement among the participating entities;
 - 26 VI. The agreements with participants in the arrangement defining the responsibilities and
27 benefits of each participant and management;
 - 28 VII. The proposed accounting, depositing, and investment practices of the arrangement;
 - 29 VIII. Evidence satisfactory to the commissioner showing that the arrangement will be
30 operated in accordance with sound actuarial principles. The commissioner shall not approve the
31 arrangement unless the commissioner determines that the plan is designed to provide sufficient
32 revenues to pay current and future liabilities, as determined in accordance with sound actuarial
33 principles;
 - 34 IX. A designation of the individual to whom service of process must be forwarded by the
35 commissioner on behalf of the arrangement, including that individual's name and address;
 - 36 X. All contracts between the program and private persons providing risk management,
37 claims, or other administrative services;

1 XI. A professional analysis of the feasibility of the creation and maintenance of the program;
2 XII. A legal analysis or an Internal Revenue Service opinion on the federal income tax
3 exposure or liability of the program; and

4 XIII. Such additional information as the commissioner may reasonably require to determine
5 compliance with this chapter.

6 405-C:7 Minimum General Eligibility; Prohibitions.

7 I. Each multiple-caregiver self-insured risk coverage arrangement shall meet the following
8 minimum eligibility requirements, and any additional requirements as the commissioner may
9 require:

10 (a) The arrangement shall qualify as a non-profit or for-profit entity;

11 (b) The arrangement shall be established or maintained by or on behalf of two or more
12 properly licensed homogeneous entities providing at least one of the services of child care, day care,
13 foster care placement, or behavioral health services, which shall be governed by formal governance
14 documents, which may include any one or more of the following:

15 (1) A charter;

16 (2) A constitution,

17 (3) Bylaws; or

18 (4) A trust.

19 (c) The arrangement shall be operated by officers or a board of trustees which shall have
20 complete fiscal control over the arrangement and which shall be responsible for all operations of the
21 arrangement. The officers or trustees selected shall be owners, partners, officers, directors, or
22 employees of participating entities in the arrangement. An officer or trustee may not be an owner,
23 officer, or employee of the administrator or service company of the arrangement. The officers or
24 trustees shall have the authority to approve applications of entities for participation in the
25 arrangement, provided that any entity that terminates its participation shall be prohibited from
26 rejoining for a period a two years.

27 (d) Appropriate action by ordinance, resolution or other action pursuant to law of the
28 governing bodies of the participating entities shall be necessary before any such agreement may
29 enter into force.

30 (e) The arrangement shall not be offered nor advertised to the public generally.

31 (f) The arrangement shall be operated in accordance with sound actuarial principles.

32 II. The following activities shall be prohibited:

33 (a) An employee or official of a participating nonprofit corporation in a joint self-
34 insurance arrangement shall not directly or indirectly receive anything of value for services rendered
35 in connection with the operation and management of the arrangement other than the salary and
36 benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in
37 furtherance of the operation or management of the arrangement.

1 (b) An employee or official of a participating covered entity shall not accept or solicit
2 anything of value for personal benefit or for the benefit of others under circumstances in which it can
3 be reasonably inferred that the employee's or official's independence of judgment is impaired with
4 respect to the management and operation of the arrangement.

5 (c) No joint self-insurance arrangement approved under this chapter shall require that
6 any civil action or alternative dispute resolution procedure brought in connection to the self-
7 insurance arrangement be brought in a jurisdiction other than New Hampshire.

8 405-C:8 Filing of Application. The covered entities of a proposed multiple-caregiver self-
9 insurance risk coverage arrangement shall file with the commissioner an application for approval,
10 upon a form furnished by the commissioner, which shall include or have attached the following:

11 I. A copy of the constitution, bylaws, articles of incorporation, charter, or trust agreement.
12 II. The names and addresses of the officers or trustees of the arrangement, who are subject
13 to approval by the commissioner upon the presentation of sufficient evidence to:

14 (a) To be competent;
15 (b) Have not been found to be guilty of, or to have pled guilty or no contest to a felony, or
16 a crime involving moral turpitude;
17 (c) Have not had any type of professional license revoked in this or any other state; and
18 (d) Have not improperly manipulated assets, accounts, or specific excess insurance or to
19 have otherwise acted in bad faith.

20 III. A copy of a fidelity bond in an amount equal to not less than 10 percent of the funds
21 handled annually and issued in the name of the arrangement covering its officers, trustees,
22 employees, administrator, or other individuals managing or handling the funds or assets of the
23 arrangement. In no case may such bond be less than \$1,000 or more than \$500,000 except that the
24 commissioner may prescribe an amount more than \$500,000 after due notice and opportunity for a
25 hearing.

26 IV. A plan of management and operation providing the information required in RSA 405-
27 C:6.

28 V. Such additional information as the commissioner may reasonably require to determine
29 compliance with this chapter.

30 405-C:9 Approval or Disapproval.

31 I. Within 120 days of receipt of an application, the commissioner shall either approve or
32 disapprove an application for a license for the formation of the arrangement. If the commissioner
33 denies a request for approval, the commissioner shall specify in detail the reasons for denial.

34 II. The arrangement shall not engage in an act or practice that in any respect significantly
35 differs from the management and operation plan that formed the basis for the commissioner's
36 approval of the program unless the program first notifies the commissioner in writing and obtains
37 the commissioner's approval. The commissioner shall approve or disapprove the proposed change

1 within 60 days of receipt of the notice. If the commissioner denies a requested change, the
2 commissioner shall specify in detail the reasons for the denial.

3 405-C:10 Reporting Requirements. Each joint self-insurance arrangement shall file a report
4 verified by the oath of an officer or trustee, annually within 4 months of the end of the fiscal year or
5 within such extension of time as the commissioner for good cause may grant, with the commissioner
6 providing:

7 I. Details of any changes in the articles of incorporation, bylaws, charter, trust agreement,
8 or other agreement among the participating entities;

9 II. List of all current officers or trustees;

10 III. A description of the program structure, including participants' retention, excess
11 insurance or reinsurance limits and attachment points;

12 IV. An actuarial analysis, performed by a member of the American Academy of Actuaries
13 qualified in the coverage area being evaluated, assessing the adequacy of plan funds and the
14 reserves necessary to be maintained to meet expenses of all incurred and incurred but not reported
15 claims and other projected needs of the arrangement;

16 V. A list of contractors and service providers;

17 VI. The financial and loss experience of the arrangement; and

18 VII. Such additional information as the commissioner may reasonably require to determine
19 compliance with this chapter.

20 405-C:11 Service of Process Through Insurance Commissioner. Every joint self-insurance
21 program governed by this chapter shall file with the commissioner a written stipulation, agreeing
22 that legal process affecting the arrangement, served on the commissioner shall have the same effect
23 as if served personally on the company within the state. Service of such process shall be made by
24 leaving a copy of the process in the hands of the commissioner or in their office.

25 405-C:12 Suspension, or Revocation of Program License; Appeal.

26 I. The commissioner may suspend or revoke the approval of any arrangement for any one or
27 more of the following causes:

28 (a) The license issued to the arrangement was obtained by fraud;

29 (b) There were one or more material misrepresentations in the application for the
30 license;

31 (c) The holder of such license has shown itself untrustworthy or incompetent relative to
32 the management or operation of the arrangement;

33 (d) The arrangement has failed to meet the financial requirements of this chapter or has
34 violated any lawful order or rules;

35 (e) The arrangement has refused to be examined or to produce its accounts, records and
36 files for examination, or if any of its officers has refused to give information with respect to its affairs

1 or to perform any other legal obligation as to such examination, when so required by the
2 commissioner;

3 (f) The arrangement has failed to pay any final judgment rendered against it in this
4 state within 60 days after the judgment became final;

5 (g) The arrangement no longer meets the requirements for the authority originally
6 granted; or

7 (h) The arrangement has violated any lawful order or rule of the commissioner,
8 provision of this chapter, or other applicable law.

9 II. Before the commissioner shall suspend or revoke the license of any licensee subject to
10 this chapter, the aggrieved arrangement shall be entitled to a hearing in accordance with RSA 400-
11 A:17.

12 405-C:13 Termination of Arrangement. If an arrangement is terminated for any reason, it shall
13 pay all outstanding claims, debts, and obligations. The arrangement may retain sufficient funds to
14 provide coverage for such additional period as the officers or trustees of the arrangement consider
15 prudent. In addition, the officers or trustees may purchase such additional insurance as they
16 consider necessary for protection against potential future claims. Any funds remaining in the
17 arrangement after satisfaction of all obligations upon termination shall be paid to participating
18 entities as of the termination date in some equitable manner meeting with the approval of the
19 commissioner, including, without ruling out other alternatives, equally on a per capita basis to each
20 participating entity that is covered under the arrangement as of the effective date of termination.

21 405-C:14 Financial Condition, Loss Reserves, Reinsurance, or Working Capital; Determination
22 of Inadequacy.

23 I. The commissioner may, upon reasonable notice, conduct an examination of the loss
24 reserves, financial condition, specific excess insurance, and working capital of a multiple-caregiver
25 self-insured risk coverage arrangement. If the commissioner preliminarily finds that the reserves,
26 specific excess insurance, or financial condition may be inadequate, or that the arrangement does not
27 have a combined working capital in an amount establishing the financial strength and liquidity of
28 the arrangement to pay claims promptly and showing evidence of the financial ability of the
29 arrangement to meet its obligations, the commissioner shall notify the arrangement of such
30 inadequacy. Upon being so notified, the arrangement shall within 30 days file with the
31 commissioner all information which, in the belief of the arrangement, proves the reasonableness and
32 adequacy of the condition noted as being inadequate.

33 II. If the commissioner determines, after reviewing the information filed, that an inadequate
34 condition exists, the arrangement shall implement, within 30 days, a plan to correct the inadequacy
35 and shall file proof of reasonable improvement or adequate condition with the commissioner within 6
36 months of the implementation of the plan. If the commissioner is satisfied that the plan submitted
37 to improve the inadequate condition of the arrangement is sufficient, they shall so notify the

1 arrangement. The arrangement shall report quarterly to the commissioner until the causes of the
2 inadequate condition have been corrected.

3 405-C:15 Rehabilitation, Dissolution. Any rehabilitation, liquidation, conservation, or
4 dissolution of an arrangement shall be conducted under the supervision of the commissioner, who
5 shall have all power with respect thereto granted to it under the laws governing the rehabilitation,
6 liquidation, conservation, or dissolution of insurers.

7 405-C:16 Penalties.

8 I. Subject to other provisions in this chapter, any arrangement that fails to obtain and
9 maintain a valid approval from the commissioner while operating or maintaining a multiple-
10 caregiver self-insured risk coverage arrangement shall be subject to a fine of not less than \$5,000 or
11 more than \$50,000 for each violation.

12 II. The commissioner may issue a cease and desist order if they find any person operating or
13 maintaining an arrangement without a currently effective certificate of approval.

14 405-C:17 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A,
15 as may be necessary to effect the purposes of this chapter.

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

LBA
26-2226
03/17/2026

SB 614-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT # 2026-1044s)

AN ACT establishing multiple-caregiver self-insured risk coverage arrangements for
nonprofit and for-profit providers and servicers.

FISCAL IMPACT:

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

AGENCIES CONTACTED:

Insurance Department

Docket of SB614		
11/25/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
12/10/2025	S	Hearing: 01/08/2026, Room 100, SH, 09:30 am; SC 46
03/04/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1044s, 03/12/2026; Vote 5-0; CC; SC 9
03/06/2026	S	Committee Amendment # 2026-1044s, AA, VV; 03/12/2026; SJ 6
03/10/2026	S	Ought to Pass with Amendment #2026-1044s, MA, VV; Refer to Finance Rule 4-5; 03/12/2026; SJ 6
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 7-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 614-FN, establishing pooled risk management programs for the benefit of child care centers and foster family homes.

Hearing Date: January 8, 2026

Time Opened: 10:30 a.m.

Time Closed: 10:52 a.m.

Members of the Committee Present: Senators Rochefort, Avar, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill creates pooled risk management programs relative to insurance costs for child care centers and foster family homes. The bill also directs the department of the state to ensure standards are met for the establishment of each liability pool.

Sponsors:

Sen. Ricciardi

Sen. Watters

Sen. Perkins Kwoka

Sen. Altschiller

Rep. Kuttub

Rep. L. Walsh

Rep. Post

Who supports the bill: Sen. Ricciardi, Sen. Altschiller, DJ Bettencourt (NHID), Corinne Benfield (Stay Work Play), Natch Greyes (BIA), Sarah McCarthy, and Megan Brabec (Save the Children Action Network).

Who opposes the bill: No one.

Who is neutral on the bill: No one.

Summary of testimony presented:

Senator Denise Ricciardi, Senate District 9

- Senator Ricciardi explained that she has received many calls from constituents who are facing challenges getting back into the workforce due to child care waitlists.
- She reached out to child care centers and learned many of them fear becoming insolvent, closing, or shrinking due to liability insurance being so unaffordable.
- Senator Ricciardi has worked closely with the Insurance Department to try to address this issue. She explained that some work still needs to be done on the bill.

- This bill would allow at least 10 child care centers and foster family homes in New Hampshire to create a risk pool for casualty insurance, property insurance, or casualty and property insurance, rather than purchasing individual policies.
- Establishing a pool will allow providers to share costs and assist them in remaining viable while maintaining strong standards.
- Senator Ricciardi noted that this would also be subject to oversight and regulation by the Secretary of State. Each pool must get an annual independent financial audit, get an annual actuarial review to ensure enough money is set aside for claims, and give members advance notice and input on rate increases.
- Senator Rochefort acknowledged that the Secretary of State was here to testify on the bill and confirmed that Senator Ricciardi will be in contact with them.
- Senator Ricciardi confirmed that she will be meeting with the Secretary of State to continue the work on this issue.

Keith Nyhan, Jennifer Smith, and James Fox, New Hampshire Insurance Department

- Deputy Commissioner Nyhan explained that liability insurance for smaller non-profit child care centers and foster care placement agencies is a hard market.
- Pooled risk programs are one of the options the Department has explored. One challenge is potentially not having enough volume in the pool to generate the desired cost savings and affordability.
- One potential option would be to expand the program to a larger pool, such as other New England or Northeast states. This is an issue throughout the country, and bringing more entities into the pool will create economies of scale and affordability.
- Senator Long asked if there is a number of entities for the pool that the Department would be more comfortable with.
- Deputy Commissioner Nyhan said he does not know what the specific number is, but the more the better. He noted that other states, Texas in particular, have looked into this concept. He speculated that tens if not hundreds of entities would need to come together to create the value-added benefit.
- Senator Rochefort acknowledged some concerns regarding risk pools and asked what assurances there are to ensure we do not find ourselves in a predicament.
- Deputy Commissioner Nyhan acknowledged that the concerns are well-founded and said it comes down to financial oversight and the amount of money being collected as part of the pool. He emphasized this is where volume comes into play for underlying solvency.
- Senator Rochefort said he is not opposed to this idea since he has seen the struggles that child care centers face, but acknowledged that we are still seeing ramifications from similar situations.

- Deputy Commissioner Nyhan said this is just another option we can explore and emphasized that the fully insured market that has been trying to fill this need has been stretched thin.

Corinne Benfield, Stay Work Play

- In Stay Work Play's most recent quality of life survey, child care was found to be the second most challenging issue facing young people in the state.
- Employers are also feeling this pressure, as businesses are struggling to recruit and retain talent.
- Child care centers are doing everything they can, but many facilities are operating on thin margins while facing rising costs. Ms. Benfield emphasized that insurance is a key determining factor in this cycle because when costs spike, facilities delay expansion, cap enrollment, and defer costs to families.
- This bill addresses this pressure point directly by reducing a major overhead cost through pooled risk management. It will help stabilize and expand the early childhood education landscape without lowering standards or increasing State spending.
- Ms. Benfield emphasized that if New Hampshire wants families and businesses to stay, and if businesses want to attract and maintain a workforce, we must strengthen and invest in the child care system.

Natch Greyes, Business & Industry Association

- Mr. Greyes stated that he is speaking in support of this bill and noted the expected amendment from the Insurance Department and Secretary of State.
- From conversations with national partners around the country, we know that the costs of liability insurance for child care providers has increased significantly. This cost is directly passed on to consumers.
- The Business & Industry Association (BIA) is interested in the availability and affordability of child care, as they look at the state economy and companies' ability to attract and retain talent. The BIA is trying to help find solutions to the issues in this sector of the economy and is looking for new opportunities for child care providers to obtain liability insurance at an affordable rate.
- Mr. Greyes emphasized that the cost of liability insurance is quickly reaching a crisis point, and this is predicted to continue nationwide.

Jennifer Smith, New Hampshire Insurance Department

- Ms. Smith explained that this bill is about creating a risk pool to help mainly with liability insurance that child care centers are currently having difficulty affording.

- This is not something new for child care centers, and now non-profits, the foster care system, and businesses delivering services with the State are also feeling this pressure.
- This bill is slightly modeled after Texas statute. The Department has been talking with their counterparts in Texas to see how this has worked for them, but it is important to note that they have a different environment and population, meaning they have more volume.
- The Department is hearing from child care centers that coverage is becoming unaffordable to the point that they are choosing to directly settle with families for incidents, such as playground injuries, rather than file a claim.
- Liability is the main coverage type causing an issue for many child care centers, and the Department has been following this issue for several years. Stakeholder discussions have been underway to identify what other options can be utilized in addition to the risk pool to create a manageable solution.
- Senator Birdsell asked what is causing the massive increase in insurance rates for child care centers.
- Ms. Smith emphasized that this is a hard market, and there are other legal implications putting pressure on the market. Child care centers are at a disadvantage, as the typical everyday accidents are being mixed together with more serious situations such as abuse and neglect at other types of facilities.
- Ms. Smith emphasized that the Department is working on piecing together a solution to alleviate some of this pressure.
- Senator Rochefort asked how far along they are in the process of addressing the larger issue.
- Ms. Smith explained that they have been working on this for quite some time, and now Senator Ricciardi has been brought up to speed with this bill. They have been having conversations with stakeholders and still need to have some more, but Ms. Smith does not think they are far off from identifying a targeted and narrow approach to address the issue.

SB 615-FN - AS AMENDED BY THE SENATE

03/12/2026 1045s

2026 SESSION

26-2274

05/08

SENATE BILL

615-FN

AN ACT establishing a commission to study the use and regulation of SNAP in New Hampshire.

SPONSORS: Sen. Sullivan, Dist 18; Sen. Abbas, Dist 22; Rep. Rice, Hills. 38; Rep. Notter, Hills. 12; Rep. Farrington, Straf. 8; Rep. Mazur, Hills. 44; Rep. McLean, Hills. 15

COMMITTEE: Health and Human Services

ANALYSIS

This bill:

I. Directs the department of health and human services to submit a waiver to the US Department of Agriculture to prohibit the purchase of candy and soft drinks with SNAP benefits.

II. Strengthens work requirements for SNAP eligibility.

III. Directs the department of health and human services to enter into data-sharing agreements with other state agencies to verify SNAP benefit eligibility.

IV. Directs the department to verify eligibility of enrollees that make exclusively out-of-state purchases.

V. Prohibits the department from using their discretion to set more lenient standards for SNAP eligibility or exemptions than those outlined in federal law.

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-Six

AN ACT establishing a commission to study the use and regulation of SNAP in New Hampshire.

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

1 1 New Section; Commission to Study the Use and Regulation of SNAP Established. Amend
2 RSA 161 by inserting after section 14 the following new section:

3 161:15 Commission to Study the Use and Regulation of SNAP Established.

4 I. There is established a commission to study the use and regulation of the Supplemental
5 Nutrition Assistance Program (SNAP) in New Hampshire.

6 II. Notwithstanding RSA 14:49, II(c), the members of the commission shall be as follows:

7 (a) Two members of the senate, where at least one member is a member of the senate
8 health and human services committee, appointed by the president of the senate.

9 (b) Two members of the house of representatives, where at least one member is a
10 member of the house health, human services, and elderly affairs committee, appointed by the
11 speaker of the house of representatives.

12 (c) Two people who are currently receiving SNAP benefits, appointed by the governor.

13 (d) A representative of a family resource center, appointed by Family Support NH.

14 (e) Two representatives of the department of health and human services, appointed by
15 the commissioner.

16 (f) The governor, or designee.

17 (g) A representative from the beverage industry, appointed by the president of the
18 senate.

19 (h) A representative from the grocers' industry, appointed by the president of the senate.

20 (i) A representative from convenience store industry, appointed by the speaker of the
21 house of representatives.

22 (j) A representative from the New Hampshire Food Bank, appointed by that
23 organization.

24 (k) A representative from the Double Up Food Bucks program, appointed by that
25 program.

26 (l) A representative of New Futures, appointed by that organization.

27 (m) A representative of the Business and Industry Association, appointed by the
28 association.

29 (n) A representative of the New Hampshire Farmers' Market Association, appointed by
30 the association.

SB 615-FN - AS AMENDED BY THE SENATE

- Page 2 -

(o) A representative from New Hampshire Hunger Solutions, appointed by that organization.

(p) A representative of NH Legal Assistance, appointed by that organization.

(q) A representative from the New Hampshire Medical Association, appointed by that organization.

(r) One representative from a New Hampshire school, appointed by the NH School Administrator's Association or the New Hampshire School Boards Association.

III. Members of the commission shall serve without compensation, except that legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall:

(a) Research the practicality and feasibility of changing SNAP, including potential consequences from the federal government.

(b) Study how to prioritize SNAP dollars going to healthy food, including the feasibility of healthy eating educational campaigns.

(c) Study the economic impacts of snap changes to various industries, including costs to grocery stores, liquor stores, New Hampshire food banks, and convenience stores.

(d) Work with the department of health and human services to examine the prevalence of fraud, waste, and abuse within the SNAP program in New Hampshire, and determine what the department would require to identify fraud, waste, and abuse in the SNAP program.

(e) Study the impact of a waiver on New Hampshire retailers considering:

(1) The cost of compliance with a waiver to individual retailers and the state;

(2) The potential impact on retailers and state tax revenues due to decreased cross border sales and economic activity; and

(3) The impact to New Hampshire residents of rural areas and cities should the proposed waiver limit the ability of retailers to accept SNAP payments.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A majority of the members shall constitute a quorum.

VI. The commission shall submit an interim report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2026. The commission shall submit a final report on or before November 1, 2027.

2 Repeal. RSA 161:15, relative to the commission to study SNAP, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2027.

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

LBA
26-2274
03/16/2026

SB 615-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-1045s)

AN ACT establishing a commission to study the use and regulation of SNAP in New
 Hampshire.

FISCAL IMPACT:

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

AGENCIES CONTACTED:

None

Docket of SB615		
11/25/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
12/15/2025	S	Hearing: 01/14/2026, Room 100, SH, 01:45 pm; SC 47
03/04/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1045s, 03/12/2026; Vote 5-0; CC; SC 9
03/06/2026	S	Committee Amendment # 2026-1045s, AA, VV; 03/12/2026; SJ 6
03/10/2026	S	Ought to Pass with Amendment #2026-1045s, MA, VV; Refer to Finance Rule 4-5; 03/12/2026; SJ 6
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 7-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 615-FN, relative to the use and regulation of EBT cards and SNAP eligibility.

Hearing Date: January 14, 2026

Time Opened: 2:38 p.m.

Time Closed: 4:40 p.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill:

I. Directs the department of health and human services to submit a waiver to the US Department of Agriculture to prohibit the purchase of candy and soft drinks with SNAP benefits.

II. Strengthens work requirements for SNAP eligibility.

III. Directs the department of health and human services to enter into data-sharing agreements with other state agencies to verify SNAP benefit eligibility.

IV. Directs the department to verify eligibility of enrollees that make exclusively out-of-state purchases.

V. Prohibits the department from using their discretion to set more lenient standards for SNAP eligibility or exemptions than those outlined in federal law.

Sponsors:

Sen. Sullivan

Sen. Abbas

Rep. Rice

Rep. Notter

Rep. Farrington

Rep. Mazur

Rep. McLean

Who supports the bill: 22 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 226 people signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: 4 people signed in neutral to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Summary of testimony presented:

Senator Victoria Sullivan, Senate District 18

- Senator Sullivan explained that SNAP stands for Supplemental Nutritional Assistance Program. Its authorizing legislation states that the program is intended to alleviate hunger and malnutrition by permitting low-income households to obtain a more nutritious diet through normal channels of trade.
- The program was introduced in 1964 to help supplement the nutritional needs of families, but SNAP benefits are being used in some cases today to purchase items, such as soda and candy, with no nutritional value.
- Senator Sullivan explained that when these benefits were initially drafted, a version of the bill excluded such nutritionally void items, but was not ultimately adopted because it was argued that families would not use their benefits on such items.
- A study from the U.S. Department of Agriculture indicates that the #1 product purchased by SNAP benefits is sweetened beverages, comprising nearly 10% of SNAP benefits. About three-quarters of all sugary drinks purchased by SNAP households were purchased with SNAP benefits instead of out-of-pocket.
- Another U.S. Department of Agriculture study found that when compared to other low-income non-participants, SNAP recipients drank more sweetened beverages and were more likely to be obese.
- According to the National Library of Medicine, sugar-sweetened beverages are a significant contributor to the obesity crisis.
- Senator Sullivan emphasized that the cost to our system and the subsequent cost impacted by health risks is far greater than the cost of implementing these guidelines.
- She explained that the soda industry will say they have made efforts to make soda healthier by removing sugar, but multiple studies show that drinking diet soda regularly increases multiple health risks.
- She explained that opponents say this denies children cake on their birthday, but nothing in this bill changes any regulation on purchasing a cake mix or the ingredients used to make a cake.
- She noted that opponents have said this will deny parents the right to send candy into school with their children for birthday parties and explained that in 2012, Michelle Obama created healthy food guidelines that did not allow for candy, baked goods, soda or junk food at schools. She emphasized that this bill does nothing to put that kind of regulation in place.

- Senator Sullivan compared the cost of soda to water products sold by the same companies, noting that soda is more expensive.
- Other states have already started implementing similar SNAP criteria and point-of-sale systems are already being updated on a regular basis. The effective date of this bill provides grocers with ample time to adjust.
- Senator Sullivan said she firmly believes that if New Hampshire joins the other 18 states doing this, then the federal government will join as well. This would alleviate many of the concerns that will be brought forward today.
- This bill does not tell people what they can and cannot buy with their own money. It puts parameters on a taxpayer funded benefit that is intended to provide nutritional supplementation.
- This bill strengthens SNAP in three ways. It protects the state budget from changes in federal law instituting penalties for high SNAP payment error rates. It ensures that the benefits go to the truly needy first. It helps families buy real food of nutritional value.
- This bill will help lower the SNAP error rate, which will in turn help New Hampshire avoid penalties.
- Senator Prentiss asked if Senator Sullivan has spoken with grocers in the state, noting that we have both small businesses and large chains.
- Senator Sullivan said that she has spoken with the New Hampshire Grocers Association.
- She explained that there are guidelines currently being set forth from different organizations to help with the point-of-sale changes, as this is already happening in 18 other states.
- Senator Sullivan explained that point-of-sale systems are changed on a regular basis when sales change and as new products are introduced to a store. The states that have already implemented this have not had any issues with costs.
- Senator Prentiss asked if we know what the cost will be for this on the retail side and how that downward pressure may affect item prices.
- Senator Sullivan said there may be other people testifying who have dealt with those issues. It is her understanding that others have had a seamless transition and have not experienced the costs that people are anticipating.
- Senator Sullivan emphasized that this program is not designed to benefit grocers, but rather provide families with nutritional assistance and supplementation.
- Senator Prentiss said she hears what Senator Sullivan is saying and explained that she is trying to assess this other piece.
- Senator Sullivan emphasized that if we don't make changes and comply with federal error rate standards, the state could be facing an \$8 million cost.

- Senator Avard inquired about the health costs on top of the potential financial costs we are facing.
- Senator Sullivan explained that approximately 70% of the people who are on SNAP are also on Medicaid or Medicare, meaning these costs are handed down to the taxpayers paying for those benefits as well. She emphasized that we need to assess the data and change the system, as we cannot put a price tag on our children's health.

Dr. Christine Arsnow

- Dr. Arsnow stated that she is speaking in opposition to the bill as a provider who is board-certified as a pediatrician and in obesity medicine.
- She agrees with Senator Sullivan that whole foods should be prioritized for children, but restricting access to food for low-income children is not the way to do this.
- Restrictions on allowable foods raise serious concerns about stigma for families.
- There is also a gray area between what is considered healthy and unhealthy. For example, while diet soda has no calories, it contains many chemicals.
- As a partner at a private practice, Dr. Arsnow emphasized that this may pose a larger impact on smaller businesses that are not constantly running sales and changing their point-of-sale systems. She noted that some grocers may stop accepting these benefits altogether, which would be detrimental.

Heidi Johnson, New Hampshire Food Bank

- Ms. Johnson stated that she is speaking in opposition to the bill.
- The New Hampshire Food Bank distributed 20 million pounds of food in 2025 through more than 400 partner agencies. Yet, they still fell short of the need for food.
- According to Feeding America, 1-in-9 granite staters and 1-in-7 of our children are food insecure.
- The New Hampshire Food Bank is deeply committed to delivering healthy, nutritious meals for those experiencing food insecurity. However, they believe that these proposed restrictions would do more harm than good. Bans alone on soda and candy yield mixed results, ignore systemic barriers, and can reduce participation.
- Ms. Johnson noted that this is also an issue for small retailers.

Karen Hebert & Brian Clark, Department of Health and Human Services

- Mr. Clark stated that this is a federally funded, state-administered program.
- If the proposed legislation is enacted, the Department would seek a Healthy Choice Waiver from the Federal Nutrition Service to prohibit soda and candy from being purchased in New Hampshire with SNAP benefits.

- There would be substantial costs to our contracted EBT vendor.
- In the first year of the Healthy Choice Waiver, the Department expects an increase of approximately \$1.4 million, largely to make the necessary system changes. The ongoing cost would be providing support to retailers on how to implement this, with a cost of approximately \$540,000 in subsequent years. Mr. Clark noted that these costs could decrease with time.
- Mr. Clark noted Senator Sullivan's remarks about the federal adoption of these restrictions alleviating many concerns and said the Department agrees. If the federal government were to adopt a soda and candy restriction, the cost would not fall on New Hampshire.
- This bill also makes changes to SNAP work requirements.
- It eliminates the Department's discretionary exemptions regarding work requirements for able-bodied adults with no dependents. While the Department does not regularly use these exemptions, they are used in times when the Department needs additional time or training. If the Department can continue to use exemptions in the future, it could reduce our error rate and thus lower potential liabilities.
- The bill prohibits the Department from using unemployment to make geographic waivers. The Department does not currently have a waiver, but in the past we have had small carve-outs of areas in New Hampshire with high unemployment where the able-bodied work requirements would not apply.
- Mr. Clark noted that the bill does outline that these requirements are not allowed unless legislative approval is received, but it does not define legislative approval.
- The bill also repeals categorical eligibility for SNAP, which would lower the gross income test from 200% of the federal poverty guidelines to 130%. This could impact approximately 7,000 families and 15,000 individuals.
- Ms. Hebert explained that if the categorical eligibility were to be eliminated, another impact would be on the Nutritional Supplemental Food Program for Working Families. The impact on individuals would impact our ability to meet TANF maintenance of effort standards and put us at risk for fiscal penalty.
- Mr. Clark noted that there are some data-sharing crossmatch requirements in the bill. Some are new and others are duplicative of what we already do. He explained that if there were a federal requirement change, it could create a conflict between federal and state law.
- The bill requires the Department to use the Systematic Alien Verification for Entitlements (SAVE) system to verify citizenship and immigration status. Mr. Clark noted that this system is not used to verify citizenship. The Department currently uses birth certificates and naturalization documents to verify

citizenship. The bill further requires the Department to check this system monthly, which would pose a large burden.

- The bill creates a lottery crossmatch. While the Department does not currently have one, it could be built. Mr. Clark noted that the amount of \$3,000 in the bill should be changed to refer to the resource limit to avoid conflict.
- Senator Rochefort confirmed that the resource limit is defined by federal rules, and Mr. Clark confirmed.
- Mr. Clark noted that the bill contains some requirements that the Department is not sure what they would be useful for, including a crossmatch with Housing and Urban Development (HUD).
- There would also be a new system to check out-of-state purchases. If a SNAP household were to exclusively purchase food out-of-state for 2 months, the Department would consider residency questionable and request verification.
- Senator Rochefort confirmed that the Department is already doing this, and Mr. Clark explained that it is not an automatic process. There is nuance to their current review process that could not be considered by an automated system.
- Senator Rochefort asked what changes in administrative staffing would be needed to administer this.
- Mr. Clark said they expect to need 5 FTEs to administer the bill as currently written.
- Senator Rochefort asked if implementing this bill would improve or hurt our error rate.
- Ms. Hebert explained that there are a number of influencing factors affecting the error rate. The errors that happen are largely clerical, so the more manual work there is to be done, the more risk there is of seeing errors.
- While New Hampshire is below the national average for errors, we are at risk of the financial impact that could be coming.
- Senator Avard asked if there is any level of fraud in the SNAP system and if this bill would reduce fraud in any way.
- Ms. Hennessy noted that this focuses more on retailer fraud, which is investigated by the federal government. For total SNAP claims last year, we established around \$286,000. The Department had a total of 28 disqualifications last year and the claims associated with that were \$174,000.
- Senator Rochefort asked what the annual SNAP budget in New Hampshire is, and Ms. Hebert said she would have to confirm because the Department uses an integrated eligibility system.
- Senator Prentiss asked for confirmation on the number of FTEs needed to get the checks done, and Mr. Clark explained that the FTE estimate was based on the entire increased workload. He believes the bulk of it would be coming from the SAVE program requirements in the bill.

- Senator Rochefort asked if the workload needed to implement the bill as written would impede on the workload for the Go-North Rural Health Transformation grant.
- Ms. Hebert said she does not believe it would, as the Department has dedicated specific resources to focus on the initiatives for the Rural Health Transformation program.

Sharu Kota

- Ms. Kota stated that she is speaking in opposition to the bill because she is worried about what it will do to her community at Bedford High School.
- Nearly 500 people live below the poverty line, with around 300 people relying on SNAP and 160 people at her school relying on free and reduced-price meals.
- If this bill gets passed, it will be essentially taking food out of students' desks and backpacks by making it more difficult for them to qualify for school meals.
- This also creates complications for local grocery stores, which may stop accepting SNAP altogether if it becomes too burdensome.
- Senator Avard asked where the bill says it will be taking food away from people, and Ms. Kota said she believes the restrictions contained in this bill could potentially hurt the way that some families put food on the table.

Amanda Carter

- Ms. Carter stated that she is speaking in opposition to the bill.
- She helps people apply for SNAP in her professional role. These people are working parents, caregivers, seniors, and people trying to survive.
- Ms. Carter explained that from her viewpoint, she can see that SNAP and DHHS are already stretched too thin.
- Ms. Carter shared a personal story about how her family had to rely on SNAP when her child was in the hospital out-of-state. Under this bill, their SNAP activity could have looked questionable.
- Ending categorical eligibility, increasing verification requirements, and policing grocery purchases will not reduce fraud in a meaningful way. It will push eligible families off assistance, increase administrative costs, and create gaps where people go hungry.

Kevin Daigle, New Hampshire Grocers Association

- Mr. Daigle stated that he is speaking in opposition to the bill.
- With these restrictions, retailers will be forced to overhaul systems for New Hampshire alone with costs estimated in the thousands. This is especially challenging for small, independent grocers.
- Compliance is not a one-time issue. Each time a product is introduced, repackaged, or reformulated, compliance must be re-determined.

- With these burdens, retailers must decide if they are going to invest time and resources into compliance or stop accepting SNAP. This can lead to food deserts appearing.
- SNAP restrictions also pose a threat to sales, as New Hampshire SNAP recipients may choose to buy restricted items out-of-state. Meanwhile, out-of-state SNAP recipients will have less incentive to purchase groceries in New Hampshire.
- Mr. Daigle said this bill does nothing to measure health or obesity rates and noted that as of right now, there are no definitions that define what these products are.
- Senator Rochefort asked if retailer software has the capability of implementing this.
- Mr. Daigle explained that smaller retailers may have a more antiquated system, if they have one at all. On a larger scale, there is no broad category in a point-of-sale system for candy and soda. This means that retailers will have to categorize individual items.
- Senator Rochefort confirmed that it is mainly a manpower issue, and Mr. Daigle agreed. He explained that at the beginning of the year, the first 5 states granted waivers in the country had their implementation dates with a 90-day grace period. Mr. Daigle has spoken with counterparts in some of these states who have told him that their larger companies are saying they cannot reach compliance after the grace period.
- Senator Rochefort said he would like to hear from the states that have implemented this.
- Senator Avard noted that if we do nothing, we will have to deal with our error rate and fiscal penalties. He asked if we should do nothing or move the bill forward and wait for the data to come in. He fears that doing nothing will not be a good option.
- Mr. Daigle said he understands most of the error rate is coming from the administrative side, not the retailers. He anticipates little or no impact regarding the error rate.
- Senator Avard emphasized that there are some serious long-term consequences associated with sugar and questioned if action should be taken on the issue.
- Mr. Daigle said he believes a restriction like this would need to come from the federal level.
- Senator Avard asked if these restrictions were included in the One Big Beautiful Bill, and Mr. Daigle said they were not, which is why these efforts are being shifted to the states.
- Senator Prentiss asked if there is any evidence that costs associated with implementation will be passed on to other people in the grocery store.

- Mr. Daigle said costs will be downshifted to the consumer. He emphasized the need for manpower to comply with these requirements.
- Senator Prentiss confirmed that there has been experiences in other states supporting this evidence.
- Mr. Daigle said he would be happy to get information to the Committee.
- Senator Long confirmed that retailers may choose to no longer administer SNAP, and Mr. Daigle explained that some retailers have expressed it would be easier than complying with requirements.

Megan Brabec, Save the Children Action Network

- Ms. Brabec stated that she is speaking in opposition to the bill.
- While this bill aims to improve SNAP, it would make it more difficult for kids and families to access the food that they need due to provisions in the bill such as stricter work requirements, eliminating categorical eligibility, and limiting DHHS discretion.
- If our goal is to improve child nutrition, there are many other programs that we could be supporting and enhancing.

Sam Hawkins, NAMI NH

- Mr. Hawkins stated that he is speaking in opposition to the bill.
- Food security is an essential social determinant of health, and this extends to mental health as well.
- Programs like SNAP can foster and support quality mental health, as research shows that SNAP benefits can significantly decrease psychological distress among participating households.
- NAMI NH opposes policies that would limit access to assistance programs, such as SNAP. Policies should promote access and dignity for families in need of support.

Victoria Gulla

- Ms. Gulla stated that she is speaking in support of the bill.
- She explained that carbohydrates are not essential elements in nutrition.
- Ms. Gulla does not think this bill goes far enough in eliminating foods.
- She emphasized that we need to protect both taxpayers and the people buying these groceries. She noted that this affects the Medicaid budget and poses physical costs as well.

Peter Brennan, New England Convenience Store Association

- Approximately 85% of all our convenience stores are located within 20 miles of a border. This is important because we know there are many people from out-of-state who come to New Hampshire for their shopping.

- Mr. Brennan explained that Oklahoma has generated a list of 18,000 products that will now be prohibited under their new law. New Hampshire would have to do something similar if this bill were to pass. He noted that there are many products that could fall into a gray area when being categorized.
- This will be an enormous undertaking for all involved, with a big cost to retailers.
- Senator Rochefort asked if his testimony would change if SNAP dollars became worth more money for other types of food, rather than simply banning certain foods.
- Mr. Brennan said that would be more favorable, but there could still be issues with point-of-sale systems.

Carrie Duran

- Ms. Duran explained that she is a mother of three, one with significant health issues. They have spent a lot of time in Massachusetts for medical treatment and often had to utilize her EBT card in Boston to pay for food.
- Ms. Duran noted potential unintended consequences of eliminating categorical eligibility for many families with children who have developmental disabilities that are already burdened with administrative paperwork. Taking away these benefits may take away security for families.

Judith Jones, New Futures & New Hampshire Alliance for Healthy Aging

- Ms. Jones explained that listening sessions in rural communities of New Hampshire with older adults have shown us that some older adults need to prioritize other needs, such as medication, over food.
- Some of the studies that Ms. Jones has reviewed show that using SNAP to change food consumption is ineffective.
- Ms. Jones questioned if this bill would add more harm and burden for a diminished return on the goal of feeding more people in New Hampshire.
- Senator Rochefort said it sounds like Ms. Jones is most concerned with the administrative aspects of the bill.
- Ms. Jones emphasized the concern is on the burden on the Department and applicants and whether this will be an effective solution.
- Senator Rochefort asked if Ms. Jones would agree that soda and candy are unhealthy, and Ms. Jones said she is a vegetarian.

Laura Milliken and Riona Corr, New Hampshire Hunger Solutions

- Ms. Milliken stated that New Hampshire Hunger Solutions is in opposition to this bill.
- The single largest factor causing error rates is complexity in the program. Adding more complexity is very likely to cause an increase in the error rate.

- Removing categorical eligibility creates a benefit cliff in which a small raise at work can leave a family with less money by losing their food assistance.
- Ms. Milliken noted that when a family loses SNAP benefits, their children automatically lose eligibility for free and reduced meals at school. Ms. Corr presented data from a school in Somersworth that has 495 students receiving free and reduced meals. Approximately 395 of those children are direct certified through SNAP.
- Ms. Milliken stated that this bill criminalizes normal behavior, like shopping out-of-state when convenient or needed.
- Ms. Milliken emphasized that studies show that restrictions don't change buying or improved health outcomes. However, SNAP incentives do lead to these positive outcomes.
- Ms. Corr explained that New Hampshire's error rate is approximately 7.57%, 3% of which is due to underpayment to households. New Hampshire lies in the top 3 most underpaid out of the nation.
- Ms. Milliken noted that providing the Department with more staff and the ability to train them could help address this issue.
- Senator Rochefort asked why the state would be underpaying households.
- Ms. Milliken explained that mistakes could be made by either Department staff or families that would cause an incorrect calculation to be made.
- Senator Rochefort confirmed that the state could lose \$8 million because we have not been paying enough, and Ms. Milliken confirmed.
- Ms. Corr noted that there are studies from other states that health incentives do help the overall public health. She also noted that BMI is not a great indicator of health outcomes.
- Ms. Corr addressed Senator Prentiss' earlier question about costs to small retailers and said there is a range of \$1,000 to \$8,000 per retailer.

Raymond Burke, New Hampshire Legal Assistance

- Mr. Burke stated that he is speaking in opposition to the bill and he shares many of the concerns previously raised.
- In 2023, the Department identified that the primary cause of underpayments is related to how standard utility allowances are calculated.
- New Hampshire Legal Assistance does not see this bill as addressing the fundamental causes of error rates.
- This bill may potentially increase the error rate, as it removes the state's ability to implement categorical eligibility. Removing categorical eligibility is also one of the other ways that this bill takes food away from households.
- Senator Rochefort confirmed that the utility allowance is the biggest contributor to underpayments, and Mr. Burke explained that it is based on data from 2023.

- Senator Rochefort confirmed that the reporting does not address the most common causes of errors.
- Mr. Burke explained that based on the 2023 data, the Department identified three things: problems with the utility allowance, clerical mistakes, and the state's determination of certification periods.
- Senator Rochefort asked if this new reporting may increase the error rate, and Mr. Burke explained that categorical eligibility was designed to help families and streamline eligibility processes for the Department.

Timothy Puglisi, Foundation for Government Accountability Action

- Mr. Puglisi stated that he is speaking in support of the bill.
- Mr. Puglisi explained that this bill concerns broad-based categorical eligibility. The state is allowed to administer nonmonetary welfare benefits using TANF money or maintenance of effort benefits. In New Hampshire, it is often a welfare brochure. If someone receives a welfare brochure, the asset test is entirely waived. This also increases the income limit set in federal law at 130% of the federal poverty level to 200%.
- This is important because there have been reports that reveal households enrolled through broad-based categorical eligibility are 3-times as likely to receive payment errors. Mr. Puglisi explained that because of this, nationally 1-in-5 SNAP enrollees have more than \$100,000 in liquid assets.
- Mr. Puglisi noted that SNAP is a taxpayer funded benefit. He questioned if it should be going to products linked to chronic disease or real food.
- Senator Avarad noted prior testimony about compliance in other states and asked if Mr. Puglisi is seeing the same thing.
- Mr. Puglisi explained that there is no public information about retailers being in non-compliance, as this was implemented at the beginning of the year. He emphasized that state agencies want these programs to succeed, so they are working with retailers to ensure this is successful. He emphasized that states are specific in communicating to retailers what items can and cannot be included in these programs.

Jane Goodman, Nashua Soup Kitchen and Shelter

- Ms. Goodman explained that over the past year, the kitchen's demand for services has grown dramatically.
- This bill would reduce eligibility and add administrative hurdles that would cause hundreds of Nashua residents to lose reliable access to food.
- When SNAP is weakened, people turn to emergency food programs, many of which are already stretched thin.
- During the government shutdown when SNAP became inaccessible, their pantry enrollments increased immediately. They distributed over 400 emergency SNAP

relief boxes to families in crisis. This relief was funded by the state, which underscores how essential SNAP is. For every 1 meal that a pantry provides, SNAP provides 9.

- Ms. Goodman said this bill will increase hunger, strain charitable food programs, burden DHHS, and hurt local economies.
- Senator Rochefort noted that it sounds like the administrative changes are the biggest objection that would have an impact on access, rather than the soda and candy component.
- Ms. Goodman said she could get into the dignity piece on soda and candy, but others have already done so. Erecting barriers for someone who is already struggling is limiting access.

Emily Lawrence, Waypoint

- Ms. Lawrence stated that she is speaking in opposition to the bill.
- Waypoint staff regularly work with DHHS to ensure that individuals obtain and maintain their benefits. They see that the Department is already over-burdened, resulting in delays in access to benefits.
- When people experience food insecurity, it can lead to family instability and stress, which can result in child welfare issues.
- Ms. Lawrence is concerned that this bill increases burden on the Department, thus leading to delayed access and potentially negative outcomes.
- Ms. Lawrence noted that there are also adverse health impacts to be considered if children do not have adequate access to food.

SB 625-FN - AS INTRODUCED

2026 SESSION

26-2181

07/09

SENATE BILL

625-FN

AN ACT

permitting family members of homicide victims to seek an evidentiary hearing in cases where the department of justice does not file charges in the case.

SPONSORS:

Sen. Birdsell, Dist 19; Rep. Foote, Rock. 13; Rep. Tripp, Rock. 13

COMMITTEE:

Judiciary

ANALYSIS

This bill permits family members of intentional homicide victims to seek an evidentiary hearing in cases where the department of justice does not file charges in the case or does not seek retrial following a hung jury.

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-Six

AN ACT permitting family members of homicide victims to seek an evidentiary hearing in cases where the department of justice does not file charges in the case.

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

1 1 New Section; Proceedings In Criminal Cases; Indictments, Informations; and Complaints;
2 Rights of Families of Homicide Victims. Amend RSA 601 by inserting after section 9 the following
3 new section:

4 601:10 Rights of Families of Homicide Victims.

5 I.(a) A parent, spouse, or child of the deceased may request a written explanation as to why
6 charges were not filed, or refiled, from the department of justice, and an explanation from the
7 department shall be provided to the requesting party, in the following cases where the state medical
8 examiner has ruled that the deceased person's manner of death was homicide:

9 (1) Any case where the department of justice opened an investigation for intentional
10 homicide, but has declared that the case is closed without the filing of any charges. This includes
11 cases wherein the department of justice states they are not filing charges because of an affirmative
12 defense, including justification.

13 (2) In any case where a defendant has been charged and tried on a charge of capital
14 murder in violation of RSA 630:1, first degree murder in violation of RSA 630:1-a, or second degree
15 murder in violation of RSA 630:1-b, and a mistrial was declared as to that charge as a result of the
16 jury's being unable to reach a unanimous verdict, and the department of justice has declined to seek
17 a retrial on that charge.

18 (b) The department of justice shall not be required to provide the written explanation
19 identified in this paragraph if the department considers an investigation open, even if the case is
20 considered "cold."

21 II. If the requesting party believes there is probable cause to charge a person of interest as
22 having committed a violation of RSA 630:1, 630:1-a, or 630:1-b., or that a retrial should be sought,
23 that party may petition the superior court in the jurisdiction where the homicide occurred for review
24 of the department of justice's written explanation not to seek charges. The superior court shall grant
25 one request for review per homicide investigation.

26 III.(a) The court shall review the written explanation by the department of justice provided
27 under paragraph I and make a determination as to whether probable cause exists to charge the
28 person of interest identified by the immediate family member with homicide. The court may also
29 make a determination regarding the likelihood of the state proving a case against the person or
30 persons of interest beyond a reasonable doubt, where the department of justice concedes probable

1 cause but avers that they have not sought charges due to their determination that they would be
2 unlikely to prove the case at trial.

3 (b) If the court determines that the written explanation is insufficient for it to make a
4 determination, the court may require the department to provide any investigative reports that the
5 department has on the matter for in camera review. The court may consider the department's
6 investigative reports, records, case files, and any other written, video, or audio records that the court
7 deems relevant in determining whether a recommendation of prosecution is warranted. The court
8 may appoint an expert to assist in the review of technical documents. The requesting party shall not
9 be entitled to any materials that are not otherwise obtainable pursuant to RSA 91-A.

10 (c) If the court deems it necessary, the court may hold a hearing and examine any
11 witnesses the court determines to be necessary and appropriate to make its determination. The
12 court shall consider the credibility of testimony in its assessment of the department's decision not to
13 bring charges against a person or persons of interest. If a hearing is held, any suspect being
14 considered for charges shall be provided notice and shall have all rights as he or she would have if it
15 were a pretrial evidentiary hearing following charges, including the rights to an attorney and to
16 cross-examine witnesses. The requesting party shall not be permitted by counsel or otherwise to
17 participate in the hearing.

18 IV.(a) If the court determines that probable cause does not exist, the court shall inform the
19 requesting party in writing that charges against the identified person of interest should not be filed
20 for lack of probable cause. The court shall not be required to state any further explanation. If the
21 court determines that the evidence collected by the department of justice demonstrates that probable
22 cause exists to charge an individual, the court shall provide the department of justice a written
23 summary of why the identified person of interest should be charged, and make a recommendation to
24 the department that the identified person of interest be prosecuted. This written summary shall not
25 be provided to the requesting party and shall be exempt from disclosure under RSA 91-A. The court
26 shall provide the requesting party solely with an explanation that it has determined that probable
27 cause exists and has made a recommendation to the department of justice.

28 (b) In a case where the department of justice has conceded probable cause exists, or
29 cases where a mistrial was declared for the jury's being unable to reach a unanimous verdict, but the
30 department has declined to seek charges or retrial based on likelihood of a successful conviction, the
31 same process as in subparagraph IV(a) shall apply but with the standard of beyond a reasonable
32 doubt.

33 (c) No decision made by the court pursuant to this section shall be appealable.

34 (d) If the department of justice receives a recommendation pursuant to this paragraph,
35 the department shall, within 90 days of receiving the recommendation, inform the court and the
36 requesting party that it has reviewed the recommendation, and whether it will be seeking charges or

SB 625-FN - AS INTRODUCED

- Page 3 -

1 is maintaining its original position. Nothing in this section shall be construed to require the
2 department of justice to seek any charges even if the court has made such a recommendation.

3 2 Applicability. The process established by this act shall only apply to cases where the
4 department of justice closes the case or declines to retry a case following the effective date of this act,
5 and shall not apply retroactively to any case where those actions occurred prior to the effective date
6 of this act.

7 3 Effective Date. This act shall take effect January 1, 2027.

SB 625-FN- FISCAL NOTE
AS INTRODUCED

AN ACT permitting family members of homicide victims to seek an evidentiary hearing in cases where the department of justice does not file charges in the case.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$500,000 to \$700,000	Indeterminable Increase \$600,000 to \$1,000,000	Indeterminable Increase \$600,000 to \$1,000,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill permits family members of homicide victims to request a written explanation from the Department of Justice when charges are not filed or retried and allows those family members to petition the superior court for review of that decision. The bill establishes a court review process and takes effect January 1, 2027.

The Department of Justice states this bill would result in an indeterminable increase in workload related to responding to requests for written explanations, producing investigative materials for court review, and participating in potential evidentiary hearings. To implement the bill, the Department anticipates the need for four new full time positions consisting of two attorneys, one investigative paralegal, and one administrative assistant. The total costs for these positions would be \$307,000 for FY 2027 with an assumed start date of January 1, 2027, \$465,000 in FY 2028 and \$473,000 in FY 2029.

Positions Requested by DOJ	FY 2027	FY 2028	FY 2029
Unclassified Attorney x 2	\$170,000	\$276,000	\$276,000

Investigative Paralegal x 1 (23-2010 PARALGLS-LGL ASSTS-4 SOC21-05)	\$70,000	\$98,000	\$102,000
Administrative Assistant x 1 (23-2010 PARALGLS-LGL ASSTS-4 SOC21-04)	\$67,000	\$91,000	\$95,000
Total Salary, Benefits and Operating Expenses	\$307,000	\$465,000	\$473,000

The Department also anticipates additional indeterminable costs related to transcripts, court related expenses, expert consultation, and potential appellate activity.

Additionally, this bill does not authorize positions or appropriate funds. However, if the positions are authorized, it is assumed the costs for FY 2028 and FY 2029 would be included in the Department's FY 2028 and FY 2029 budget request.

The Judicial Branch states this bill would increase superior court workload. The Branch estimates expenditures would be indeterminable but more than \$100,000 and less than \$500,000 on an annual basis. Because the bill is effective January 1, 2027, the FY 2027 impact would reflect approximately one half of the annual cost range, with full year impacts beginning in FY 2028.

AGENCIES CONTACTED:

Department of Justice and Judicial Branch

Amendment to SB 625-FN

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

2
3 AN ACT establishing a committee to study options for family members of intentional homicide
4 victims where the department of justice does not file charges in a case.
5

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

7
8 1 Committee Established. There is established a committee to study options for information for
9 family members of intentional homicide victims where the department of justice does not file charges
10 in a case.

11 2 Membership and Compensation.

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

13 (a) Two members of the senate, appointed by the president of the senate.

14 (b) Three members of the house of representatives, appointed by the speaker of the
15 house of representatives.

16 II. Legislative members of the committee shall receive mileage at the legislative rate when
17 attending to the duties of the committee.

18 3 Duties. The committee shall study options for information for family members of intentional
19 homicide victims where the department of justice does not file charges in a case. The committee
20 shall:

21 I. Review the relevant laws of other states;

22 II. Determine whether the New Hampshire constitution would allow for relevant laws in
23 other states to be implemented in New Hampshire;

24 III. Review the current process for keeping family members of intentional homicide victims
25 updated on the case and determining how to address any gaps found in that communication;

26 IV. Investigate whether there are any systemic problems with the investigatory process and
27 if any are found, determining how those problems could be addressed; and

28 V. Investigate the feasibility of extending the statute of limitations for crimes relevant to
29 this study.

30 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
31 among the members. The first meeting of the committee shall be called by the first-named senate

Amendment to SB 625-FN

- Page 2 -

1 member. The first meeting of the committee shall be held within 45 days of the effective date of this
2 section. Three members of the committee shall constitute a quorum.

3 5 Report. The committee shall report its findings and any recommendations for proposed
4 legislation to the president of the senate, the speaker of the house of representatives, the senate
5 clerk, the house clerk, the governor, and the state library on or before November 1, 2026.

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

Amendment to SB 625-FN
- Page 3 -

2026-1216s

AMENDED ANALYSIS

This bill establishes a committee to study options for information for family members of intentional homicide victims where the department of justice does not file charges in a case.

Docket of SB625		
11/25/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
01/13/2026	S	Hearing: 01/20/2026, Room 100, SH, 01:10 pm; SC 2
02/12/2026	S	Committee Report: Referred to Interim Study, 02/19/2026; Vote 5-0; CC; SC 6
02/19/2026	S	SB 625 was Removed from the Consent Calendar; 02/19/2026; SJ 4
02/19/2026	S	Special Order to the Next Session, Without Objection, MA; 02/19/2026; SJ 4
02/19/2026	S	Committee Report: Referred to Interim Study, 03/05/2026, Vote 5-0; SC 8
03/05/2026	S	Special Order to the end of the calendar, Without Objection, MA; 03/05/2026; SJ 5
03/05/2026	S	Refer to Interim Study, MF, VV; 03/05/2026; SJ 5
03/05/2026	S	Sen. Birdsell Moved Ought to Pass; 03/05/2026; SJ 5
03/05/2026	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 03/05/2026; SJ 5
03/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1216s, 03/26/2026; Vote 7-0; CC; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 625-FN, permitting family members of homicide victims to seek an evidentiary hearing in cases where the department of justice does not file charges in the case.

Hearing Date: January 20, 2026

Time Opened: 1:16 p.m.

Time Closed: 2:26 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill permits family members of intentional homicide victims to seek an evidentiary hearing in cases where the department of justice does not file charges in the case or does not seek retrial following a hung jury.

Sponsors:

Sen. Birdsell

Rep. Foote

Rep. Tripp

Who supports the bill: Senator Birdsell, Lynn Perkins, Caryn Perkins, Rep. Matt Sabourin dit Choinière, Anna Randall, Donna Sheehy, Daniel Richardson, Caryn Perkins, Liam Carney, John Davis, Hayden Carney, Tara Perkins, Chantel Perkins, Christie Hamel, Stephen Hamel, Deborah Twaska, Kathleen Becht, Michael Twaska, Paul Becht, Matthew Twaska, Sarah Przyusko, Sarah James, James Huxley, Linley Davis, and Cathryn Codispoti.

Who opposes the bill: J.E. Simkin and LT Stephen McAulay (NHSP).

Who is neutral on the bill: Lauren Warner (Judicial Branch) and SAAG Benjamin Agati (DOJ).

Summary of testimony presented:

Senator Birdsell (SD-19), introduced Senate Bill 625 and explained that it originated from prior attempts to address situations where homicide victims' families had no legal recourse when investigations were closed without charges.

- Recounted a previous bill related to preventing remains of a deceased spouse from being returned to an alleged killer, which failed due to funeral director concerns. Stated that she consulted with the Commissioner of Safety and the

Attorney General's Office and that both acknowledged flaws in a specific homicide investigation.

- Explained that SB 625 allowed a parent, spouse, or child of an intentional homicide victim to request a written explanation from the Department of Justice when no charges were filed, when a case was closed, or when a retrial was not pursued after a hung jury. Detailed that DOJ must provide explanations in cases where the medical examiner ruled the death a homicide, where DOJ opened and closed an investigation without charges, or where a murder trial ended in mistrial.
- Explained that DOJ was not required to provide an explanation if the investigation remained open. Stated that families could petition Superior Court if they believed probable cause existed or a retrial should occur. Explained that courts could require investigative files, hold evidentiary hearings, and examine witnesses.
- Stated that courts would issue written determinations to families if probable cause did not exist. Emphasized that the purpose was to give families closure and accountability when investigations stalled or ended without explanation. Recounted a case where a family waited three to four years for information and never received meaningful answers. Cited that several other states, including Alabama, Arizona, Georgia, North Carolina, Ohio, and Pennsylvania, had similar laws allowing judicial review.
- Senator Altschiller asked Senator Birdsell to walk him through how families received closure when DOJ was not required to provide a written explanation in some circumstances.
 - Senator Birdsell responded that closure came through judicial review rather than DOJ alone. Explained that families could go to court, the court could review investigative materials, and the court could determine whether the investigation was adequate. Explained that if courts found no probable cause, they would issue a written determination to the family.
- Senator Altschiller asked how the bill actually provided closure if DOJ could refuse to give explanations in certain cases. Questioned whether evidentiary hearings were mandatory or discretionary.
 - Senator Birdsell explained that closure came through judicial review, not solely through DOJ. Stated that families could go to court, courts could demand investigative materials, and judges could determine whether investigations were adequate. Clarified that hearings were discretionary and dependent on the court's review. Even if courts found no probable cause, families would still receive a written determination confirming that conclusion.
- Senator Gannon asked a follow-up question about whether courts were required to explain their reasoning when finding no probable cause.

- o Senator Birdsell explained that courts would issue written notice but were not required to provide detailed reasoning beyond stating that probable cause did not exist. Stated that the key benefit was that courts would independently review the evidence.

Lynn Perkins, testified in strong support of SB 625 stating that his testimony related to the murder of Michael Carney. Asserted that the Attorney General's report falsely claimed that the victim and his wife were estranged.

- Referenced text messages between the couple up until the morning of the murder that contradicted claims of estrangement. Stated that the wife initially told police they were estranged but later admitted they were not.
- Claimed that the Attorney General, Jeffrey Strelzin, and Colonel Wagner relied on estrangement to justify not charging under a Stand Your Ground theory.
- Claimed that 91-A records showed the investigation was never completed and that investigative steps were ordered to be stopped. Asserted that officers who objected to those orders were retaliated against and forced into retirement. Claimed that evidence was never presented to a grand jury and that law enforcement arbitrarily decided guilt or innocence without judicial review. Stated that the family repeatedly asked DOJ whether charges would be filed and received no answers.
- Stated that Attorney Garretty publicly claimed there was no cover-up, but when Karen Perkins contacted Jeffrey Strelzin in 2019, her inquiry was treated as a Right-to-Know request instead of a witness statement, causing major delays. Stated that his wife was interviewed by police immediately after the murder but never contacted again. Alleged that statements made by his wife were misrepresented in the Attorney General's final report.
- Described how police delivered the Attorney General's report to his wife with 45 minutes to read it before public release. Claimed the report ignored fraud, evidence tampering, and investigative misconduct.
- Claimed that treating inquiries as 91-A requests allowed DOJ to stall and suppress information. Stated that after public pressure, DOJ claimed to reopen the case, which further delayed disclosure. Claimed that it took four and a half years and thousands of dollars in legal costs to obtain investigative records. Described a meeting with Assistant Attorney General Benjamin Agati in August 2024 where Agati admitted the family deserved explanations and criticized Strelzin for withholding information. Described how follow-up meetings were repeatedly cancelled or ignored. Stated that the family sent findings to all state representatives in Derry, who signed a petition to the Governor. Claimed that the Governor's office promised DOJ contact twice and never followed through.
- Alleged that Nicole Carney admitted shooting her husband in the back and head and then deleted text messages and communications with Brian Costa. Claimed

this constituted evidence tampering. Claimed that officers later came forward stating the scene appeared staged and that Strelzin acknowledged the case could not be proven.

- Claimed retired officers contacted the family anonymously out of fear of retaliation. Claimed that a Sergeant requested to reinvestigate the case in 2019 and was later forced into retirement. Claimed internal emails supported concerns about investigative misconduct.
- Asserted that returning Michael Carney's remains to his alleged killer violated existing state law requiring remains to go to next of kin. Claimed the coroner and Attorney General's Office violated that law. Proposed amendments to SB 625 to make it retroactive and allow siblings and next of kin to petition courts.
- Concluded that SB 625 was necessary to protect due process and prevent law enforcement from acting without judicial oversight.

Karen Perkins, supported Lynn Perkins' testimony and emphasized emotional harm caused by lack of transparency and accountability.

Lauren Warner, Deputy General Counsel for the Judicial Branch, stated that the branch was neutral on the bill.

- Explained that judges who reviewed petitions would be disqualified from presiding over future trials in the same cases. Stated that the bill would likely require hiring an additional superior court judge.
- Explained that most petitions would result in evidentiary hearings. Raised concerns about whether witnesses would require counsel, whether hearings would be public, and whether suspects could cross-examine witnesses. Warned that suspects could gain early access to investigative files.
- Explained that the probable cause standard differed from criminal trial standards. Emphasized that DOJ would still not be required to file charges even after judicial review.
- Senator Abbas asked whether the bill would affect grand jury investigations, noting that grand jury proceedings were not public.
 - Lauren Warner responded that grand jury proceedings were not public and explained that any judge involved in reviewing a petition or evidentiary hearing would be recused from overseeing a related grand jury because the judge would already have knowledge of the evidence.
 - Explained that if a grand jury later recommended charges, that judge would not be available to oversee the case. Added that the question raised

another issue regarding whether evidentiary hearings under the bill would be public.

- o Stated that the bill did not specify whether they would be public and that she assumed they would not be, but noted that families would likely be present, creating uncertainty about public access.
- Senator Altschiller asked whether she correctly understood that a judge who conducted an evidentiary hearing would be unable to preside over a future criminal trial in the same case.
 - o Lauren Warner confirmed that interpretation and explained that judges could not conduct external research or engage in ex parte communications, and that participation in an evidentiary hearing would disqualify a judge from later presiding over the criminal matter.
 - o Stated that this would require assigning judges from other counties or hiring an additional superior court judge to manage the workload created by these petitions.
 - Senator Altschiller responded that she understood the concern about future conflicts but noted that the bill applied to cases where no charges existed.
 - Pointed out that if DOJ closed a case without charges, there would be no future trial at that point. Cited specific sections of the bill showing that it applied only when DOJ closed a case or declined retrial. Questioned how a conflict could exist for a trial that had not yet occurred.
 - o Lauren Warner agreed and clarified that she was speaking hypothetically. Explained that if a judge recommended charges and DOJ later filed them, that judge could not preside over the trial. Apologized for any confusion.
- Senator Abbas stated that prosecutors sometimes declined charges not because probable cause was lacking, but because they believed they could not secure a conviction beyond a reasonable doubt. Asked whether the bill would effectively force prosecutors to pursue cases they believed were unwinnable.
 - o Lauren Warner responded that the burden of proof in the bill was probable cause, which differed from the criminal standard of beyond a reasonable doubt. Explained that judges could recommend charges based on probable cause even where prosecutors believed conviction was unlikely.

- Senator Abbas asked whether this would require prosecutors to advance cases they believed could not result in conviction, particularly in homicide cases.
 - o Lauren Warner explained that under the bill, judges would only make recommendations and that DOJ retained final discretion. Stated that even if a judge found probable cause, DOJ could still decline to proceed. Acknowledged that this could place additional pressure on DOJ to justify its decisions.

J.E. Simkin, representing himself, testified neutrally and raised separation-of-powers concerns.

- Questioned whether judges should be evaluating prosecutorial decisions.
- Warned about costs of legal representation for individuals forced into hearings.
- Argued that judicial recommendations would pressure prosecutors and create institutional conflict.

Rep. Matt Sabourin dit Choinière, introduced Anna Randall and stated she was in an identical situation involving her son's murder.

Anna Randall, testified that her son Christopher was murdered in 2021 by a repeat violent felon who was prohibited from owning firearms. Stated the shooter had prior convictions for assault, kidnapping, restraining orders, and firearm violence.

- Alleged the shooter's girlfriend purchased guns for him using his credit card. Claimed the shooting was premeditated after a minor car dispute. Described that the shooter confronted her son with a loaded gun, that her son was unarmed with hands raised, and that both her son and another man were shot. Stated the medical examiner ruled it a homicide.
- Stated the Attorney General declined to bring any charges and claimed self-defense. Described a meeting where DOJ told her no charges would be filed and that they could not win at trial. Argued that self-defense should be determined by a jury, not prosecutors.
- Claimed she received no evidence, no reports, and no explanation. Stated that federal court officials said homicide charges should have been pursued but lacked jurisdiction.
- Said all state charges against the shooter were dropped, including gun and assault charges. Stated that her grandchildren were left without justice and demanded accountability.

Donna Sheehy, supported Anna Randall's testimony and emphasized the shooter's extensive violent criminal history in Massachusetts.

SAAG Benjamin Agati, Senior Assistant Attorney General, stated that the DOJ was neutral on the bill but there are three issues with the bill.

- Warned that SB 625 would cost close to one million dollars annually. Stated DOJ already issued public final reports and complied with 91-A.
- Raised constitutional concerns, stating that Superior Court issuing advisory opinions violated Part II, Article 74 of the state constitution. Stated constitutional amendments would be required.
- Clarified that "homicide" was a medical term used by the medical examiner and not a legal determination of criminal guilt.
- Senator Abbas asked whether new evidence ever emerged after cases were closed.
 - SAAG Agati confirmed that reinvestigations occurred when new evidence emerged, including in a 2017 case reopened in 2020.
- Senator Abbas clarified and asked whether DOJ declined cases simply because someone asserted self-defense, even before a jury had the chance to evaluate it.
 - SAAG Agati responded that DOJ did not decline cases merely because someone claimed self-defense. Explained that if evidence contradicted the self-defense claim, DOJ would absolutely bring charges. Stated that many defendants claimed justification, but if the evidence did not support that claim, charges proceeded.
 - However, in cases where DOJ could not disprove self-defense beyond a reasonable doubt, prosecutors ethically could not proceed.
 - Explained that this obligation came from Rule 3.8 of the New Hampshire Rules of Professional Conduct, which required prosecutors not to bring charges they knew they could not sustain at trial.
 - Emphasized that prosecutors had a different ethical duty than private attorneys: their role was not to "win cases," but to act in the interest of justice. Explained that prosecutors were officers of the court and had taken oaths not to pursue frivolous or unsustainable prosecutions.
 - Stated that if DOJ knew it could not meet its burden beyond a reasonable doubt, it was obligated not to bring charges, even in serious cases like homicide.
- Senator Reardon asked whether DOJ decisions not to prosecute were permanent.

- o SAAG Agati responded that cases could always be reopened if new evidence emerged.

BMB

Date Hearing Report completed: January 23, 2026

SB 661-FN - AS INTRODUCED

2026 SESSION

26-3262

07/05

SENATE BILL **661-FN**

AN ACT relative to pooled risk management programs.

SPONSORS: Sen. Carson, Dist 14; Sen. Gray, Dist 6

COMMITTEE: Finance

ANALYSIS

This bill:

I. Enables the secretary of state to require abatement of insufficient assets or to seek receivership, if necessary, of a pooled risk management program.

II. Requires assessment of each participating member of the pooled risk management program on a pro rata basis to satisfy the amount of the deficiency.

III. Requires the governing board of the pooled risk management program to use a standard of care, diligence, prudence, and skill in the management of the program.

IV. Provides for the assessment of a pooled risk management program's participating members, if required, after an actuarial calculation.

V. Provides for contingency reserve standards depending on the pooled risk management programs line of coverage and requiring a contingency reserve replenishment if a program's contingency reserves fall below the minimum level.

VI. Requires pooled risk management programs to make certain public disclosures to prospective and actual member political subdivisions.

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-Six

AN ACT relative to pooled risk management programs.

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

1 1 New Paragraphs; Pooled Risk Management; Definitions. Amend RSA 5-B:2 by inserting after
2 paragraph IV the following new paragraphs:

3 V. "Administration", as used in RSA 5-B:5, I(c), means reasonable expenses for risk
4 management, including processing, evaluation and settlement services incurred in the payment of
5 claims and other related losses and for auditor, actuarial, and accounting services for administration
6 of the pooled risk program. The reasonability of an expense for administration under this chapter
7 may be determined in an examination or administrative hearing commenced by the secretary of
8 state pursuant to RSA 5-B:4-a.

9 VI. "Reserves" means claims reserves (case reserves and incurred but not reported (IBNR)
10 reserves), contribution deficiency reserves, and contingency reserves. "Contingency reserves" means
11 the amount of surplus to be retained by the pooled risk management program for the upcoming plan
12 year as may be reasonably established and subsequently required to cover expected and unforeseen
13 or extraordinary claim and administrative losses and liabilities.

14 VII. "Excess insurance" means reinsurance.

15 VIII. "Assessments" means a provision that, if the assets of the pooled risk management
16 program are at any time actuarially determined to be insufficient to discharge its claim and
17 administrative losses and liabilities and other legal obligations of the plan, the program shall, within
18 30 days of such a determination, collect additional contributions from its participating members for
19 the amount needed to make up the deficiency.

20 2 New Section; Insolvency or Financial Impairment. Amend RSA 5-B by inserting after section
21 4-a the following new section:

22 5-B:4-b Insolvency or Financial Impairment.

23 I. If at the end of any fiscal month, the contingency reserve of a pooled risk management
24 program for health coverage is at or below 8 percent of annual paid claims or of a pooled risk
25 management program for workers compensation and other property and casualty lines is at or below
26 20 percent of annual contributions as determined by the prior year's audited fiscal year financial
27 statements, the pooled risk management program shall notify its members in writing within 30 days
28 that a potential assessment may be necessary pursuant to RSA 5-B:4-b, II if the pooled risk
29 management program's contingency reserve continues to decrease and shall submit a written
30 proposed course of action to the secretary of state with respect to alleviating the contingency reserve

deficiency. Any such notification to a pooled risk management program's members under this section shall include an estimate of the amount of that potential assessment.

II. If, at the end of any fiscal month, the contingency reserve of a pooled risk management program for health coverage is at or below 4 percent of annual paid claims or if a pooled risk management program for workers compensation and other property casualty lines is at or below 10 percent of annual contributions, the pooled risk management program shall notify the secretary of state of the contingency reserve deficiency within 5 business days. The secretary of state shall notify the program's governing board of the deficiency and shall have the power to issue to the governing board an order requiring abatement of the deficiency.

III. If the governing board fails to comply with the order within 30 days after the date of the notice, the secretary of state may apply to and seek from the superior court an order requiring the pooled risk management program to abate the deficiency or receivership of the program, as the circumstances may require, and authorizing the secretary of state or any officer designated by the secretary of state to oversee the required abatement or receivership. The pooled risk management program shall reimburse the secretary of state for the cost incurred for such oversight.

IV. If a pooled risk management program is determined to be insolvent, financially impaired, or otherwise unable to discharge its claim and administrative losses and liabilities and other legal obligations of the plan, each participating member of the program shall be assessed on a pro rata basis calculated by the amount of its annual contribution to satisfy the amount of the deficiency.

3 Standards of Organization and Operation. Amend RSA 5-B:5, I to read as follows:

I. Each pooled risk management program shall meet the following standards of organization and operation. Each program shall:

(a) Exist as a legal entity organized under New Hampshire law.

(b) Be ***member-owned, but*** governed by a board the majority of which is composed of elected or appointed public officials, officers, or employees. Board members shall not receive compensation but may be reimbursed for mileage and other reasonable expenses. Board members shall comply with the provisions of RSA 15-A. ***Board members shall have a fiduciary responsibility to the member political subdivisions, which includes the duties of good faith and loyalty, avoiding conflicts of interest, and managing the pooled risk management program solely for the benefit of the political subdivisions. Board members shall use a standard of care, diligence, prudence, and skill in the management of the pooled risk management program.***

(c) Return all earnings and surplus in excess of any amounts required for administration, claims, reserves, and purchase of excess insurance to the participating political subdivisions.

SB 661-FN - AS INTRODUCED
- Page 3 -

1 (d) Provide for an annual audit of financial transactions by an independent certified
2 public accountant. The audit shall be filed with the department and distributed to participants of
3 each pooled risk management program.

4 (e) Be governed by written bylaws which shall detail the terms of eligibility for
5 participation by political subdivisions, the governance of the program and other matters necessary to
6 the program's operation. Bylaws and any subsequent amendments shall be filed with the
7 department.

8 (f) Provide for an annual actuarial evaluation of the pooled risk management program.
9 The evaluation shall ~~[assess the adequacy of]~~ **calculate** contributions **and assessments** required to
10 fund any such program and **shall calculate** the reserves necessary to be maintained to meet
11 expenses of all incurred and incurred but not reported claims and other projected needs of the plan.
12 The annual actuarial evaluation shall be performed by a member of the American Academy of
13 Actuaries qualified in the coverage area being evaluated, shall be filed with the department, and
14 shall be distributed to participants of each pooled risk management program.

15 (g)(1) *To ensure funds are available should an assessment become necessary,*
16 *political subdivision members of a pooled risk management program providing health line*
17 *of coverage shall establish a risk management program health care stabilization fund of*
18 *at least 4 percent of their annual contributions, to be held and managed by the member in*
19 *a designated, distinct capital reserve fund under RSA 34 and RSA 35, as applicable, to*
20 *each political subdivision. The fund's purpose shall be for payment of any assessments of*
21 *the member by the pooled risk management program and obligations of the member related*
22 *to health care or health benefits. Any excess earnings and surplus returned by the*
23 *program to the member may also be deposited into the fund.*

24 (2) *If a pooled risk management program's contingency reserve is above 4*
25 *percent of annual payments as of the effective date of this subparagraph, each*
26 *participating member shall build its fund at a rate of at least 1 percent of the member's*
27 *annual contributions per year up to 4 percent, beginning no later than its next setting of*
28 *fiscal year budgets.*

29 (3) *If a pooled risk management program's contingency reserve is below 4*
30 *percent of annual payments as of the effective date of this subparagraph, each*
31 *participating member shall in the first year build its fund at a rate of at least 1 percent of*
32 *the member's annual contributions plus the amount of a pro rata share of the contingency*
33 *reserve's shortfall. The pro rata share provided to the pooled risk management program*
34 *member shall be calculated by the risk pool and approved by the secretary of state,*
35 *beginning no later than the member's next setting of fiscal year budgets. After the first*
36 *year, each of those members shall build its fund at a rate of at least 1 percent of the*
37 *member's annual contributions per year up to 4 percent.*

1 (4) *Once a member has built up its fund to hold at least 4 percent of the*
2 *member's annual contributions, if the fund is below the 4 percent threshold at the end of a*
3 *fiscal year, the member shall rebuild the fund at a rate of at least 1 percent of its annual*
4 *contributions per year up to 4 percent, beginning no later than its next setting of fiscal*
5 *year budgets.*

6 (5) *The risk management program health care stabilization funds may be*
7 *invested, and any earnings on fund monies shall be added to the fund. A participating*
8 *political subdivision member may close its fund if that member's participation in a pooled*
9 *risk management program's health line of coverage ends, and the member does not begin*
10 *participating in another pooled risk management program's health line of coverage.*

11 (h) Provide notice to all participants of and conduct 2 public hearings for the purpose of
12 advising of potential rate increases, the reasons for projected rate increases, and to solicit comments
13 from members regarding the return of surplus, at least 10 days prior to rate setting for each
14 calendar year.

15 (i)(1) *For workers' compensation and other property and casualty lines of*
16 *coverage, pooled risk management programs shall maintain a contingency reserve with a*
17 *minimum of 30 percent of member contributions for the then current fiscal year and a*
18 *maximum of 40 percent of member contributions for the then current fiscal year.*

19 (2) *For a health line of coverage, pooled risk management programs shall*
20 *maintain a contingency reserve with a minimum of 12 percent of member contributions for*
21 *the then current fiscal year and a maximum of 16 percent of member contributions for the*
22 *then current fiscal year.*

23 (3) *At the end of each fiscal year, if a pooled risk management program's*
24 *contingency reserves fall below the minimum level as set forth in this section, the program*
25 *shall add to the next calculation of annual member contributions a "contingency reserve*
26 *replenishment" equal to that shortfall. This contingency reserve replenishment shall only*
27 *be collected from members who participated in the fiscal year for which the replenishment*
28 *is calculated and such replenishment may be made after a member has discontinued*
29 *membership in the program.*

30 (4) *By July 1, 2028, and for every 4 years thereafter, the secretary of state or*
31 *their designee shall hold a hearing with all pooled risk management programs and any*
32 *affected party to receive input and data regarding the contingency reserve rate ranges*
33 *outlined in subparagraphs (i)(1) and (i)(2). A report of the findings of the hearing, which*
34 *shall include all written testimony and reports submitted during the hearing, and include*
35 *any recommendations made by the secretary of state or their designee, shall be delivered to*
36 *the governor, senate president, speaker of the house, and the chair of any committee with*
37 *jurisdiction over pooled risk management programs by October 1, 2028.*

(5) *The board of directors of a pooled risk management program may, after vote of the board of directors and written notification to the governing bodies of its members, submit a written request to the secretary of state for a one-year increase to the maximum stated in subparagraph (1) of an additional 5 percent for workers' compensation and other property casualty coverage and to the maximum stated in subparagraph (2) of an additional 2 percent for health coverage. Any written request pursuant to this section with respect to any increase of the maximum percentage shall include a resolution of the board of directors, copies of the written notifications made by the pooled risk management program to its members' governing bodies, a report by a certified auditor of the current financial position of the program, a detailed analysis explaining the purpose of the temporary increase, and an actuarial analysis conducted by an actuary with qualifications as detailed in RSA 5-B:5, I(f) of the impact to the contribution and finances of the program. The secretary of state shall approve or deny the request within 30 days of receipt of any such request.*

4 New Paragraph; Declaration of Status; Tax Exemption; Liability and Disclaimer Requirement.
Amend RSA 5-B:6 by inserting after paragraph III the following new paragraph:

IV. Any such program operating under this chapter shall publicly and conspicuously disclose, by including a written disclaimer in any and all member agreements, contracts, bylaws, and contribution quotes and renewals between the program and its prospective and actual member political subdivisions, that, at a minimum, notifies the political subdivision of the following:

(a) The pooled risk management program does not function like an insurance company and is not an insurer.

(b) The pooled risk management program, to the extent it is self-insured, does not provide guaranteed cost or fixed cost coverages.

(c) The pooled risk management program may collect from participating members assessments or replenishments whenever required in the event the program's assets are insufficient to discharge its claim and administrative losses and liabilities and other legal obligations of the plan, in the event of insolvency, or in the event contingency reserves fall below the required minimum under this chapter.

5 Effective Date.

I. RSA 5-B:5, I(i), as inserted by section 3 of this act, shall take effect July 1, 2027.

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

**SB 661-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to pooled risk management programs.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	(\$250,000+)	(\$250,000+)	(\$250,000+)
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill introduces measures to ensure the financial stability of pooled risk management programs. It allows the Secretary of State to address insufficient assets and even take control of a program if necessary. Political subdivision members providing health coverage must create a stabilization fund, totaling at least 4% of annual contributions over four years, to cover program assessments and healthcare obligations. The bill outlines how a risk pool can seek a temporary increase in its reserve limit and requires greater transparency through public disclosures for program members.

The Department of State indicates that this bill will save \$250,000+ in general funds each year and securities funds that go unspent will lapse back to the General Fund. The anticipated savings are from the reduced need to hire external legal and actuarial experts that help the state

bring legal action against pooled risk management programs that are not acting as a fiduciary to their participating members.

The New Hampshire Municipal Association (NHMA) states that this bill would require municipalities participating in pooled health plans to set aside extra funds in reserve accounts to cover potential financial shortfalls. If the health pool's reserves drop too low or if it becomes insolvent, municipalities would face additional financial obligations through special assessments. They would also need to rebuild reserve accounts over time if used. Municipalities must agree in writing to take responsibility for these potential financial risks, including any losses from the prior year if they leave the pool. This could lead to increased costs and challenges for municipalities, especially since raising extra funds may require special town meetings.

The New Hampshire Association of Counties (NHAC) states that this bill could lead to an indeterminable increase in expenditures for counties involved in pooled risk management programs. The potential increase stems from the need to gather additional contributions from members if an annual audit, actuarial determination, or Secretary of State investigation reveals insufficient assets. Additionally, there could be administrative costs that would be taken on by pool members also increasing expenditures.

AGENCIES CONTACTED:

Department of State, New Hampshire Municipal Association, and New Hampshire Association of Counties

Amendment to SB 661-FN

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

2
3 1 Pooled Risk Management Programs. RSA 5-B is repealed and reenacted to read as follows:

4 CHAPTER 5-B

5 POOLED RISK MANAGEMENT PROGRAMS

6 5-B:1 Purpose. The purpose of this chapter is to provide for the establishment of pooled risk
7 management programs and to affirm the status of such programs established for the benefit of
8 political subdivisions of the state. The legislature finds and determines that insurance and risk
9 management are essential to the proper functioning of political subdivisions; that risk management
10 can be achieved through the purchase of traditional insurance, self-insurance, or participation in
11 pooled risk management programs established for the benefit of political subdivisions; that pooled
12 risk management is an essential governmental function by providing focused public sector loss
13 prevention programs, accrual of interest and dividend earnings that may be returned to the public
14 benefit, and establishment of costs predicated solely on the actual experience of political subdivisions
15 within the state; that the resources of political subdivisions are presently burdened by the securing
16 of insurance protection through standard carriers; and that pooled risk management programs that
17 meet the standards established by this chapter should not be subject to insurance regulation and
18 taxation by the state.

19 5-B:2 Definitions. In this chapter:

20 I. "Department" means the department of state.

21 II. "Informational filing" means an annual filing with the department made solely for the
22 purpose of providing public access to certain information concerning the nature and organization of
23 pooled risk management programs. Such informational filing shall be limited to the following:

24 (a) The name and legal address of each pooled risk management program;

25 (b) A list of current officers, their titles, and addresses;

26 (c) A brief description of the coverage provided;

27 (d) The annual audit required under RSA 5-B:5, I(d);

28 (e) The pooled risk management program bylaws; and

29 (f) The annual actuarial evaluation required under RSA 5-B:5, I(h).

30 III. "Political subdivision" means any city, town, county, school district, chartered public
31 school, village district, school administrative unit, or any district or entity created for a special
32 purpose administered or funded by any of the above-named governmental units.

Amendment to SB 661-FN

- Page 2 -

1 IV. "Risk management" means the defense of claims and indemnification for losses arising
2 out of the ownership, maintenance, and operation of real or personal property and the acts or
3 omissions of officials, employees, and agents; the provision of loss prevention services including, but
4 not limited to, inspections of property and the training of personnel; and the investigation,
5 evaluation, and settlement of claims by and against political subdivisions.

6 V. "Administration", as used in RSA 5-B:5, I(f), means reasonable expenses for providing
7 pooled risk management, including but not limited to:

8 (a) Salaries and benefits, related facilities and operational infrastructure, contract costs
9 for external experts providing direct support of covered services, and other related business
10 expenses, including risk evaluation and wellness programs.

11 (b) Processing, evaluation, and settlement services incurred in the payment of claims
12 and other related losses.

13 (c) Auditor, actuarial, legal, and accounting services for administration of the pooled risk
14 program.

15 (d) Expenses related to oversight services due to non-compliance with the provisions of
16 this chapter.

17 The reasonableness of an expense for administration under this chapter may be disputed in an
18 examination or administrative hearing commenced by the secretary of state pursuant to RSA 5-B:4-
19 a. In the first instance, the advisory committee shall review questions regarding the reasonableness
20 of expenses under this chapter and provide the secretary of state with their recommendations. If an
21 agreement on the reasonability of an expense cannot be achieved, the secretary of state may take
22 actions pursuant to RSA 5-B:4-a. Any decision on the reasonability of any expense shall be made
23 available to all pooled risk management programs.

24 VI. "Reserves" means claims reserves, case reserves and incurred but not reported (IBNR)
25 reserves, contribution deficiency reserves, and contingency reserves.

26 VII. "Contingency reserves" means the amount of surplus to be retained by the pooled risk
27 management program for the upcoming plan year and the following 2 years as may be reasonably
28 established and subsequently required to cover expected and unforeseen or extraordinary claim and
29 administrative losses and liabilities.

30 VIII. "Excess insurance" means reinsurance.

31 IX. "Assessments" means a provision that, if the assets of a pooled risk management
32 program are at any time actuarially determined to be insufficient to discharge its claim and
33 administrative losses and liabilities and other legal obligations of the plan, the program shall, within
34 30 days of such a determination, notify the members of the requirement to provide additional
35 contributions from its existing members for the amount needed to make up the deficiency.

Amendment to SB 661-FN
- Page 3 -

1 X. "Advisory board" means a committee comprised of the secretary of state designee, the
2 commissioner of the department of insurance designee, and the chief of the consumer protection and
3 antitrust bureau of the office of the attorney general designee.

4 XI. "Member equity stabilization fund" means funds deposited in a bank as defined in RSA
5 383-A:2-201(a)(3), pursuant to the criteria set forth in RSA 6:8, for bank deposits on behalf of each
6 member, such as the deposits of excess contingency reserves. This fund's purpose is to provide
7 additional funds to the contingency reserve fund if the contingency reserve falls below 1/3 of the
8 minimum set forth in RSA 5-B:5, I(f), which should greatly reduce or eliminate the need for an order
9 requiring abatement of the deficiency per RSA 5-B:4-b. However, nothing in this chapter shall
10 prohibit any pooled risk management program from allowing any member to withdraw any amount
11 from the member equity stabilization fund in excess of the required minimum set forth in RSA 5-B:5,
12 I(g), provided that the pooled risk management program's bylaws allow for such withdrawal.

13 5-B:3 Pooled Risk Management Authorized and Affirmed; Membership.

14 I. A political subdivision, by resolution of its governing body, may establish and enter into
15 agreements for obtaining or implementing insurance by self-insurance; for obtaining insurance from
16 any insurer authorized to transact business in this state as an admitted or surplus lines carrier; for
17 obtaining insurance secured in accordance with any method provided by law; or for obtaining
18 insurance by any combination of the provisions of this paragraph. Agreements made pursuant to
19 this paragraph may provide for pooling of self-insurance reserves, risks, claims and losses, and of
20 administrative services and expenses associated with them among political subdivisions. To
21 accomplish the purposes of this chapter, 2 or more political subdivisions may form an association
22 under the laws of this state or affirm an existing association so formed to develop and administer a
23 risk management program having as its purposes reducing the risk of its members; safety
24 engineering; distributing, sharing, and pooling risks; acquiring insurance, excess loss insurance, or
25 reinsurance; and processing, paying, and defending claims against the members of such association.

26 II. RSA 53-A shall not apply to an association formed or affirmed under this chapter, nor to
27 the participation in such an association by a political subdivision.

28 III. Pooled risk management programs established for the benefit of political subdivisions
29 may provide any or all of the following coverages:

30 (a) Casualty, including general and professional liability; errors and omissions; workers'
31 compensation and employer's liability; medical payments; or unemployment compensation as
32 authorized under federal law.

33 (b) Property, including marine and inland navigation, transportation, boiler and
34 machinery, fire, theft, or natural hazards.

35 (c) Vehicle, including any liability or loss arising from the ownership or operation of
36 vehicles.

37 (d) Surety and fidelity.

Amendment to SB 661-FN
- Page 4 -

1 (e) Environmental impairment.

2 (f) Hospital, medical, surgical, or dental benefits for employees and their dependents.

3 (g) Life, income maintenance, accidental death and dismemberment, vision loss or
4 impairment, or legal benefits for employees and their dependents.

5 (h) Unanticipated special education cost recovery.

6 5-B:4 Informational Filing Required; Fee. Pooled risk management programs established for
7 the benefit of political subdivisions shall make an informational filing, as defined in RSA 5-B:2, II,
8 with the department and shall pay an annual filing fee of \$250. The department may make requests
9 for additional information necessary to exercise regulatory or enforcement authority pursuant to, but
10 not limited to, the hearings procedures under RSA 421-B:6-613 over any pooled risk management
11 program formed or affirmed in accordance with this chapter. Pooled workers' compensation and
12 unemployment compensation programs, which are regulated by and which report to the department
13 of labor and the department of employment security, under RSA 281-A and RSA 282-A, respectively,
14 shall be exempt from the requirements of this section as long as their operations and reports
15 conform to the laws and rules adopted by those departments.

16 5-B:4-a Authority of the Secretary of State; Investigations; Cease and Desist Orders; Penalties.

17 I. Notwithstanding any other provision of law, the secretary of state shall have exclusive
18 authority and jurisdiction:

19 (a) To bring administrative actions to enforce this chapter.

20 (b) To investigate and impose penalties for violations of this chapter, including but not
21 limited to:

22 (1) Fines.

23 (2) Rescission, restitution, or disgorgement.

24 II. The secretary of state shall have all powers specifically granted or reasonably implied in
25 order to perform the substantive responsibilities imposed by this chapter.

26 III. For the purpose of any investigation, hearing, or proceeding under this chapter, the
27 secretary of state or any officer designated by him or her may administer oaths and affirmations,
28 subpoena witnesses, compel their attendance, take evidence, and require the production of any
29 books, papers, correspondence, memoranda, agreements, or other documents or records that the
30 secretary of state deems relevant or material to the inquiry.

31 IV. In the event that a person refuses to obey a subpoena issued to him or her or any order
32 or determination the secretary of state is authorized to make, the superior court, upon application by
33 the attorney general or secretary of state or any officer designated by the secretary of state, may
34 issue to the person an order directing him or her to appear before the attorney general or secretary
35 of state, or the officer designated by him or her, to produce documentary evidence if so ordered or to
36 give evidence relative to the matter under investigation or in question. Failure to obey the order of
37 the court may be punished by the court as contempt of court.

Amendment to SB 661-FN
- Page 5 -

V. In any investigation to determine whether any person has violated or is about to violate this chapter or any rule or order under this chapter, upon the secretary of state's prevailing at hearing, or the person charged with the violation being found in default, or pursuant to a consent order issued by the secretary of state, the secretary of state shall be entitled to recover the costs of the investigation and any related proceedings, including reasonable attorney's fees, in addition to any other penalty provided for under this chapter.

VI. Whenever it appears to the secretary of state that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order under this chapter, the secretary of state shall have the power to issue and cause to be served upon such person an order requiring the person to cease and desist from violations of this chapter. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with RSA 421-B:6-613.

VII. The following fines and penalties may be imposed on any person who has violated this chapter.

(a) Any person who, either knowingly or negligently, violates any provision of this chapter or any rule or order thereunder may, upon hearing, and in addition to any other penalty provided for by law, be subject to an administrative fine not to exceed \$5,000. Each of the acts specified shall constitute a separate violation.

(b) After notice and hearing, the secretary of state may enter an order of rescission, restitution, or disgorgement directed to a person who has violated this chapter, or rule or order under this chapter. Rescission, restitution, or disgorgement shall be in addition to any other penalty provided for under this chapter.

VIII. Decisions of the secretary of state may be appealed to the supreme court pursuant to RSA 541.

5-B:4-b Insolvency or Financial Impairment.

I. If at the end of any fiscal month, the contingency reserve of a pooled risk management program is at or below 2/3 of the required minimum, the pooled risk management program shall notify its members in writing within 30 days that contingency reserves are below the required minimum and of the actions to be taken if the pooled risk management program's contingency reserve continues to decrease. The member notification shall also contain the status of their member equity stabilization fund account and how it may be used to augment the contingency reserve.

II. If, at the end of any fiscal month, the contingency reserve of a pooled risk management program is at or below 1/3 of the required minimum program, the pooled risk management program shall notify its members and the secretary of state in writing of the contingency reserve deficiency

Amendment to SB 661-FN
- Page 6 -

1 and the actions to be taken, including the use of the member equity stabilization fund, within 5
2 business days.

3 III. If the contingency reserve falls below 1/3 of the required minimum after the transfer of
4 available member equity stabilization funds to the contingency reserve, the pooled risk management
5 program shall notify the members and the secretary of state in writing of the contingency reserve
6 deficiency. The secretary of state shall instruct the advisory board to monitor the financial stability
7 of the pool's assets and liabilities and advise the secretary of state of the actions they recommend. If
8 the deficiency persists, the secretary of state shall issue to the pooled risk management program an
9 order requiring abatement of the deficiency.

10 IV. If the pooled risk management program fails to comply with the order within 30 days
11 after the date of the notice, the secretary of state may apply to and seek from the superior court an
12 order requiring either the pooled risk management program to abate the deficiency or the
13 appointment of a receiver, as the circumstances may require. The pooled risk management program
14 shall reimburse the secretary of state for the cost incurred in seeking such an order.

15 V. If a pooled risk management program is determined to be insolvent, financially impaired,
16 or otherwise unable to discharge its claim and administrative losses and liabilities and other legal
17 obligations of the plan, each participating member of the program shall be assessed on a pro rata
18 basis calculated by the amount of its annual contribution to satisfy the amount of the deficiency.

19 **5-B:5 Standards of Organization and Operation.**

20 I. Each pooled risk management program shall meet the following standards of organization
21 and operation. Each program shall:

22 (a) Exist as a legal entity organized under New Hampshire law.

23 (b) Be established by political subdivisions exclusively for the benefit of the political
24 subdivisions and be governed by a board, the majority of which is composed of elected or appointed
25 public officials, officers, or employees. Board members shall not receive compensation but may be
26 reimbursed for mileage and other reasonable expenses. Board members shall comply with the
27 provisions of RSA 15-A. Board members shall have a fiduciary responsibility to the member
28 political subdivisions, which includes the duties of good faith and loyalty, avoiding conflicts of
29 interest, and managing the pooled risk management program solely for the benefit of the political
30 subdivisions. Board members shall use a standard of care, diligence, prudence, and skill in the
31 management of the pooled risk management program.

32 (c) Return of earnings and surplus: All amounts in excess of the maximum contingency
33 reserve, as calculated at the end of each fiscal year, shall be transferred to the member equity
34 stabilization fund. Any amount in excess of the maximum member equity stabilization fund shall be
35 returned to the participating political subdivisions.

Amendment to SB 661-FN
- Page 7 -

1 (d) Provide for an annual audit of financial transactions by an independent certified
2 public accountant. The audit shall be filed with the department and distributed to participants of
3 each pooled risk management program.

4 (e) Be governed by written bylaws that shall detail the terms of eligibility for
5 participation by political subdivisions, the governance of the program, and other matters necessary
6 to the program's operation. Bylaws and any subsequent amendments shall be filed with the
7 department.

8 (f) Establish and maintain a contingency reserve fund for the payment of any amounts
9 required for administration, claims, reserves, and purchase of excess insurance.

10 For a pool providing health line of coverage, the contingency reserve is a minimum of 12 percent
11 and a maximum of 20 percent of member contributions for the current fiscal year. For a pool
12 providing workers' compensation and other property and casualty lines of coverage, the contingency
13 reserve is a minimum of 30 percent and a maximum of 40 percent of member contributions for the
14 current fiscal year. Any amount in excess of these maximum limits shall be transferred to the
15 member equity stabilization fund.

16 (g) Establish and maintain a member equity stabilization fund of at least 1/3 of their
17 minimum contingency reserve. The sole purpose of this fund is to provide reserve funds to replenish
18 the contingency reserve fund should the contingency fund fall below 1/3 of the required minimum.
19 The bylaws of the pool may establish the maximum level that can be deposited into the member
20 equity stabilization fund. Any surplus in the fund beyond the maximum shall be returned by the
21 program to the members. Any member equity stabilization fund balance held by a pooled risk
22 management program on behalf of a member shall be returned to that member within 3 months of
23 the date of termination of the member's involvement in that pooled risk management program.

24 (h) Provide for an annual actuarial evaluation of the pooled risk management program.
25 The evaluation shall assess the reserve, the contingency reserve, and the member stabilization fund.
26 The actuary shall advise the program if the minimum of the member equity stabilization fund, as set
27 by this chapter, or at whatever higher level set by the pooled risk management program's bylaws, is
28 adequate to ensure a less than 5 percent chance of insolvency in the next 3 years and shall take
29 necessary steps to adjust the minimum member equity stabilization fund balance to be at or greater
30 than the actuary's recommendation. The annual actuarial evaluation shall be performed by a
31 member of the American Academy of Actuaries qualified in the coverage area being evaluated, shall
32 be filed with the department, and shall be distributed to participants of each pooled risk
33 management program.

34 (i) The actuarial evaluation shall calculate contributions and assessments required to
35 fund the program and bring the program into compliance with the minimums required for the
36 contingency reserve and the member equity stabilization fund. Contribution rates charged in any

Amendment to SB 661-FN
- Page 8 -

1 given year to each member may not be lower than the amounts indicated by reasonable actuarial
2 analysis. Contribution rate relativities shall be updated at least every 5 years.

3 (j) Provide notice to all participants of and conduct 2 public hearings for the purpose of
4 advising members of potential rate increases, the reasons for projected rate increases, and soliciting
5 comments from members regarding the return of surplus, at least 10 days prior to rate setting for
6 each calendar year.

7 II. Initial funding, replenishment, and use of the contingency reserve and the member
8 equity stabilization fund shall be as follows:

9 (a) Initial funding of the contingency reserve and the member equity stabilization fund
10 shall be at least 1/2 of the required minimum or as authorized by the department.

11 (b) Replenishment of the contingency reserve and the member equity stabilization fund
12 shall be at least 68 percent annually of the amount the funds are below the minimums. Alternate
13 replenishment percentages may be authorized by the department.

14 (c) The member equity stabilization fund shall be used to bring the contingency reserve
15 back to 1/3 of the minimum allowed whenever the contingency reserve fund falls below that limit. If
16 the bylaws permit, the board of directors, by a 2/3 vote, may transfer any amount in the member
17 equity stabilization fund that is above the minimum required to the members or to the contingency
18 reserve fund. Transfers to the contingency reserve fund shall not cause the fund to exceed the
19 maximum allowed.

20 (d) The risk management program member equity stabilization funds may be invested
21 as determined by the board of directors, and any earnings on fund monies shall be added to that
22 member's equity stabilization fund.

23 5-B:6 Declaration of Status; Tax Exemption; Liability.

24 I. Any pooled risk management program meeting the standards required under this chapter
25 is not an insurance company, reciprocal insurer, or insurer under the laws of this state, and
26 administration of any activities of the plan shall not constitute doing an insurance business for
27 purposes of regulation or taxation.

28 II. Any such program operating under this chapter, whether or not a body corporate, may
29 sue or be sued; make contracts; hold and dispose of real property; and borrow money, contract debts,
30 and pledge assets in its name.

31 III. Participation by a political subdivision in a pooled risk management program formed
32 and affirmed under this chapter shall not subject any such political subdivision to any liability to
33 any third party for the acts or omissions of the pooled risk management program or any other
34 political subdivision participating in the program.

35 IV. Any such program operating under this chapter shall publicly and conspicuously
36 disclose, by including a written disclaimer in any and all member agreements, contracts, bylaws, and

Amendment to SB 661-FN
- Page 9 -

1 contribution quotes and renewals between the program and its prospective and actual member
2 political subdivisions, that, at a minimum, notifies the political subdivision of the following:

3 (a) The pooled risk management program does not function like an insurance company
4 and is not an insurer.

5 (b) The pooled risk management program, to the extent it is self-insured, does not
6 provide guaranteed cost or fixed cost coverages.

7 (c) The pooled risk management program may collect from participating members'
8 assessments or replenishments whenever required in the event the program's assets are insufficient
9 to discharge its claim and administrative losses and liabilities and other legal obligations of the plan,
10 in the event of insolvency, or in the event contingency reserves fall below the required minimum
11 under this chapter.

12 5-B:7 Confidentiality of Certain Claims Information. Notwithstanding any provision of law to
13 the contrary, any information of any pooled risk management program formed or affirmed under this
14 chapter pertaining to claims analysis or claims management shall be privileged and confidential and
15 not subject to disclosure to any third party or disclosure under RSA 91-A.

16 5-B:8 Dissolution of a Pooled Risk Management Program.

17 I. A voluntary or involuntary dissolution of a pooled risk management program established
18 under this chapter shall occur in accordance with the dissolution requirements under New
19 Hampshire law applicable to the legal entity operating such program.

20 II. Notwithstanding the foregoing and any provision of law to the contrary, and in
21 accordance with Section 115 of the Internal Revenue Code, in the event of any dissolution of any
22 pooled risk management program under this chapter, after all legal debts, liabilities, and obligations
23 of the program have been finally discharged or satisfied, all remaining assets, if any, shall be
24 liquidated and shall be distributed pro-rata to the members of the respective coverage lines as of the
25 last day of the last full pool year of such coverage line prior to the decision to dissolve. Such net
26 assets shall be distributed, separately by coverage line, by calculating each member's relative
27 percentage of the total member contributions to the coverage line for such pool year.

28 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 661-FN
- Page 10 -

2026-1208s

AMENDED ANALYSIS

This bill:

I. Enables the secretary of state to require abatement of insufficient assets or to seek receivership, if necessary, of a pooled risk management program.

II. Requires assessment of each participating member of the pooled risk management program on a pro rata basis to satisfy the amount of the deficiency.

III. Requires the governing board of the pooled risk management program to use a standard of care, diligence, prudence, and skill in the management of the program.

IV. Provides for the assessment of a pooled risk management program's participating members, if required, after an actuarial calculation.

V. Provides for contingency reserve standards depending on the pooled risk management programs line of coverage and requiring a contingency reserve replenishment if a program's contingency reserves fall below the minimum level.

VI. Requires pooled risk management programs to make certain public disclosures to prospective and actual member political subdivisions.

VII. Makes technical corrections to the pooled risk management program chapter.

Docket of SB661		
02/04/2026	S	Introduced 01/29/2026 and Referred to Finance; SJ 3
02/05/2026	S	Hearing: 02/10/2026, Room 103, SH, 02:30 pm; SC 5
03/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1208s, 03/26/2026; Vote 5-0; CC; SC 11

Finance Committee

Deb Martone 271-4980

SB 661-FN, relative to pooled risk management programs.

Hearing Date: February 10, 2026

Time Opened: 2:44 p.m.

Time Closed: 4:09 p.m.

Members of the Committee Present: Senators Gray, Innis, Birdsell, Pearl, Lang, Rosenwald and Watters

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill:

I. Enables the secretary of state to require abatement of insufficient assets or to seek receivership, if necessary, of a pooled risk management program.

II. Requires assessment of each participating member of the pooled risk management program on a pro rata basis to satisfy the amount of the deficiency.

III. Requires the governing board of the pooled risk management program to use a standard of care, diligence, prudence, and skill in the management of the program.

IV. Provides for the assessment of a pooled risk management program's participating members, if required, after an actuarial calculation.

V. Provides for contingency reserve standards depending on the pooled risk management programs line of coverage and requiring a contingency reserve replenishment if a program's contingency reserves fall below the minimum level.

VI. Requires pooled risk management programs to make certain public disclosures to prospective and actual member political subdivisions.

Sponsors:

Sen. Carson

Sen. Gray

Who supports the bill: Senator Gray; David Scanlan; Lance Turgeon; Brian Ryll; Daniel Richardson; Steve Morse; Glenn Brackett;

Who opposes the bill: Please see Senate Finance Committee Legislative Aide, Deb Martone, for a complete list of individuals opposing SB 661-FN.

Who is neutral on the bill: Jennifer Burk;

Summary of testimony presented in support:

Senator Carson, Prime Sponsor:

- This bill was filed last year. Unfortunately, it failed because of changes the House made. Senator Carson decided to bring it forward because of what happened last fall concerning SchoolCare.
- Senator Carson cited testimony from last year's Hearing Report on SB 297-FN, given by SchoolCare. "The packet from Hua Li's testimony shows that SchoolCare is operating within the terms of the proposed legislation." That quote led legislators to believe that everything was fine. Come to find out, it wasn't fine because a few months later, the town of Londonderry, in Senator Carson's Senate District 14, received an assessment of \$2 million due to a shortfall within SchoolCare.
- This is what SB 661-FN is attempting to stop. And Senator Carson's district wasn't the only one. There were many districts around the state who received an unanticipated assessment from SchoolCare due to problems with their program.
- SB 297-FN from 2025 was introduced after Senator Carson was made aware of financial and operational issues potentially challenging the solvency of some of the risk pools operating in New Hampshire. This information greatly concerned Senator Carson. The Senate agreed with her concerns and passed SB 297-FN. Again, however, it didn't make it through the House.
- Pooled risk management programs were authorized legislatively in 1987 to allow for political subdivisions to come together to self-insure coverage for their employees and municipal property, such as health, property, casualty, and workers compensation. SB 661-FN will go a long way toward protecting the taxpayers, political subdivisions, and their active and retired employees through the addition of much needed language to provide solvency and financial impairment protections for the pools, ensuring predictability and stability.
- SB 661-FN sets minimums and maximums for contingency reserves ensuring the pool's success as an ongoing entity, while making sure surpluses that are not needed are returned to the member political subdivisions. This particular section of the bill will go into effect in July 2027.
- The bill further adds an emergency triggering mechanism that authorizes the Secretary of State to seek a receiver through the court to enforce an immediate assessment of contributions to ensure financial stability and protect New Hampshire's taxpayers and active and retired employees.
- Unfortunately, Senator Carson reported to committee members that it appears the political subdivision members of the New Hampshire Interlocal Trust (NHIT) will not see the benefit of this important legislation as their Board has voted to wind up the program, and the court has ordered a receiver to protect the taxpaying public along with active and retired workers.

- This proposed legislation also increases transparency through required disclaimer language for self-insured coverage lines, and states the pools are member owned.
- Lastly, the bill adds four new definitions of key terminology that will ensure efficiently run operations.
- SB 661-FN would take effect upon passage with the exception of the replenishment of contingency reserves, which will take effect in July 2027.
- Senator Watters inquired about the 12 percent minimum and 16 percent maximum member contributions indicated on Page 4, Lines 20-21 of the bill. There is kind of a jigsaw puzzle between the reserves and the extra assessments. Senator Watters stated committee members had heard some concerns about this. Is the 16 percent high enough? Senator Carson indicated this is the bill that came out of the Senate last session. It is worthy of a conversation, and we should discuss whether or not those member contributions are too low or too high.

David Scanlan, Secretary of State, and Lance Turgeon, Court-Appointed Receiver, New Hampshire Interlocal Trust:

- RSA 5-B gives the Secretary of State and the Bureau of Securities the oversight of pool risk organizations. In other words, the Secretary of State is the regulator of these entities. They are designed to allow communities and political subdivisions that don't have the critical mass to self-insure to be able to join with other political subdivisions to create that mass where they can self-insure their employees and retirees for medical insurance and property and casualty insurance.
- There are currently three active pooled risk organizations operating in New Hampshire. That would be Primex, which is property and casualty, SchoolCare, which deals with medical insurance. and HealthTrust also with medical insurance.
- There are two pooled risk organizations that are in runout. They had court-appointed receivers placed on them. One is from 12+ years ago when there was a reorganization of the Local Government Center. It was PLT, a workman's compensation risk pool organization that wasn't able to survive. More recently, NHIT, New Hampshire Interlocal Trust.
- When we were discussing this legislation a year ago, Secretary Scanlan raised concerns about a couple of the pooled risk organizations having some significant financial issues. Much has played out in the last year. The first thing that occurred was learning NHIT was underwater with their finances. They attempted to levy an assessment on their members. The rates they were charging were as high as 60 percent increases. Many of the members declared they were going to bail on the trust. So the Board of Directors of NHIT decided to pull the plug on the operation. At that point the Secretary of State made a very decisive decision to step in and ask the court for a receiver to run out the organization in the best interest of the political subdivisions and the employees and retirees of those political subdivisions.
- Mr. Turgeon described for committee members his experience with NHIT. At the start of their fiscal year there was approximately \$3.7 million in cash and what

would have been the contingency reserve of \$1.2 million. By December of that year there were cumulative losses of \$2.4 million and the contingency reserve was negative at that point at \$1.2 million. Cash was down to \$1.7 million.

- Mr. Turgeon started in April, and by then the cash was down to \$700,000. The book contingency reserve was negative \$2.5 million. In May Mr. Turgeon held a meeting with the members, at which time he informed them there was a possibility of an assessment coming.
- Mr. Turgeon indicated there could have been a little bit of a run on claims when they announced they would close.
- In June Harvard Pilgrim stopped paying claims except for the pharmacy claims. Those have a Pharmacy Benefit Manager that takes care of those claims.
- On June 30th the claims that were pended were about \$1.2 million. The cash on hand was just a little bit under that amount. The trust was completely broke at that point.
- In July Mr. Turgeon became aware there was an organ transplant that was done at the end of the year. Those can run from \$500,000 to \$1 million, with no cash on hand without an assessment. At that point some members paid the assessment.
- When the claims for Harvard Pilgrim, the third party administrator, were not being paid it was a breach of the contract. But they worked with Mr. Turgeon to make it happen.
- As the groups paid the assessment, that enabled Mr. Turgeon to be able to pay. There was a \$610,000 settlement regarding some issues with the administrator. That helped the cash flow.
- Only about two groups did not want to pay. But one of them was the second largest group. That forced Mr. Turgeon to begin the process of terminating them in the trust to protect the remainder of the trust.
- SchoolCare actually did their assessment right around that time and things fell into place. They were able to pay all the claims due to the assessment.
- By December with that \$610,000 settlement and Harvard Pilgrim willing to release a security of deposit, Mr. Turgeon was able to return half of the assessment to the members.
- In the end, Mr. Turgeon thinks they are probably going to be able to return everything because they were able to collect stop loss.
- Mr. Turgeon remarked this was probably the hardest job he's taken on in his 30-year career to get this situation to its end.
- Secretary Scanlan explained what they learned was it is tough on communities when this happens. If a community does not pay or cannot pay for the claims that are due, the health insurance company is going to start billing the individual employees of that community. And in the case of that transplant, the individual employee would be liable for the \$500,000 to \$1 million.
- Part of the problem these issues arose was the pandemic. That threw everything on its head, along with other factors like not following actuarial advice.
- Secretary Scanlan distributed a couple of charts to committee members. In terms of SchoolCare, that chart showed the net position they were in at the end

of each of their fiscal years. These charts were developed by an actuary. SchoolCare was operating comfortably within the range that is called for in SB 661-FN, between the 12 percent and 20 percent. In 2024 they dipped below that line. That would have required a notice to the members of the risk pool organization, under the bill. that is before the committee currently. The members would have been alerted to the potential of an assessment because of the decline in reserves.

- By the end of Fiscal Year 2025 the rate dropped below 4.4 percent, which would have raised other alarm bells in terms of actually requiring the assessment be levied to enable the risk pool organization to stabilize.
- What actually happened mid-year on October 31st of 2025 was that SchoolCare was almost \$5 million underwater. They were working with the Secretary of State, which provided resources related to actuaries and accountants. The Secretary of State helped SchoolCare's Board make the important and tough decisions they had to make to restore the health of the organization. A \$30 million assessment was made to the members. That brought them pretty close to the bottom line threshold of that range. Hopefully, as they work through this fiscal year they're going to get above that in a comfortable way.
- SchoolCare has been very open and transparent, and has worked really well with the regulator. The same is true with Primex, although because they are not a health insurance agency, they really weren't affected by the pandemic. They have been operating fine, working with the Secretary of State cooperatively and closely.
- The next chart, HealthTrust, shows their financial position in terms of their net position at the end of the fiscal year. HealthTrust met with Secretary Scanlan in March 2023 and self-reported their reserves were in significant decline. By the end of 2023 they were down to 10 days of operating capital, which is alarming as they let no one know about it. They made it through that year, and in 2024 and 2025 their net position has been slowly increasing. However, they are still below the threshold range the Secretary of State believes they should be at. And they are far, far below the upper end of the range they claim their actuary has established for them.
- The Secretary of State's Office does not have a good, working relationship with Health Trust. They do not want to be held accountable. They don't want to be regulated. And they are not transparent. When asked by the Secretary of State for information it believes it needs to be a good regulator, they have to fight HealthTrust for it.
- There are many court actions currently in an attempt to seek information. There is an enforcement action through the Bureau of Securities with a Hearings Officer dealing with violations of RSA 5-B. And if you go back 12 years there was a Supreme Court ruling after another enforcement action was taken. They were keeping very large surpluses in their reserves. The surpluses were being used to subsidize other pooled risk entities they had in operation. Political subdivisions paying for medical insurance had some of their money given to a workman's compensation risk pool that those political subdivisions did not belong to.

- There is a tremendous temptation when these surpluses grow to a certain size to think of other ways to use the taxpayers' money. Again, we're talking about three quarters of a billion dollars worth of taxpayer and employee money.
- That is the reason HealthTrust needs oversight and regulation, to protect the money of our hardworking citizens in New Hampshire. And that is what SB 661-FN is all about. We want to ensure there is a reasonable range that is established, based on standards that are created by people in the industry that know. We want to ensure there are alarms that go off when reserves drop below certain levels to allow us to take action much earlier than we've been able to do. Unfortunately, with audits there is a 6-month+ lag time to receive some of this information. By then the problems are already well on their way to being big problems.
- Senator Rosenwald remarked regarding SchoolCare, even with the assessment they are below the minimum rate. And HealthTrust has said they think the reserve should be above 34 percent. But they told us they were on a five-year plan to rebuild their reserves. They are at 8 percent. How likely is it they could get to 34 percent within five years? Wouldn't that be incredibly expensive for their members? Senator Gray stated he thought Senator Rosenwald's question was better suited to be responded to by HealthTrust. Senator Rosenwald replied she was curious as to whether these reserve levels are the right levels given what we've seen happen among these risk pools. Secretary Scanlan again reiterated these levels should be up between 12 percent and 20 percent so that any issues coming down the road can be addressed.
- Health Trust is claiming they are a non-assessable program where they assume the risk of reserves running out. The only way they can do that is to hold reserves large enough, which would be surplus, to be able to cover those costs if they had a dramatic hit. The bottom line is regardless of how much money they have on hand at the moment, if there was a catastrophic event that wiped out their reserves, the only option they have is to assess the communities to pay for the claims that are out there. That's the bottom line.
- There is much creativity going on in terms of how they can build their surpluses up and pay their claims. But the position of the Secretary of State is that RSA 5-B does not accommodate that. This is a year-to-year thing. The reserve levels have to be high enough based on actuarial expertise to be able to pay the expected claims coming in. Anything that is above and beyond the reserves and the expenses is considered surplus, and is taxpayer money. It should go back to the taxpayers. It should go back to the towns.
- Secretary Scanlan gave Senator Gray an amendment which would allow the political subdivisions to hold some of that money in a special account if they are required to pay an assessment. They would have a pool of money they would manage at their level to be able to pay the assessment. The amendment would also create an opportunity for a political subdivision, if they so choose, to allow the risk pool organization to hold that money in the name of the town and keep it separate.
- To follow up on Senator Rosenwald's question about the 12 percent and the 20 percent, Senator Gray stated those numbers were derived by an actuary that

the state hired to do the assessment. It is what the actuary determined would be adequate.

- Senator Rosenwald stated SchoolCare is still not at the 12 percent. She hopes through the premiums they are collecting they will be up to and over that range before the end of the year. With SchoolCare the alarm bell should have started going off in 2024. And if that wasn't corrected then they certainly would have required action in 2025, well before they were underwater.
- Senator Watters indicated SB 297-FN had a one percent maximum. Page 4 of SB 661-FN has a 16 percent maximum. Does the 20 percent come from the 16 plus 4, or what is it? Secretary Scanlan stated the 16 plus 4 is the reserve level the community can hold.
- Senator Lang wanted to look forward as if we were starting this all over again. How should we design it to look? On Page 3 of the bill, (g)(1) applies to the actual towns or school districts to maintain a 4 percent reserve fund themselves, so if they get hit with an assessment they have funding. Is that what that is doing? Building up a capital reserve fund of their own? If something like this were to happen again in the future, it doesn't become a direct hit on taxpayers. Secretary Scanlan agreed. Senator Lang continued the requirement of that component is that if they fall below that 4 percent, then at one percent a year they'll add money back to that capital reserve fund to get back to the 4 percent. That is what would happen in a town or a school district. Secretary Scanlan again agreed. Senator Lang then indicated it sounded like a similar process on the risk pool side, whereby a 4 percent assessment cash fund can be held but they're obligated under a capital reserve fund to have 12-16 percent of cash on hand to deal with claims and regular processes. Secretary Scanlan once again agreed.

Summary of testimony presented in opposition:

Scott DeRoche, Executive Director, and Jeanne Herrick, General Counsel, HealthTrust:

- Health Trust strongly opposes SB 661-FN.
- Director DeRoche believes there is a very large misconception or confusion about what is occurring in the state currently. He understood Senator Carson introduced this bill to prevent what occurred with SchoolCare. This bill, in reality, would mandate by law the model that SchoolCare is offering. It is the exact opposite of what is being stated.
- SchoolCare and NHIT both operated in accordance with risk pool agreements with the Secretary of State. SchoolCare had a risk pool agreement from 2012 that they continue to honor, even though it is expired. NHIT has a risk pool agreement from 2020 that was still active at the time they closed. They were following the model that the regulator desires. That model included low reserves. As Secretary Scanlan stated he sees this as a year-to-year proposition so that risk pools have enough funds to maintain 11 or 12 months of solvency. That is the actuarial methodology that is used. We've seen the reports that it is

insufficient. It creates a volatile arrangement. SB 661-FN would place into law that requirement and that mandate.

- Health Trust is the longest operating and largest risk pool in the state of New Hampshire. They predate RSA 5-B that was enacted in 1987. They are a non-assessable risk pool, and operate in a different model. They operate with a solvency period of 5 years which is very important. Their actuaries state they should keep more funds in reserve than what Secretary Scanlan prefers. That has been an ongoing battle over the last decade or so.
- As talked about in previous testimony, the reserve levels held by risk pools nationally are between 34-38 percent of annual contributions. This means for every dollar that comes into contributions, 34-38 cents is held in reserves, just in case expectations about claims experience differs. That amount is important if there is a difference. The pool has the funds to be able to pay the claims. It is critical all claims be paid. Those reserves are used to pay the claims.
- In HealthTrust's non-assessable model, they are able to rebuild prospectively. Not through a surprise assessment, but through an additional charge, a capital
- risk charge added onto the upcoming year's rate. That rate is announced in October to allow schools and municipalities to account and plan for it in their budget process. Those larger reserves allow for that rebuild to occur over a period of time.
- Going back to the pandemic period, while HealthTrust was pressured to maintain lower and lower reserves, they went to the lowest end of their actuaries' range. That equated to approximately 20 percent of contributions. During their lowest year, they dropped to approximately 5 percent of contributions. It was not 10 days of funds on hand. That is a misconception.
- Director DeRoche distributed an informational packet to committee members. There is a sheet in the packet regarding cash on hand. At the time HealthTrust did have approximately that level of cash on hand, but in addition had over \$94 million in total assets on hand such as ETFs and mutual funds.
- HealthTrust went from 20 percent down to 5 percent, and now is rebuilding as of year end. Currently, halfway through the year they are approximately 10 percent of contributions and continuing that rebuild.
- HealthTrust is the only risk pool that as of June 30, 2025, did not deplete its reserves. SchoolCare and NHIT did deplete them in that low reserve model required by the regulator. HealthTrust did not issue surprise assessments. Every claim was paid. Every group was given their rates in a prospective manner, and were able to plan and budget for them.
- It works when risk pools are allowed to have the proper, adequate reserves to function.
- Director DeRoche understands there are concerns about what occurred with SchoolCare and NHIT. He welcomes the desire to improve how risk pools operate within the state of New Hampshire.
- Risk pools are important. Taxpayers, employees, teachers, firefighters, and, police officers all rely upon risk pools. And it is important there is transparency and oversight. But this proposal actually requires the very low reserve level that resulted in the situation we are in today. That is an extremely strong

concern of HealthTrust. To be clear if this bill were to pass, it would outlaw Health Trust's non-assessable model. It would outlaw the reserve level that HealthTrust operated at and was able to survive their claims, And it would require member groups to create their own reserve accounts.

- The 4 percent member groups would be required to create and fund would be insufficient. To put it into context, the assessment SchoolCare issued equated to 12 percent of contributions. The assessment NHIT issued equated to 5 percent. The 4 percent amount is not sufficient to ensure funds are available for groups to pay these assessments in relatively short order to ensure claims are paid.
- Throughout the country, risk pools continue to be viable. We've seen that in New Hampshire. They continue to offer better benefits and better services at rates lower than the commercial sector, supporting our public sector and saving taxpayer dollars. But this system does need adequate funds and reserves to work. Secretary Scanlan has long pushed to hold lower reserves, demanding a reserve level that is less than half the national average, as well as insisting on a year-to-year solvency period that is too low for the state of New Hampshire.
- Senator Lang referenced a chart distributed by the Secretary of State that shows a snapshot in time on June 30th of each year for HealthTrust's last five years. He asked if the chart was accurate. Director DeRoche indicated it looks to be relatively correct. But there are a couple of important things he would note about the information on the chart.
- On June 30, 2021, the 19.9 percent was the year HealthTrust was required to give back surplus to lower down to the 20 percent mark. Approximately \$57 million was returned to the public sector.
- On June 30, 2023, HealthTrust needed to raise about \$60 million. If they were able to merely maintain adequate reserves somewhere in the range of the national average, that volatility wouldn't have occurred. Reserves would have stayed at the more than sufficient level.
- Director DeRoche referenced their Annual Report, which goes back further than the chart.
- For many years they experienced relatively stable claims. The levels the actuaries predicted were more or less sufficient. In 2015 HealthTrust ended the year right about where it was expected. 2016 was a little low but they were able to immediately rebuild the following year. In years 2017-2019 HealthTrust ended right on target. That was followed by the volatility of the pandemic in 2020 and 2021. They then returned the required surplus followed by what has happened with the market, the increased claims costs and special medications. HealthTrust was able to use their reserves successfully. They paid every claim. There was no danger of insolvency. There was no concern about people's hospital bills going unpaid. There were no surprise assessments. The reserves worked and HealthTrust is on a rebuild.
- What they are asking for today is to be able to retain a sufficient level to ensure if this were to happen again in the future, they would be able to pay claims.
- Senator Lang reiterated the bill allows HealthTrust to have a 4 percent assessment fund set aside in case they had to do an assessment. HealthTrust could use a 16 percent maximum contingency pool, in addition to a board-

approved additional 2 percent, bringing it up to a 22 percent maximum cash on hand, Senator Lang asked if that is accurate. Director DeRoche agreed the proposal would allow them to maintain 12-16 percent. They would have to petition the Secretary of State to have the additional 2 percent. Director DeRoche stated based on their experience, such a petition is very likely to fail.

- The additional 4 percent as written would be a requirement of the groups. Director DeRoche understands there may be an amendment coming forward allowing them to hold that, which would bring you to 20 percent, which is the level HealthTrust was at the year prior to the pandemic. That was their 2021 level. If the desire is to avoid volatility, it would not do that.
- The desire now, understanding the volatility in the market, is to return to a normal level used throughout the country, the 34-38 percent. It is a typical insurance average.
- HealthTrust actuaries, Milliman, looks at reserves over a 5-year solvency period. Even if the reserves were set at 20-25 percent, HealthTrust would not be able to retain that money. That would be the maximum amount allowed by law.
- The other requirement for a year-to-year solvency period, when you give that to an actuary, they're going to come back with something like a 16 percent reserve because you are basically planning to get through the next 11 months. If you don't have enough funds, you need an immediate source of income or else you'll have to close. Or you'll have to issue an immediate assessment.
- Risk pools that operate on a year-to-year basis are referred to as transactional risk pools. They are exceedingly unpopular.
- Senator Lang reiterated on June 30, 2025, HealthTrust was at 8.1 percent. Their argument is they want 30 percent reserves. Wouldn't that assessment bankrupt towns? Director DeRoche's response was no. HealthTrust is rebuilding today by adding 5 percent on top of the rates, which need to cover claims and expenses in a year. There is a transparent 5 percent capital risk charge added to the rate. That amount fuels their rebuild. HealthTrust's Board recently accelerated the charge to 5.3 percent in the last two rating cycles. Member groups have still found it is beneficial to stay with HealthTrust compared to the commercial market. They have retained almost every member group, and they're willingly paying that charge. That is the way HealthTrust is rebuilding reserves. Therefore, in response to Senator Lang's question, it would not be a dramatic one-time assessment to get to 30 percent.
- This is a multi-year rebuild. HealthTrust has secured stop-loss reinsurance to protect themselves during the rebuilding period.
- Senator Rosenwald asked when was the last year HealthTrust had a 34 percent reserve level. Director DeRoche stated they have not had a 34 percent level in New Hampshire. There has been significant pressure to have lower reserves, and a focus on ensuring risk pools hold as little in reserves as possible, and prioritize return of surplus back to the towns and cities. As a result of that, their Board set the target at the low end of the actuaries' range that equates to 19 or 20 percent given the year. Their Board has now targeted 22 percent as the

upper end of their actuaries' range. That equates to 28 percent of reserves or contributions.

- The way Senators Rosenwald and Lang read the bill, HealthTrust could hold 20 percent without having to ask the Secretary of State for that extra 2 percent. Isn't that where HealthTrust wants to be? Director DeRoche indicated that is where they were in 2020 and 2021. It is not where they want to be. In hindsight, that level was too low. Their Board has set the level at 22 percent, which is still in the actuaries' range. The rebuild right now is currently targeted to 22 percent. Director DeRoche expects they would target above that in future years given the continued volatility.
- Senator Rosenwald remembered there was previous testimony most states don't regulate their risk pools at all. The pools get together and make their own decisions. Director DeRoche stated they utilize qualified actuaries. The national average contribution leverage for the health insurance industry as a whole is 33 percent. A healthy insurer holds 33 cents in reserves for every one dollar in contributions coming through. It is 33 percent throughout the country. The public sector demands more stability than the commercial market because of the taxpayer process, the way that you can raise revenue, and the ability to respond.
- Risk pools throughout the country work with their actuaries to determine what the appropriate reserve level is to maintain. It is a bit more protection than what a normal commercial insurer would hold to provide that rate stability. We are not talking about risk pools building reserves to unfathomable levels. This is still one-third of annual contributions.
- If there is any concern about misuse or anything along those lines, funds should be returned back to the public sector.
- SB 661-FN focuses on ensuring risk pools don't go insolvent. The best protection against that is to simply hold adequate reserves in line with the national average.
- Attorney Herrick added the percentages with respect to the maximum need to be read in conjunction with other language in the statute. The Secretary of State testified there were 4 definition provisions important to his enforcement of the statute in this proposed legislation. The definition of contingency reserves won't do away with the need for an actuarial evaluation. It actually will include an actuarial evaluation. Those would be limited for the upcoming plan year as may be reasonably established, and subsequently required to cover expected, unforeseen, and extraordinary claim and administrative losses and liabilities. That one year period would limit the amount of your contingency reserves. As Director DeRoche noted, it's likely that limit will actually come in below the 20, 18, and 16 percent as you can only retain enough for that one year. SchoolCare and NHIT were in risk pool agreements with the Secretary of State. That is the interpretation they operated under. Their actuary reports considered a year-to-year solvency period. They focused on enough reserves to get through the current year. In HealthTrust's opinion, that is not a sufficient reserve level or methodology to maintain the stability of the public sector needs. It is certainly not one that HealthTrust's model could operate within.

- Senator Gray referenced the chart from the Secretary of State. HealthTrust's maximum gain on reserve was 1.8 percent in the first period, and 1.2 percent in the next. This means even to get to the 12 percent, we're talking in excess of several years. HealthTrust is on a five-year plan, but Senator Gray thought that five-year plan was to get to 16 percent. Their five-year plan is going to fall far short of that. Director DeRoche stated Senator Gray's observation was a good one, and a very valid question. In the rebuild plan, the Board targeted rebuilding at 5 percent of annual contributions each year. That was accelerated to 5.3 percent. There was never a desire to get it all done at once. When first implemented, it was viewed as a three-year rebuild. So 5 percent the first year, 5 percent the second year, and 5 percent the third year. That makes 15 percent. Add that to the 5 percent you started with and you're back at the 20 percent target.
- The reality is the health care market and claims have continued to spike. While HealthTrust did add the 5 percent to rates, the claims were higher than the actuary's expectation and ate into that 5 percent overage. There was no erosion of the reserve level or anything along those lines. But the practical effect was the rebuild was slower than expected due to higher unexpected claims. That is a reality in the market right now. That is why we are seeing commercial carriers pulling out of certain segments of the market. We've seen Medicare Advantage changes. The costs coming through the marketplace exceed all expectations. You used to be able to plan for a 5 percent medical trend in one year. HealthTrust has had a 14 percent medical trend and a 19.9 percent prescription trend. The actual amount that went to the rebuild was about 1.5-2 percent in those early years.
- We're currently in Fiscal Year 2026. HealthTrust believes rates will hold through the year. They are actually exceeding the actuarial rebuild for this year, being at a \$10 million rebuild halfway through the year. That is exceeding actuarial expectations. HealthTrust expects to have a larger growth this year, as they've adjusted to that volatility in the marketplace.

Cathy Ann Stacey, President, New Hampshire Association of Counties:

- Four of Ms. Stacey's county members are member groups with HealthTrust. Two member groups were with NHIT, but have now obtained insurance coverage directly through Anthem Blue Cross. One other county member is also with Anthem. The remaining three counties are self-insured. Rockingham County is self-insured.
- It is the Association's belief that SB 661-FN, along with other bills in committees, intend to eliminate non-assessable risk pool programs. The contingency levels adopted by the regulator for one year of reserves are inadequate.
- Insurance claims will likely continue to rise given the high cost of medical care. Contingency reserve levels sufficient to meet those costs must be established.

Tara Tucker, Town Administrator, Town of Greenland:

- Ms. Tucker was previously the Police Chief for the Town of Greenland.
- The town uses HealthTrust as their insurer, and Ms. Tucker just started sitting on the Board of Directors.

- Greenland was approached by an independent insurance company in 2024, and the town did change their provider to the insurance company. It is a town of 23 full-time employees, fairly small. The insurance company promised the town everything. Greenland was shocked and surprised when they learned the insurance company was not what they promised to be. Employees were paying huge amounts, not just in prescription costs but also in medical coverage. It was a nightmare, and the town is still dealing with that insurance company.
- Greenland petitioned HealthTrust to go back to them and HealthTrust agreed.
- Perhaps we don't understand our risk pools as well as we should as members.
- New Hampshire is unlike any other state in the country. There are so many small towns. Greenland's population is 4,200. Being near Interstate 95 they have a huge amount of influx going through the town. But Greenland is a small town. For them to be able to go in any other direction than a risk pool to obtain solid, dependable coverage is not realistic.
- Health care has gotten crazier by the day. If Greenland is going to try and retain and recruit employees, it has to be through decent benefits, and to be able to answer to the taxpayers for rates that are going to stay the same. The town can't have volatility. Administrator Tucker does not know how the town would handle an assessment. They run a tight budget. There isn't an extra \$400,000 lying around somewhere. If the risk pool wasn't non-assessable, the town couldn't use them.
- To hold 4 percent would be very difficult for Greenland. The 5 percent they are paying with HealthTrust is the guarantee the town won't get an assessment. If HealthTrust has to hold higher reserves to be able to represent the small towns and their taxpayers in keeping things level, so be it.
- For the town of Greenland, this is their only option. The town is very limited.
- Senator Gray sought to run a scenario by Administrator Tucker. HealthTrust is adding 5.3 percent to the town's rate. The building up of the 4 percent is only one percent per year. Which is better for the town? Administrator Tucker agreed, but it still doesn't guarantee they won't receive an assessment.
- Senator Gray understands having reserves. But having oversight is very important. Having a regulator is very important. Perhaps there is something in between 20 percent and 34 percent. Perhaps there is something that can still offer towns the protection of having a non-assessable risk pool.

Jennifer Leonard, Human Resources Manager, Manchester Housing and Redevelopment Authority:

- The Authority is the largest public housing agency in Northern New England. They have been a group member of HealthTrust for decades.
- Throughout the country, risk pools continue to be viable through unexpected claim spikes, offering stable and lower rates than the commercial market.
- Manchester Housing depends on HealthTrust remaining a non-assessable risk pool. They take comfort in HealthTrust's adequate reserves that have covered any volatility in the health care market on behalf of their members for years. Sufficient reserves result in a stable and protective experience for group members.

- HealthTrust remains the only risk pool in New Hampshire that has never issued a surprise assessment to its group members due to insufficient contingency reserves.
- As an independent, public nonprofit, Manchester Housing's budgets are tight. They would never be able to suddenly take on a surprise assessment.
- Only in New Hampshire are there discussions about mandating insufficient reserves or outlawing non-assessable risk pools.

Margaret Byrnes, Executive Director, New Hampshire Municipal Association:

- Most members of NHMA are members of one or more risk pools, whether it be a health care risk pool, Primex as their property liability risk pool, or both. The Association is also a member of a risk pool, Health Trust.
- NHMA opposes SB 661-FN for three major reasons. One, it allows only one model of risk pool. It allows only assessable pools. Two, it creates unpredictability and additional costs in municipal budgeting. And three, it creates a new mandate for municipalities.
- On the first point, Director Byrnes agrees with prior testimony from Cathy Stacey and from HealthTrust regarding essentially outlawing non-assessable pools, which is what HealthTrust is. There is a reason and a purpose for allowing more than one risk pool to operate. Giving political subdivisions a choice of what type of pool they believe best suits their needs and what level of risk essentially they want to take in joining a pool, if they choose to be a member of a risk pool at all.
- On the second point with regard to unpredictability and additional costs in municipal budgeting, although the current RSA Chapter 5-B does not actually reference assessments, let's assume in our state both assessable and non-assessable pools are allowed. And that assessments are allowable under current New Hampshire law. Senator Gray remarked that is the subject of a court decision right now. Director Byrnes stated it is in front of an Administrative Hearings Officer of the Secretary of State's Office.
- Regardless of the assessability of pools, political subdivisions who received assessments over the past year clearly were surprised to receive those assessments, and were not prepared necessarily to pay them. That certainly necessitates clarifying the law so that members of assessable pools know it is a possibility and how it will work. It does not justify disallowing non-assessable pools here in New Hampshire.
- SB 661-FN establishes a new mandate for municipalities. It requires municipalities to establish capital reserve funds at the local level for the purpose of paying unexpected assessments. Regardless of the requirement that the municipality establish a capital reserve fund, that still does not ensure the capital reserve fund will hold enough money to pay an assessment, as municipalities cannot know when an assessment is coming or what the total dollar amount of the assessment will be. In towns, capital reserve funding is still contingent on Town Meeting approval. It's not a sure thing that funds will be put into a capital reserve fund. On a purely technical point, Ms. Byrnes mentioned these would not be capital reserve funds. They are not capital expenditures. They would be qualified as reserve funds.

- As compared to last year's SB 297-FN, SB 661-FN does not contain the provision that allows the regulator to step in and require an audit if the risk pool fails to do one. Given the financial allegations against the risk pools, that would seem to be an important provision. The regulator would have to ensure that an audit is always completed, and that both the regulator and members are able to see an audit and the financial status of the risk pool.
- Part of the purpose of this proposal is to respond to the scenario with SchoolCare and NHIT, and to prevent that from happening again. The language of SB 661-FN is, in fact, codifying that process. It is codifying all pools will be assessable. By putting the reserve levels where they almost ensure assessments will become routine for municipalities who are members of risk pools, or at least members of health care risk pools.
- Senator Rosenwald asked if the risk pools did a better job of setting their member contributions, wouldn't it be less likely that there would be need for an assessment. Director Byrnes indicated they are working with actuaries who are making predictions, and that is what is being used to determine the rates. The predictability of health care claims is becoming more and more volatile. And that is a factor in setting rates. It's also a factor in wanting to ensure that reserves can withstand that volatility. Senator Rosenwald remarked perhaps by better they mean if they weren't as concerned with competing against the other risk pools and having lower member contributions. If they were more accurate in what they really thought they were going to need to cover their claims costs. Director Byrnes' sense has been that their main motivation is being accurate in what they need to cover their claims and administrative overhead, and to serve their members with all the services the risk pool provides.
- Senator Gray again referenced the charts provided by the Secretary of State. If there was a requirement to rebuild in either one or two years to the 12 percent level, would it lessen the chances that there would be an assessment? Director Byrnes does not think it would lessen the chances of an assessment. In testimony given last week on SB 605-FN, we heard SchoolCare was at roughly 12 percent before they went down to -2 percent, which necessitated the \$30 million assessment they issued. Senator Gray indicated upon reviewing the chart, Director Byrnes will see SchoolCare was not at the 12 percent.

Neutral Information Presented:

Jennifer Burk, Director of Finance, SchoolCare:

- SchoolCare appreciates Senator Carson's intent to strengthen the oversight, transparency, and fiscal stability in pooled risk management programs that serve political subdivisions across the state.
- SB 661-FN takes meaningful steps in that direction. It clarifies fiduciary responsibility for governing boards, strengthens actuarial and audit standards, improves transparency for participating members, and provides the Secretary of State with tools to intervene when a pool shows signs of financial stress. It also appropriately clarifies that pooled risk programs are not insurance companies, and assessments may be required when claims costs exceed expectations.

- While SchoolCare is neutral on SB 661-FN as introduced, they believe the bill would be strengthened by incorporating the amendment language previously offered by Senator Carson during the consideration of SB 297-FN last year. That amendment addresses a technical implementation issue related to assessments for health coverage pools. It establishes a limited, restricted fund capped at 4 percent of prior year contributions derived from program earnings and surplus. And it requires this fund be used first to address actuarially-determined deficiencies before assessments are imposed. It makes clear the fund does not replace existing reserve requirements, nor does it limit the Secretary of State's authority.
- The amendment does not eliminate assessments. It simply clarifies the order of operations, promoting predictability and avoiding financial disruption for municipalities and school districts.
- SchoolCare recommends the committee consider the prior amendment if SB 661-FN were to move forward.
- SchoolCare will analyze the amendment provided from the Secretary of State.
- Senator Gray remarked he wouldn't characterize the amendment provided from the Secretary of State as an amendment. Rather, he would characterize it as a suggestion the committee will analyze.

dm

Date Hearing Report completed: February 15, 2026

HB 1624-FN - AS AMENDED BY THE HOUSE

19Feb2026... 0482h

2026 SESSION

26-3249

04/08

HOUSE BILL ***1624-FN***

AN ACT relative to the elimination of certain special funds.

SPONSORS: Rep. D. McGuire, Merr. 14; Rep. Almy, Graf. 17; Rep. Janigian, Rock. 25; Sen. Gray, Dist 6; Sen. Rosenwald, Dist 13

COMMITTEE: Ways and Means

ANALYSIS

This bill repeals the radiation long-term care fund, the mosquito control fund, and the New Hampshire recovery monument special account, and transfers the remaining balance of the recovery monument account to the alcohol abuse prevention and treatment fund.

This bill is a request of the joint committee on dedicated funds pursuant to RSA 6:12-i.

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-Six

AN ACT relative to the elimination of certain special funds.

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

1 1 Balance of New Hampshire Recovery Monument Special Account; Lapse to Alcohol Abuse
2 Prevention Fund. On the effective date of this section, the balance of the New Hampshire recovery
3 monument special account, formerly established in RSA 4:9-p, shall lapse to the alcohol abuse
4 prevention fund established in RSA 176-A:1.

5 2 Repeal. The following are repealed:

6 I. RSA 6:12, I(b)(20), relative to moneys received under RSA 125-F:11, II and IV, which shall
7 be credited to the radiation long-term care fund.

8 II. RSA 6:12, I(b)(293), relative to moneys deposited into the mosquito control fund
9 established under RSA 141-C:25.

10 III. RSA 6:12, I(b)(364), relative to moneys deposited into the New Hampshire recovery
11 monument special account established in RSA 4:9-p.

12 IV. Paragraphs II and IV of RSA 125-F:11 relative to the direction of certain funds for
13 deposit into the radiation long-term care fund.

14 V. RSA 141-C:25, establishing the mosquito control fund.

15 3 Effective Date. This act shall take effect 60 days after its passage.

LBA
26-3249
3/10/26

HB 1624-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0482h)

AN ACT relative to the elimination of certain special funds.

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:

Department of Health and Human Services

Docket of HB1624		
12/10/2025	H	Introduced 01/07/2026 and referred to Ways and Means
01/14/2026	H	Public Hearing: 01/21/2026 01:30 pm GP 154
02/09/2026	H	Executive Session: 01/21/2026 01:30 pm GP 154
02/09/2026	H	Committee Report: Ought to Pass with Amendment # 2026-0482h 02/04/2026 (Vote 16-0; CC) HC 7 P. 23
02/19/2026	H	Amendment # 2026-0482h: AA VV 02/19/2026 HJ 5
02/19/2026	H	Ought to Pass with Amendment 2026-0482h: MA VV 02/19/2026 HJ 5
02/25/2026	S	Introduced 02/19/2026 and Referred to Finance; SJ 5
03/11/2026	S	Hearing: 03/10/2026, Room 103, SH, 01:25 pm; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026; Vote 4-0; CC; SC 11

Senate Finance Committee

Deb Martone 271-4980

HB 1624-FN, relative to the elimination of certain special funds.

Hearing Date: March 10, 2026

Time Opened: 1:32 p.m.

Time Closed: 1:35 p.m.

Members of the Committee Present: Senators Gray, Birdsell, Rosenwald and Watters

Members of the Committee Absent: Senators Innis, Carson, Pearl and Lang

Bill Analysis: This bill repeals the radiation long-term care fund, the mosquito control fund, and the New Hampshire recovery monument special account, and transfers the remaining balance of the recovery monument account to the alcohol abuse prevention and treatment fund.

This bill is a request of the joint committee on dedicated funds pursuant to RSA 6:12-i.

Sponsors:

Rep. D. McGuire
Sen. Gray

Rep. Almy
Sen. Rosenwald

Rep. Janigian

Who supports the bill: Senators Gray and Rosenwald; Representative D. McGuire; Cory Stone; Daniel Richardson; Eric Pauer;

Who opposes the bill: Tami Lanzillo Zeimetz

Summary of testimony presented in support:

Representative D. McGuire, Prime Sponsor:

- This bill is the annual bill from the Joint Committee on Dedicated Funds. The committee examines one-fifth of the dedicated funds every year, and makes recommendations if there need to be changes. This particular bill deals with three funds that are overseen by the Department of Health and Human Services.
- One fund is the Recovery Monument Special Account. This was established to create a monument to alcohol and drug recovery. The fund had one donation in it of \$1,000. The underlying statute to create the monument has already been repealed. HB 1624-FN removes the fund and places the money in the Alcohol Abuse Prevention and Treatment Fund.

- The second fund, the Radiation Long-Term Care Fund has to do with the decommissioning of Seabrook. We don't need this fund and there's never been any money in it.
- The third fund is the Mosquito Control Fund. That has gone unused for nine years, and has no money in it.

dm

Date Hearing Report completed: March 11, 2026

SB 504 - AS INTRODUCED

2026 SESSION

26-2100

09/05

SENATE BILL **504**

AN ACT relative to the practice of pharmacy and the dispensing of certain medications by pharmacists.

SPONSORS: Sen. Rochefort, Dist 1; Sen. Pearl, Dist 17; Rep. C. McGuire, Merr. 27

COMMITTEE: Health and Human Services

ANALYSIS

This bill:

I. Authorizes the dispensing of up to a 30-day supply of noncontrolled oral anti-cancer medication by a licensed health care professional legally authorized to prescribe and administer medications to a patient under a provider's care or supervision subject to certain conditions.

II. Amends the display requirements of certain licenses and permits.

III. Authorizes licensed advanced pharmacy technicians to engage in remote processing.

IV. Removes the requirement that a pharmacist's name or initials be on a label affixed to any controlled drug or prescription issued.

V. Amends the definition of the "practice of pharmacy."

VI. Removes certain authority of the board of pharmacy with respect to the regulation of collaborative pharmacy practice agreements.

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-Six

AN ACT relative to the practice of pharmacy and the dispensing of certain medications by pharmacists.

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

1 1 New Paragraph; Controlled Drug Act; Dealing In or Possessing Prescription Drugs. Amend
2 RSA 318:42 by inserting after paragraph VII-b the following new paragraph:

3 VII-c. The dispensing of up to a 30-day supply of noncontrolled oral anti-cancer medication
4 by a licensed health care professional legally authorized to prescribe and administer medications to a
5 patient under a provider's care or supervision so long as the following criteria are met:

6 (a) The dispensing clinic maintains on staff a full-time licensed pharmacist who is
7 available for consultation with the prescribing provider and the patient.

8 (b) In-office dispensing is conducted in a way consistent with United States
9 Pharmacopeia standards as well as all relevant state and federal laws or rules.

10 2 Pharmacists and Pharmacies; Display of Licenses. Amend RSA 318:28 to read as follows:

11 318:28 ~~[Display]~~ **Availability** of Licenses. All licenses as pharmacists shall ~~[at all times be~~
12 ~~conspicuously displayed]~~ **be readily retrievable** in the pharmacy where the licensee is engaged as
13 such.

14 3 Pharmacists and Pharmacies; Licensure of Pharmacies. Amend RSA 318:39 to read as
15 follows:

16 318:39 Application; Display. Application for a permit shall be made in such manner and in such
17 form as the board may determine. The permit shall at all times be ~~[exposed in a conspicuous place]~~
18 **posted** in the pharmacy for which it is issued.

19 4 Pharmacists and Pharmacies; Licensed Pharmacists; Remote Processing. Amend RSA 318:15-
20 d, I to read as follows:

21 I. New Hampshire licensed pharmacists, **licensed advanced pharmacy technicians**,
22 certified New Hampshire pharmacy technicians, or registered New Hampshire pharmacy interns
23 may engage in remote processing, provided that all work requiring pharmacist supervision is
24 supervised by a licensed pharmacist through electronic or other remote means.

25 5 Controlled Drug Act; Labels. Amend RSA 318-B:13, II to read as follows:

26 II. Whenever a pharmacist dispenses any controlled drug on prescription issued by a
27 practitioner, he or she shall affix to the container in which such drug is dispensed a label showing
28 the name, address, and registry number of the pharmacy ~~[and name or the initials of the~~
29 ~~pharmacist]~~; the name of the prescribing practitioner; the prescription identification number; the
30 name of the patient; the date dispensed; any directions as may be stated on the prescription; and the

SB 504 - AS INTRODUCED
- Page 2 -

1 name and strength and quantity of the drug dispensed. All drugs dispensed to a patient that have
2 been filled using a centralized prescription processing system shall bear a label containing an
3 identifiable code that provides a complete audit trail of the dispensing of the drug and
4 pharmaceutical care activities. No person shall alter, deface, or remove any label so affixed.

5 6 Pharmacists and Pharmacies; Definitions; Practice of Pharmacy. RSA 318:1, XIV is repealed
6 and reenacted to read as follows:

7 XIV. "Practice of pharmacy" means the provision of patient care services by a pharmacist
8 based on their education, training, and experience, and determined by practice setting, including but
9 not limited to:

- 10 (a) The interpretation and evaluation of prescription orders;
- 11 (b) The compounding, dispensing, labeling, administering, and distribution of drugs and
12 devices;
- 13 (c) The selection, evaluation, and monitoring of drug and drug-related therapies;
- 14 (d) The performance of drug utilization reviews and medication therapy management;
- 15 (e) The participation in collaborative pharmacy practice and collaborative pharmacy
16 practice agreements as defined in RSA 318:1, XXVI - XXVII, and RSA 318:16-a;
- 17 (f) The prescribing, ordering, administering, and interpretation of laboratory tests,
18 controlled and noncontrolled drugs, and devices within the pharmacist's scope of practice;
- 19 (g) The education and counseling of patients and health care professionals on the
20 therapeutic use, potential hazards, and outcomes of drugs and devices;
- 21 (h) The maintenance of appropriate records and the safe storage and handling of drugs
22 and devices; and
- 23 (i) Any other professional acts, services, operations, or transactions necessary to the
24 operation and management of pharmacy practice.

25 7 Pharmacy Board; Rulemaking Authority. Amend RSA 318:5-a, XVII to read as follows:

26 XVII. The education and training standards and other requirements for pharmacists who,
27 pursuant to prescriber-approved protocol,[-

28 (a)] administer prescription medications *outside the parameters of a collaborative*
29 *pharmacy practice agreement*, including influenza immunizations.

30 [~~(b) Engage in collaborative pharmacy practices.~~]

31 8 Licensed Pharmacists; Standards for Collaborative Pharmacy Practice. Amend RSA 318:16-a,
32 I(c) to read as follows:

- 33 (c) Have the knowledge base necessary for proper monitoring, including, but not limited
34 to, associated disease states, relevant laboratory tests, adverse events, drug and food interactions,
35 safety, and efficacy. [~~Depending upon the complexity of the services being provided, the pharmacist~~
36 ~~may be required to have additional credentials or training and shall demonstrate the receipt of~~
37 ~~approval by the board of pharmacy.~~]

1 9 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 504

1 Amend RSA 318:1, XIV as inserted by section 6 of the bill by replacing it with the following:

2
3 XIV.(a) "Practice of pharmacy" means the scope of practice for the provision of patient care
4 services by a pharmacist shall be based on their education, training, and experience, and determined
5 by practice setting and in accordance with generally accepted standards of care, including but not
6 limited to:

- 7 (1) The interpretation and evaluation of prescription orders;
8 (2) The compounding, dispensing, labeling, administering, and distribution of drugs
9 and devices;
10 (3) The selection, evaluation, and monitoring of drug and drug-related therapies;
11 (4) The performance of drug utilization reviews and medication therapy
12 management;
13 (5) The participation in collaborative pharmacy practice and collaborative pharmacy
14 practice agreements as defined in RSA 318:1, XXVI - XXVII, and RSA 318:16-a;
15 (6) The prescribing, ordering, administering, and interpretation of laboratory tests,
16 controlled and noncontrolled drugs, and devices;
17 (7) The education and counseling of patients and health care professionals on the
18 therapeutic use, potential hazards, and outcomes of drugs and devices;
19 (8) The maintenance of appropriate records and the safe storage and handling of
20 drugs and devices;
21 (9) The interprofessional communication with appropriate health care providers to
22 ensure continuity of care;
23 (10) Any other professional acts, services, operations, or transactions necessary to
24 the operation and management of pharmacy practice.

25 (b) For purposes of this paragraph, the scope of practice of a pharmacist shall be
26 determined at the practice level based on the education, training, and experience of the pharmacist.
27 Practice settings may include, but are not limited to, a community setting, hospitals, nursing homes,
28 extended care facilities, infirmaries, hospice houses, correctional facilities, and/or ambulatory care
29 setting governed by a system of credentialing and/or granting of privileges. Pharmacists may
30 perform any act not expressly prohibited by federal or state law, provided it is consistent with their
31 education, training, experience, and clinical competence.

Amendment to SB 504

- Page 2 -

(c) Nothing in this paragraph may be interpreted to permit an alteration of a prescribing clinician's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, or the practice of medicine (allopathic or osteopathic), unless otherwise permitted by protocol.

Amend the bill by replacing all after section 8 with the following:

9 Pharmacy Board; Rulemaking; Examinations. Amend RSA 318:5-a, IV(a) to read as follows:

(a) The subjects to be tested ***pursuant to RSA 318:19;***

10 Pharmacy Board; Rulemaking; Licensed Advanced Pharmacy Technicians. Amend RSA 318:5-a, XI-c(a) to read as follows:

(a) Requirements for licensure, including experience and education requirements, ***except that there shall not be any examination requirement for licensure.***

11 Pharmacists and Pharmacies; Examinations. Amend RSA 318:19 to read as follows:

318:19 Examinations. – Applicants for licensure as pharmacists shall, to prove their respective requisite knowledge, be examined to a properly varying degree in pharmacy-related subject areas which may include chemistry, math, pharmacology, pharmacy theory, the practice of pharmacy [~~and pharmacy law~~], and any other areas as the board may prescribe, ***except that the board shall not require any applicant to be examined on pharmacy state-specific or universal state level jurisprudence or law.***

12 New Section; Pharmacist Liability; Negligence. Amend RSA 318 by inserting after section 29-d the following new section:

318:29-e Pharmacist Liability; Negligence. A pharmacist shall be responsible for any negligent act arising from his or her modification of medication or services provided under drug therapy management protocols. Nothing in this section shall limit a prescribing clinician's liability for negligent acts not related to such pharmacist modifications.

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

Amendment to SB 504
- Page 3 -

2026-1225s

AMENDED ANALYSIS

This bill:

I. Authorizes the dispensing of up to a 30-day supply of noncontrolled oral anti-cancer medication by a licensed health care professional legally authorized to prescribe and administer medications to a patient under a provider's care or supervision subject to certain conditions.

II. Amends the display requirements for certain licenses and permits.

III. Authorizes licensed advanced pharmacy technicians to engage in remote processing.

IV. Removes the requirement that a pharmacist's name or initials be on a label affixed to any controlled drug or prescription issued.

V. Amends the definition of the "practice of pharmacy."

VI. Removes certain authority of the board of pharmacy with respect to the regulation of collaborative pharmacy practice agreements.

VII. Eliminates any examination requirement for licensure as an advanced pharmacy technician.

VIII. Prohibits the pharmacy board from testing applicants on pharmacy jurisprudence or law.

Docket of SB504		
11/21/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
03/04/2026	S	Hearing: 03/11/2026, Room 100, SH, 09:00 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1225s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 504, relative to the practice of pharmacy and the dispensing of certain medications by pharmacists.

Hearing Date: March 11, 2026

Time Opened: 9:03 a.m.

Time Closed: 9:55 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill:

I. Authorizes the dispensing of up to a 30-day supply of noncontrolled oral anti-cancer medication by a licensed health care professional legally authorized to prescribe and administer medications to a patient under a provider's care or supervision subject to certain conditions.

II. Amends the display requirements of certain licenses and permits.

III. Authorizes licensed advanced pharmacy technicians to engage in remote processing.

IV. Removes the requirement that a pharmacist's name or initials be on a label affixed to any controlled drug or prescription issued.

V. Amends the definition of the "practice of pharmacy."

VI. Removes certain authority of the board of pharmacy with respect to the regulation of collaborative pharmacy practice agreements.

Sponsors:

Sen. Rochefort

Sen. Pearl

Rep. C. McGuire

Who supports the bill: 53 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 3 people signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: No one.

Summary of testimony presented:

Senator David Rochefort, Senate District 1

- Senator Rochefort explained that a large majority of this bill is addressing places in statute that need technical or oversight corrections.
- Page 1 line 3 allows for the dispensing of a 30-day supply of a non-controlled oral anti-cancer medication by licensed health care professionals. This is intended to prevent delays in therapy.
- Page 1 line 10 makes a technical change in statute regarding the display of pharmacist licenses in pharmacies. While current law requires licenses to be conspicuously displayed in the pharmacy, this change will simply require them to be readily retrievable. This change acknowledges that many pharmacists work at multiple different pharmacies and that licenses can be accessed online.
- Page 1 line 21 corrects an oversight in past legislation by allowing licensed advanced pharmacy technicians to engage in remote processing.
- Page 1 line 26 corrects a technical error from past legislation eliminating the requirement that dispensing pharmacy initials must be displayed on non-controlled substances by aligning RSA 318 and 318-B.
- Page 2 line 28 addresses collaborative practice agreements to deliver care between physician and pharmacists. Senator Rochefort emphasized that this relationship is between pharmacists and physicians.
- Senator Rochefort introduced an amendment to the bill eliminating the jurisprudence exam requirement for licensure. He explained that many states are making this change, as the exam is only taken once while laws continue to change and evolve. He emphasized that it is incumbent on pharmacists to know and comply with the law, which they must attest to when renewing their license.
- The amendment also addresses the licensure examination for licensed advanced pharmacy technicians. Since establishing this new scope of licensure, there have been complaints about the licensing exam far over-reaching the scope of practice.
- Senator Rochefort explained that he contacted the Office of Professional Licensure and Certification (OPLC) and learned that the exam is administered by the National Association of Board of Pharmacy. He said he reached out to the Association in his legislative capacity to obtain sample questions from the exam, but they refused to provide them.

- Senator Rochefort explained that this licensure was established with guardrails and described the fact that the legislature cannot see sample questions as a red flag.
- Page 2 lines 5-23 address the definition of practice of pharmacy. The bill clarifies the definition by putting it into bullet point format.
- The bill also adds the word “prescribing” into the definition on page 2 line 17. Over 20 states have this word included in their definitions of practice of pharmacy. Furthermore, some states allow pharmacists to prescribe at-will, such as Idaho. These states are utilizing pharmacists as primary care providers with a defined scope.
- Senator Rochefort emphasized that his intent is not to have pharmacists opening medical practices everywhere. However, there is an opportunity to utilize pharmacists to their ability and training to improve access to care.
- Senator Rochefort explained that pharmacy is a rules-based practice, noting that there are more rules and laws for pharmacists in New Hampshire than there are for nursing and medicine combined. This is because nursing and medicine operate under a standard of care model. There is a nationwide trend to shift towards a standard of care model for pharmacists as well, as they are now trained in this model.
- Senator Birdsell referenced lines 10-14 of the amendment and asked in what other ways pharmacists are tested for knowledge of jurisprudence and law.
- Senator Rochefort explained that it is a licensure requirement to comply with all rules and laws. This standard applies to states both with and without jurisprudence exams. Furthermore, pharmacy law is taught in every school in the United States.
- He emphasized that when someone takes this test, it is only reflective of the laws at that moment in time. Despite that, they must stay current with laws for the extent of their career.
- Senator Birdsell asked how pharmacists keep up with changes in the law throughout their career.
- Senator Rochefort emphasized that it is incumbent on the individual pharmacist to know the laws and rules, but associations in the state also typically do annual law reviews.
- He noted that the jurisprudence exam questions are often written two years in advance. There have been cases in which the correct answer for the exam does not align with the correct answer in practice due to changes in the law.

Patricia Tilley, Department of Health and Human Services & David Chorney, Governor’s Office of New Opportunities & Rural Transformational Health

- Associate Commissioner Tilley stated that the Department of Health and Human Services is in support of this legislation.

- She highlighted this strategy as part of the Rural Health Transformation application in alignment with Centers for Medicare & Medicaid Services (CMS) priorities to improve access to care throughout the state.
- This bill will help streamline access to lifesaving therapies and medications. In particular, it makes updates to the authority for dispensing non-controlled cancer medications.
- The Department appreciates the clarification on rules around license availability, remote processing, labelling supports, and infrastructure to help pharmacies operate efficiently and safely in smaller communities.
- The Department also appreciates the technical corrections made by the bill and the changes to collaborative practice language and training requirements.
- Associate Commissioner Tilley thinks this provides a clearer pathway for pharmacies to offer evidence-based, routine, safe, and high value services that ultimately reduce the burden on primary care providers and helps patients stay connected to care.
- Associate Commissioner Tilley suggested adding the word “voluntary” into the language on collaborative practice to ensure that it can continue in the best interest of teams and patients.
- Expanding the scope of practice is about ensuring every qualified member of a health care system can contribute to the fullest extent.
- The Department supports this effort because it will improve safety and support the health of rural communities while leveraging federal funds.
- Mr. Chorney explained that the CMS Rural Health Transformation Grant is a \$50 billion competitive grant between states to transform how rural health care is delivered. States are asked to commit to certain policy commitments as part of the application process.
- One of those commitments is expanding the scope of pharmaceutical practice to include independent prescribing and the ability to independently order lab tests.
- These policy commitments translate into more dollars for the state. By implementing them, New Hampshire can receive more money in grant awards. CMS recalculates awards annually, so failing to implement policy commitments can have an impact on future funding.
- The big component for the state around scope of care is reducing laws that inhibit a pharmacist’s ability to independently prescribe and order lab tests. This is why the Department suggests including the word “voluntary” in the language to ensure that pharmacists can do so.
- Senator Rochefort confirmed that this is part of a grant and there is a chance the state could lose out on money if we don’t hold up our end of the bargain, and Mr. Chorney confirmed.

- Senator Rochefort confirmed that the Department is taking an official position in support of the bill, and Associate Commissioner Tilley confirmed.
- Senator Birdsell asked where the word “voluntary” would be added into the bill, and Mr. Chorney said it would be on page 2 line 15.
- Senator Rochefort asked if “voluntary” should also be added on page 2 line 28, and Mr. Chorney said it could be included there as well.

Cathy Stratton, New Hampshire Medical Society

- Ms. Stratton stated that she is speaking in opposition to the bill as drafted, noting that she has not yet seen the amendment.
- She recognized the critical role that pharmacists play in the health care team.
- She expressed concern about the clarity on scope of practice and about the integrity of communication between physicians and the prescribing team.
- Ms. Stratton referenced page 2 lines 5-23 and explained that there is a blurring in the language between what is the practice of medicine and what is the practice of pharmacy. She emphasized that role of collaborative practice agreements is not clear, explaining that she would like to work with stakeholders to find clarification.
- Ms. Stratton emphasized that she wants to ensure the critical role of examining, diagnosing, and prescribing is integrated into the bill.
- Ms. Stratton expressed concern about page 2 lines 33-37 removing credentialing and training from the perspective that every medical profession has continuing education requirements. She wants to make sure that continues.
- Ms. Stratton emphasized that she wants to work with stakeholders to tighten up the language of the bill.
- Senator Rochefort referenced page 2 lines 35-37. He acknowledges that the intent may need to be clarified and explained that this change would benefit Ms. Stratton’s members because it gives them more say in collaborative practice agreements.

Maureen Brady

- Pharmacist Brady stated that she is speaking in support of the bill.
- This is an important bill that will allow pharmacists to practice based on their education, training, and experience. This will further empower them to help with patient access and safety.
- Pharmacist Brady shared her personal background and training as a pharmacist. Within the Veterans Affairs system, pharmacists are given a scope of practice based on a standard of care. This allows them to practice and manage chronic disease.
- Academia provides pharmacy students with a rigorous clinical and didactic education. Pharmacists are also trained on physical assessment.

- At Wentworth-Douglass Hospital, pharmacists operate under collaborative practice agreements. They are able to change, order, and administer medications and develop drug therapy plans following patient safety, efficacy, and cost consciousness.
- Senator Rochefort noted that Pharmacist Brady is doing this in an institutional setting and asked if she sees the value in this improving access in the community setting.
- Pharmacist Brady confirmed it is valuable and explained that Wentworth-Douglass Hospital's endocrinologists have revamped their referral process to include that patients see a clinical pharmacist prior to the referral being accepted. This has helped with access to care and reduces provider burnout.
- Senator Rochefort confirmed that clinical pharmacists are doing an initial evaluation and taking care of patients, ultimately reducing the amount going to the endocrinologists.
- Pharmacist Brady confirmed that if they can manage the case, the patient does not need to go to the endocrinologist.

Robert Theriault Jr. & Tonya Carlton, New Hampshire Society of Health-System Pharmacists

- Pharmacist Theriault stated that the New Hampshire Society of Health-System Pharmacists strongly supports the definition of practice of pharmacy and the revisions to collaborative practice agreements in sections 6 and 7 of the bill.
- In Pharmacist Theriault and Carlton's years of experience, they have witnessed the practice of pharmacy change. One of the major changes is that pharmacists are now providing direct patient care services.
- These services include ordering and administering medications, monitoring labs, and helping patients safely manage chronic conditions.
- Pharmacy is one of the most highly regulated professions, with prescriptive rules dictating what can and cannot be done.
- This bill modernizes the practice of pharmacy to a standard of care model similar to what physicians, nurse practitioners, and physician associates have.
- This model is important because it addresses health care workforce shortages and the increasing demand for pharmacists in rural and underserved areas. Pharmacists are readily available as the most accessible health care profession.
- Senator Rochefort asked for Pharmacist Theriault's personal opinion on the jurisprudence exam, emphasizing that he is not asking for the Board of Pharmacy's stance.
- Pharmacist Theriault said he has a similar position to Senator Rochefort, as he took the exam 40 years ago and the legal landscape is now very different.
- The Board has debated eliminating the examination requirement and has considered the guardrails implemented by other states that have also eliminated

the exam, such as continuing education requirements for rules and professional societies holding annual rules revisions.

- As a professional, he feels like it is his obligation to stay current with rules.
- Pharmacist Carlton stated that the New Hampshire Society of Health-System Pharmacists is a subsidiary of the American Society of Health-System Pharmacists, which does have policy in place in support of removing the Multi-State Jurisprudence Exam nationwide.
- Senator Rochefort asked if Vermont was the latest state to eliminate this requirement, and Pharmacist Carlton said she believes that is correct.

Christopher Lopez

- Pharmacist Lopez stated that he is speaking in support of the bill.
- He explained that he has a patient-facing role as a clinical, ambulatory pharmacist. This is due to the referrals he receives from other providers, as they rely on him for helping patients with the management of chronic conditions.

Amanda Morrill, New Hampshire Pharmacists Association

- Pharmacist Morrill stated that she is speaking in support of the bill.
- With this legislation, pharmacists will be able to provide care to granite staters consistent with their education, training, and experience.
- This supports evidence-based patient care and aligns with the governance of other health professions in New Hampshire and other jurisdictions.
- Pharmacist Morrill referenced an earlier question about eliminating continuing education and explained that this was specific to collaborative practice agreements. With the implementation of this legislation, pharmacists would still be required to complete their annual continuing education hours.
- Pharmacists currently take two exams for licensure, including the North American Pharmacy Licensure Examination. This covers clinical expertise, pharmaceutical knowledge, as well as federal laws and laws on compounding. This would still be assessed with the elimination of the jurisprudence exam.
- There are 37 other states that allow pharmacist prescribing in varying capacities. The New Hampshire Pharmacists Association supports a broader change because it will prevent administrative burden as health care and technology evolves.
- Pharmacist Morrill referenced a prior question about scope of practice and explained that the Association is willing to work with stakeholders. They have a recommended definition for scope of practice based on what physician associates have. They are trying to regulate their profession in line with the governance of other professions in the state.

- Pharmacists are educated on evidence-based clinical decision making, therapeutic treatment planning, and medication therapy management strategy development.
- Senator Rochefort inquired about the level of education that pharmacists are receiving.
- Pharmacist Morrill explained that a doctoral degree is needed to become a pharmacist, which includes clinical experience through rotations. Many pharmacists also choose to complete a one-year postgraduate residency, which provides another year of clinical training as a licensed pharmacist. There are now many more options for residencies in New Hampshire, including second-year specialty residencies. There are also additional trainings and board examinations that can be taken to become further specialized.
- While pharmacists are the most accessible health care professionals, there has been a decrease in access to care with pharmacy closures around the state.
- Senator Rochefort asked if Pharmacist Morrill agrees that New Hampshire's rules and laws have not kept up with the level of education and training that pharmacists are receiving.
- Pharmacist Morrill agreed and explained that while laws have been changed throughout the years, they have not kept up with the pace or depth to which the education of pharmacy has evolved.

SB 520 - AS INTRODUCED

2026 SESSION

26-2076

05/08

SENATE BILL **520**

AN ACT relative to breast surgeries for minors.

SPONSORS: Sen. Reardon, Dist 15; Sen. Fenton, Dist 10; Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24

COMMITTEE: Health and Human Services

ANALYSIS

This bill permits a physician to perform breast surgery on a minor if the procedure is at the election of the minor in consultation with her primary care physician.

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-Six

AN ACT relative to breast surgeries for minors.

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

- 1 1 Limitations on Breast Surgeries for Minors; Exceptions to Prohibition. Amend RSA 329:53,
- 2 II(d) and (e) to read as follows:
- 3 (d) The procedure is needed to correct gynecomastia and symptomatic macromastia; ~~[or]~~
- 4 (e) Treatment of congenital deformities of the breast and/or chest wall~~[-]~~; **or**
- 5 ***(f) At the election of the minor in consultation with her primary care physician.***
- 6 2 Effective Date. This act shall take effect 60 days after its passage.

Senate Health and Human Services
March 11, 2026
2026-1170s
07/05

Amendment to SB 520

1 Amend RSA 329:53, II(f) as inserted by section 1 of the bill by replacing it with the following:

2

3 *(f) At the election of the minor in consultation with her primary care physician*
4 *when the primary reason for the breast reduction surgery is, but not limited to,*
5 *musculoskeletal pain, postural changes, or physical discomfort of the individual that*
6 *restricts exercise and activity.*

Amendment to SB 520
- Page 2 -

2026-1170s

AMENDED ANALYSIS

This bill permits a physician to perform breast surgery on a minor in certain instances if the procedure is at the election of the minor in consultation with her primary care physician.

Docket of SB520		
11/21/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
03/04/2026	S	Hearing: 03/11/2026, Room 100, SH, 10:00 am; SC 9
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1170s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 520, relative to breast surgeries for minors.

Hearing Date: March 11, 2026

Time Opened: 10:52 a.m.

Time Closed: 11:10 a.m.

Members of the Committee Present: Senators Rochefort, Birdsell, Prentiss and Long

Members of the Committee Absent: Senator Avar

Bill Analysis: This bill permits a physician to perform breast surgery on a minor if the procedure is at the election of the minor in consultation with her primary care physician.

Sponsors:

Sen. Reardon

Sen. Fenton

Sen. Perkins Kwoka

Sen. Altschiller

Who supports the bill: 84 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 10 people signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: No one.

Summary of testimony presented:

Senator Tara Reardon, Senate District 15

- Senator Reardon referenced an email sent to her from a constituent after the passage of HB 712-FN. She received an elective breast reduction in high school and described it as the best thing she did for herself. She experienced a transformation in her life that would have not been possible if she did not elect to receive the surgery.
- Senator Reardon explained this surgery was routine at one time, but has been clouded by the introduction of gender dysphoria and transitioning youth.

- Senator Reardon explained that she has received a lot of feedback since introducing this bill and acknowledged that the language did not clearly convey her intent.
- She introduced two potential committee amendments that could be adopted to specify the intent of the bill to apply for medical reasons.
- Senator Reardon noted that because her constituent's doctor was not willing to specifically diagnose anything, the constituent worries that her doctor would have shied away from the legal ambiguity and not performed the surgery.
- Senator Reardon emphasized that this is a helpful solution for women who are currently in this situation.
- Senator Rochefort said it seems like the constituent's doctor may not have opted for the first committee amendment option, and Senator Reardon explained that he would have not been comfortable with the existing law from HB 712-FN.

Beth Scaer

- Ms. Scaer stated that she is speaking in opposition to the bill as written, as it repeals HB 712-FN.
- She referenced written testimony submitted to the Committee and told the stories of six young women who received double mastectomies and later regretted the procedure.
- Senator Prentiss noted that mastectomies and breast reductions are medically different and asked if it is Ms. Scaer's position that a minor with a medical reason unrelated to gender dysphoria should not have the ability to get a breast reduction.
- Ms. Scaer explained that breast reductions are being performed on girls who end up with double mastectomies, as they end up taking almost the entire breast. She said she could see this continuing with the amendment.
- Senator Prentiss asked for clarification on if it is Ms. Scaer's position that a minor with a medical condition unrelated to gender dysphoria should not be able to have a breast reduction.
- Ms. Scaer said that HB 712-FN included an extensive list of conditions and diagnoses that would cover the issue this constituent was dealing with.
- Senator Rochefort said he believes that was the original intention, but it was not how it came out. He referenced the list of exemptions from HB 712-FN, including: reconstruction surgeries on minors to correct malformation, malignancy, injury, or physical disease, removal of malignant, malformed, or otherwise damaged tissue, genital surgeries on minors with disorders of sex development, male circumcision, and breast surgery subject to RSA 329:53.
- Senator Prentiss referenced RSA 329:53 and noted that it includes malignancy, injury, infection, malformation, and reconstructive purposes. She explained that reduction is not always considered a reconstructive purpose.

- Senator Prentiss explained that this provides an extra level of protection and clarification, so that there will not be any questions in these circumstances.
- Ms. Scaer said she wants to be sure this does not open a big hole for someone to claim they need a breast reduction when they are truly looking to transition.
- Senator Rochefort noted that he can see the ambiguity in RSA 329:53.

Aubrey Freedman

- Mr. Freedman stated that while he was originally opposed with the bill as written, he is okay with it after hearing Senator Reardon's testimony and amendment. He emphasized that this is for medical conditions that have nothing to do with gender dysphoria.
- Mr. Freedman said he would be okay with this bill as long as it remains specific to physical and medical conditions.
- He questioned the presence of parental consent, and Senator Rochefort noted that it is covered in another section of the law.

SB 607 - AS INTRODUCED

2026 SESSION

26-2171

07/08

SENATE BILL **607**

AN ACT relative to short-term, limited duration health insurance policies.

SPONSORS: Sen. Innis, Dist 7; Sen. McGough, Dist 11; Rep. Labrie, Hills. 2; Rep. Kuttab,
Rock. 17; Rep. Miles, Hills. 12

COMMITTEE: Health and Human Services

ANALYSIS

This bill prevents short-term, limited duration health insurance policies from being issued for a period longer than federal laws or regulations permit.

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-Six

AN ACT relative to short-term, limited duration health insurance policies.

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

1 1 Insurance; Accident and Health Insurance; Form of Policy. Amend RSA 415:5, III to read as
2 follows:

3 III. ~~[Nonrenewable, individual]~~ ***Short-term, limited duration*** health insurance policies
4 which provide medical, hospital, or major medical expense benefits for a specified term may be
5 delivered or issued for delivery to any person in this state ~~[for purposes of providing short-term,~~
6 ~~interim coverage only]~~ and no such policy shall provide coverage for a specified term in excess of ~~[6~~
7 ~~months, nor shall any such policy be issued in this state to a person who was previously covered~~
8 ~~under short-term medical policies providing in total more than 540 days of coverage within the~~
9 ~~preceding 24-month period]~~ ***for an initial term and total duration, including renewals or***
10 ***extensions, not to exceed the maximum length permitted under federal law.***

11 2 Effective Date. This act shall take effect January 1, 2027.

Amendment to SB 607

1 Amend RSA 415:5, III as inserted by section 1 of the bill by replacing it with the following:

2
3 III.(a) ~~[Nonrenewable, individual]~~ ***Short-term, limited duration*** health insurance policies
4 which provide medical, hospital, or major medical expense benefits for a specified term may be
5 delivered or issued for delivery to any person in this state ~~[for purposes of providing short-term,~~
6 ~~interim coverage only and no such policy shall provide coverage for a specified term in excess of 6~~
7 ~~months, nor shall any such policy be issued in this state to a person who was previously covered~~
8 ~~under short-term medical policies providing in total more than 540 days of coverage within the~~
9 ~~preceding 24-month period]~~ ***pursuant to a contract that has an expiration date specified in***
10 ***the contract that is less than 12 months after the original effective date of the contract and,***
11 ***taking into account renewals or extensions, has a duration of no longer than 36 months in***
12 ***total.***

13 (b) *In addition to any disclosure required by the commissioner under RSA 415-*
14 *A:2, for the sale of plans under subparagraph (a), an insurer shall provide a clear and*
15 *conspicuous notice to the consumer, during the application process and in the contract,*
16 *that contains the following language:*

17 ***“Short-term limited duration health plans are not required to comply with regulations***
18 ***under the federal Patient Protection and Affordable Care Act, are not considered Minimum***
19 ***Essential Coverage, and may contain limitations on or exclude coverage for pre-existing***
20 ***conditions. The plan also may contain benefit maximums, out-of-pocket costs, and***
21 ***limitations on renewability that differ from comprehensive health plans. Consumers***
22 ***should review the policy carefully to understand the terms and compare potential costs***
23 ***and coverages with plans available for purchase on Healthcare.gov or directly from a***
24 ***health care insurer.”***

Amendment to SB 607
- Page 2 -

2026-1165s

AMENDED ANALYSIS

This bill allows insurers to offer short-term, limited duration health insurance policies of less than 12 months and not more than 36 months. This bill also requires insurers to provide written notice to consumers that such plans are not required to comply with the ACA, may exclude pre-existing conditions, and may include terms that differ from comprehensive health plans.

Docket of SB607		
11/25/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
03/04/2026	S	Hearing: 03/11/2026, Room 100, SH, 09:30 am; SC 9
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1165s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 607, relative to short-term, limited duration health insurance policies

Hearing Date: March 11, 2026

Time Opened: 10:27 a.m.

Time Closed: 10:35 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill prevents short-term, limited duration health insurance policies from being issued for a period longer than federal laws or regulations permit.

Sponsors:

Sen. Innis
Rep. Kuttab

Sen. McGough
Rep. Miles

Rep. Labrie

Who supports the bill: John Reynolds (National Federation of Independent Business – New Hampshire) and Cory Stone.

Who opposes the bill: Sarah McCarthy, Curtis Howland, Timothy Finney, Pamela Harders, and Tami Lanzillo Zeimetz.

Who is neutral on the bill: Nancy Vaughan (American Heart Association).

Summary of testimony presented:

Grant Bosse, New Hampshire Senate

- Mr. Bosse stated that he is introducing the bill on behalf of Senator Innis.
- Approximately 64,000 people in New Hampshire went without health insurance in 2024. This number is expected to increase with significant premium increases for group and individual plans in 2026.
- Current regulations, which have not been updated since 1995, limit short-term plans to terms of up to 6 months with renewals prohibited. This limits the utility of short-term plans for consumers, disrupts continuity of care, and does not align with the modern regulatory environment.
- Mr. Bosse introduced an amendment that updates short-term plan duration and renewal limits to better reflect the modern insurance regulatory environment and ensure that plans can fill coverage gaps for consumers.

- Under the proposed amendment, an individual could purchase a short-term plan for an initial period of up to 12 months with limited renewability for no more than a total of 24 months. 29 states have similar duration and renewal limits.
- Short-term plans serve as an important safety net, as they generally offer lower premiums in exchange for limited coverage and higher deductibles while ensuring that a consumer does not bear the full cost of medical bills.
- This amendment will increase transparency through disclosure language highlighting the potential limits and trade-offs associated with these plans.

Nancy Vaughan, American Heart Association

- Ms. Vaughan explained that while the American Heart Association is not opposed to the bill, they are not in support of it as currently drafted.
- The current language of the bill tethers the terms and duration of short-term plans to federal law.
- The American Heart Association requests that the bill sets clear limits on initial terms and renewals using current federal limits, which is an initial term of 3 months with an optional 1 month renewal for a total of no more than 4 months in a 12-month period.
- Ms. Vaughan submitted written testimony to the Committee outlining the American Heart Association's stance on short term plans.
- Senator Prentiss asked if the amendment may solve the timing problem raised by Ms. Vaughan, and she confirmed that it may as a step in the right direction.

John Reynolds, National Federation of Independent Business – New Hampshire

- Mr. Reynolds stated that he is very supportive of the proposed amendment.
- In conversations with members, Mr. Reynolds has learned that health care costs are a big concern around the state, with many members in their late 40's to early 60's going years without health insurance coverage.
- Current state regulations on short-term plans do not allow these plans to function as a bridge. Rather, individuals are faced with frustration and potential disruptions to continuity of care as they must start over with new plans instead of renewing.
- The proposed amendment increases transparency by requiring a disclosure statement, which is important to include at the state level since federal rules could change.
- Mr. Reynolds noted that short-term plans are still required to cover state mandated benefits and that they can take a variety of shapes and forms.

SW

Date Hearing Report completed: March 13, 2026

SB 613 - AS INTRODUCED

2026 SESSION

26-2215

09/06

SENATE BILL

613

AN ACT relative to licensing requirements for health care facilities established within a 15 mile radius of a critical access hospital.

SPONSORS: Sen. Prentiss, Dist 5; Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Long, Dist 20; Sen. Altschiller, Dist 24; Sen. Reardon, Dist 15

COMMITTEE: Health and Human Services

ANALYSIS

This bill requires a health care facility to provide certified, written notice to a critical access hospital if the facility will be located within a 15 mile radius of the critical access hospital.

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-Six

AN ACT relative to licensing requirements for health care facilities established within a 15 mile radius of a critical access hospital.

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

1 1 Title. This act shall be known as the "Rural Health Care System Stabilization Act".

2 2 Residential Care and Health Facility Licensing; License or Registration Required. RSA 151:4-
3 a, II(a) is repealed and reenacted to read as follows:

4 II.(a) Any person or entity proposing to establish an ambulatory surgical center, emergency
5 medical care center, hospital, birthing center, drop-in or walk-in care center, dialysis center, or
6 special health care service within a radius of 15 miles of the primary physical location of a New
7 Hampshire hospital certified as a critical access hospital pursuant to 42 C.F.R 485.610(b) and (c),
8 shall give written notice of the intent to establish the health care facility within a 15 mile radius of
9 the critical access hospital. The notice shall include a description of the facility and any health care
10 services to be established and shall be sent by certified mail to the chief executive of the critical
11 access hospital.

12 3 Effective Date. This act shall take effect upon its passage.

Amendment to SB 613

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

2
3 AN ACT relative to licensing requirements for health care facilities established within a 15
4 mile radius of a critical access hospital and relative to transfers from freestanding
5 hospital emergency facilities.
6

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

8
9 1 Title. Sections 1 and 2 of this act shall be known as the "Rural Health Care System
10 Stabilization Act".
11

12 Amend the bill by replacing all after the section 2 with the following:

13
14 3 Purpose. The purpose of section 4 of this act is to protect patient safety and continuity of care
15 by ensuring that transfers from freestanding hospital emergency facilities are based on clinical
16 appropriateness, patient needs, and regional access to hospital services. Section 4 of this act further
17 seeks to prevent practices that may undermine community hospitals through coercive or exclusive
18 transfer arrangements that are not clinically justified.

19 4 New Subdivision; Transfers from Freestanding Hospital Emergency Facilities. Amend RSA
20 151 by inserting after section 53 the following new subdivision:

21 Transfers from Freestanding Hospital Emergency Facilities

22 151:54 Definitions. In this subdivision:

23 I. "Freestanding hospital emergency facility" or "FHEF" means a facility licensed under this
24 chapter that is geographically separate from an acute care hospital and provides emergency medical
25 services on behalf of, or in affiliation with, a parent hospital.

26 II. "Parent hospital" means an acute care hospital that owns, controls, or operates a
27 freestanding hospital emergency facility, directly or indirectly.

28 III. "Clinically appropriate" means consistent with the judgment of the treating physician,
29 the patient's medical condition, and applicable regional emergency medical services protocols.

30 IV. "Transfer" means the movement of a patient from a freestanding hospital emergency
31 facility to another licensed hospital or health care facility for the purpose of providing continued
32 medical care, and shall not include discharge to home or referral for non-emergent outpatient
33 services.

Amendment to SB 613
- Page 2 -

1 V. “Medically necessary” means determined by the treating physician or qualified
2 practitioner to be required to prevent or address a material deterioration of the patient’s medical
3 condition, consistent with applicable standards of care.

4 151:55 Transfer Standards.

5 I. When a transfer from a freestanding hospital emergency facility to an acute care hospital
6 is medically necessary, the facility shall ensure that transfer decisions are based primarily on
7 clinical appropriateness, patient safety, continuity of care, and patient choice.

8 II. A patient, or the patient’s legal representative when applicable, shall be informed of
9 available receiving hospitals that are clinically appropriate and reasonably available, provided that
10 such discussion does not delay screening, stabilization, or transfer required under federal law.

11 III. No freestanding hospital emergency facility shall require or condition treatment,
12 stabilization, or transfer upon selection of a receiving hospital based primarily on ownership or
13 affiliation.

14 IV. If a patient is unable to participate in the selection of a receiving hospital, the facility
15 shall arrange transfer to an appropriate hospital consistent with:

- 16 (a) RSA 153-A:1 and RSA 151:19, VII;
17 (b) State-designated trauma, stroke, or specialty care systems;
18 (c) Federal and state law governing emergency medical treatment and transfer; and
19 (d) The patient’s medical condition and safety.

20 151:56 Prohibited Practices.

21 I. No freestanding hospital emergency facility, nor any entity owning or operating such
22 facility, shall:

23 (a) Engage in materially misleading communication or coercive conduct for the primary
24 purpose of directing patient transfers to an affiliated or parent hospital when another clinically
25 appropriate hospital is reasonably available.

26 (b) Condition transfer decisions on insurance status or payer considerations.

27 (c) Enter into exclusive transfer arrangements with emergency medical services
28 providers that require patient transfers to an affiliated hospital without regard to clinical
29 appropriateness, patient needs, patient choice, or regional emergency medical services protocols.

30 II. Nothing in this section shall prohibit non-exclusive coordination agreements with
31 emergency medical services providers for quality assurance, response efficiency, or specialty care,
32 provided such agreements do not require exclusive routing based on ownership affiliation.

33 151:57 Federal Law EMTALA. Nothing in this subdivision shall be construed to alter, expand,
34 or restrict obligations under the federal Emergency Medical Treatment and Labor Act (EMTALA), 42
35 U.S.C. section 1395dd. Compliance with EMTALA shall be deemed compliance with this
36 subdivision. In the event of a conflict, federal law shall control.

37 151:58 Enforcement; Rulemaking.

Amendment to SB 613

- Page 3 -

1 I. The attorney general may adopt rules under RSA 541-A to define and implement
2 enforcement standards under this subdivision, including but not limited to defining what constitutes
3 a pattern of violations, coercive conduct, or materially misleading communication.

4 II. Upon a finding of a pattern of violations as defined by rule, the attorney general may
5 pursue enforcement under RSA 358-A.

6 III. Prior to referral for enforcement, the department of health and human services shall
7 provide notice of alleged violations and a reasonable opportunity to cure.

8 151:59 Scope. This subdivision applies only to transfers occurring prior to inpatient admission
9 at the receiving hospital and shall not regulate post-admission referral, discharge planning, or
10 elective admission decisions.

11 5 Effective Date. This act shall take effect upon its passage.

Amendment to SB 613
- Page 4 -

2026-1177s

AMENDED ANALYSIS

This bill:

I. Requires a health care facility to provide certified, written notice to a critical access hospital if the facility will be located within a 15 mile radius of the critical access hospital.

II. Establishes standards governing the transfer of patients from freestanding hospital emergency facilities to acute care hospitals to ensure that such transfers are based primarily on clinical appropriateness, patient safety, continuity of care, and patient choice.

III. Bans coercive or exclusive transfer practices, reinforces EMTALA requirements, and gives the state authority to enforce violations.

Docket of SB613		
11/25/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
02/18/2026	S	Hearing: 03/04/2026, Room 100, SH, 10:00 am; SC 7
03/13/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1177s, 03/26/2026; Vote 5-0; CC; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 613, relative to licensing requirements for health care facilities established within a 15 mile radius of a critical access hospital.

Hearing Date: March 4, 2026

Time Opened: 11:02 a.m.

Time Closed: 11:18 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill requires a health care facility to provide certified, written notice to a critical access hospital if the facility will be located within a 15 mile radius of the critical access hospital.

Sponsors:

Sen. Prentiss

Sen. Gannon

Sen. Rosenwald

Sen. Fenton

Sen. Perkins Kwoka

Sen. Watters

Sen. Long

Sen. Altschiller

Sen. Reardon

Who supports the bill: Sen. Prentiss, Sen. Fenton, Sen. Altschiller, Sen. Reardon, Sen. Rosenwald, Kathy Corey Fox (St. Joseph Hospital), Ben Bradley (NH Hospital Association), Teresa Rosenberger (North Country Health), Jennifer Favreau, and Kathleen Malsbenden.

Who opposes the bill: Aubrey Freedman, Cory Stone, Curtis Howland, Timothy Finney, Jenny Bourgeois, Heather Gollnick, Lisa Willis, Thomas Stewart, Susan Peterson, Cynthia Rodenhauser Stewart, Lorraine Drake, Stan Duncan, Pamela Harders, Victoria Diehl, Tami Lanzillo Zeimet, and Bill Alleman.

Who is neutral on the bill: No one.

Summary of testimony presented:

Senator Sue Prentiss, Senate District 5

- Senator Prentiss explained that this bill would require health care facilities to notify nearby critical access hospitals when they plan to establish service within a certain distance. This notification would only be required if the proposed health care facility is within 15 miles of the critical access hospital.

- This bill would cover facilities such as ambulatory surgical centers, emergency medical care centers, birthing centers, walk-in and drop-in care centers, dialysis centers, and other specialized health care services, in addition to newly established hospitals.
- The intent of this bill is to protect and stabilize care by ensuring that critical access hospitals are informed when new health care facilities plan on operating nearby. This allows them to prepare for potential impacts on services, staffing, and patient volumes.
- Critical access hospitals are often the only lifeline for health care in rural communities. Policies that protect the stability of these hospitals ultimately protect the health and safety of the people who rely on them.
- Rural hospitals serve as essential access points for health care. They allow for patients to be put in contact with other providers and facilities if they cannot provide a certain service. They also serve as key stabilization points for critically ill and trauma care patients.
- Senator Prentiss noted that critical access hospitals are often many miles away from tertiary care centers, so if competition from new facilities cause these hospitals to limit services or close, that distance would be further increased for patients.
- Senator Prentiss noted that these hospitals are already operating on thin margins and are large employers for their communities. They often serve as central points within these communities.
- Federal leaders have recognized this crisis and testified that these hospitals are centerpieces in many communities and essential to their survival.
- Advanced notice allows for critical access hospitals to make an assessment and review potential concerns.
- Senator Prentiss emphasized that limiting competition is not her goal, but rather ensuring that rural facilities are properly protected and stable in order to protect rural communities.
- Senator Rochefort emphasized that this is not preventing health care facilities from entering new areas and operating, but rather just requiring them to notify nearby critical access hospitals and allow for review. Senator Prentiss confirmed that it is just notice and review.
- Senator Rochefort acknowledged the economic impact of critical access hospitals, emphasizing that they are often the largest local employer in these communities.

Aubrey Freedman

- Mr. Freedman stated that he is speaking in opposition to the bill. He described it as an anti-competition bill.

- He noted that the category of special health care services has too broad of a definition, as it encompasses essentially any medical service.
- Any enterprise entering an area and offering specialized services will fail if there is not a demand for the services. Mr. Freedman questioned why critical access hospitals would not be happy with patients having another avenue to receive services that they may not be able to provide.
- Mr. Freedman emphasized that competition is a good thing and patients should have the right to choose their health care services.
- Mr. Freedman said the RSA referenced by this legislation should be repealed and not replaced. He emphasized that we should be encouraging new medical facilities and focus on the benefit to patients and the public.

Ben Bradley, New Hampshire Hospital Association

- Mr. Bradley stated that he is speaking in support of the bill.
- The bill's provisions remain an important tool for the state's efforts to ensure access to care in rural communities. Without them, the state is blind to the effects of a new proposed licensed facility on a critical access hospital.
- New Hampshire has recently been rewarded \$204 million in the first year of a 5-year Rural Health Transformation Program. Notice and review requirements are important to ensure that these federal investments are not undermined by a new facility having a material adverse impact on critical access hospitals.
- The provisions of this bill align with sustainable access, which is a major pillar of the Rural Health Transformation Program. Critical access hospitals are vulnerable to financial challenges that directly threaten access to essential services in their communities.
- At least 7 of New Hampshire's 26 acute-care hospitals had negative operating margins in 2024, including 4 critical access hospitals.

SB 462 - AS INTRODUCED

2026 SESSION

26-2252

05/09

SENATE BILL **462**

AN ACT relative to the right of therapeutic cannabis patients to purchase, possess, and transfer firearms in accordance with state law.

SPONSORS: Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. Pearl, Dist 17; Sen. Sullivan, Dist 18; Sen. Abbas, Dist 22

COMMITTEE: Judiciary

ANALYSIS

This bill provides that a qualifying patient's therapeutic use of cannabis shall not affect the individual's right to purchase, possess, and transfer firearms in accordance with New Hampshire law.

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-Six

AN ACT relative to the right of therapeutic cannabis patients to purchase, possess, and transfer firearms in accordance with state law.

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

1 1 New Paragraph; Therapeutic Use of Cannabis Protections; Right to Purchase, Possess, and
2 Transfer Firearms. Amend RSA 126-X:2 by inserting after paragraph XVII the following new
3 paragraph:

4 XVIII. A qualifying patient's therapeutic use of cannabis in accordance with this chapter
5 shall not affect the individual's right to purchase, possess, and transfer firearms in accordance with
6 New Hampshire law.

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

Docket of SB462		
11/21/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
01/21/2026	S	Hearing: 01/27/2026, Room 100, SH, 01:20 pm; SC 3
03/18/2026	S	Committee Report: Referred to Interim Study, 03/26/2026; Vote 4-0; CC; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 462, relative to the right of therapeutic cannabis patients to purchase, possess, and transfer firearms in accordance with state law.

Hearing Date: January 27, 2026

Time Opened: 1:21 p.m.

Time Closed: 1:48 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill provides that a qualifying patient's therapeutic use of cannabis shall not affect the individual's right to purchase, possess, and transfer firearms in accordance with New Hampshire law.

Sponsors:

Sen. Murphy
Sen. Sullivan

Sen. Innis
Sen. Abbas

Sen. Pearl

Who supports the bill: Senator Keith Murphy, Nathaniel Gurien (NH Cannabis) Senator Daniel Innis, Timothy Finney, James Gardner, Curtis Howland, Pamela Harders, Holly Weston, Stacey Somogyi, Catherine Lemay, Dawn Johnson, Jonathan Hutchins, Katie McLaughlin, and Kathryn Schongar.

Who opposes the bill: Daniel Richardson

Who is neutral on the bill: Lt. Mary Cattabriga (NHSP)

Summary of testimony presented:

Senator Murphy (SD-16), explained that this bill would protect the rights of individual patients in New Hampshire engaged with the legal, medical use of cannabis to purchase, possess, or transfer firearms in accordance with New Hampshire law. He elaborated on his background with the subject, explaining that he had been involved with the passage of legalized medical cannabis in 2010 during his first term in the legislature.

- Stated that New Hampshire law views cannabis as being a legitimate for certain medicinal purposes and that the exercise of basic constitutional rights should not be conditioned on medication.

- Argued that the contents of the bill should be viewed as basic common sense and expressed his hope that the bill would see support regardless of party affiliation.
- Senator Gannon asked whether an exemption was being made in the case of firearms when there are other legal circumstances, like the possession of a CDL license for a commercial vehicle, where the use of medical cannabis might be held against an individual and cause them to lose that license.
 - Senator Murphy responded that the case of firearms possession presented a justified exception by virtue of it being a constitutional right.
- Senator Reardon asked if there was currently any place within New Hampshire law which specified that an individual cannot possess a firearm while being a patient engaged with medical cannabis.
 - Senator Murphy answered that there was not, and that this bill was intended to make sure there was legal protection for such individuals. He stated that some of the testimony that would follow would elaborate on his answer to this question.

Mr. Nathaniel Gurien, the executive director of the New Hampshire Cannabis Party, CEO of NH Cannabis LLC, and a columnist for the Conway Daily Sun concerned with New Hampshire cannabis policy, explained that New Hampshire has a political culture of protecting the second amendment rights of its residents. He argued that this bill presented an opportunity for New Hampshire lawmakers to do so in relation to cannabis, which had been made legal for medical purposes in the state.

- Explained that while this bill could not alter the existing federal crime for possession of a firearm while engaging with medical cannabis, it would provide a level of legal protection for New Hampshire residents that chose to do so. He argued that the existing federal language around cannabis was an infringement of second amendment rights in New Hampshire, and that other states had taken similar steps.
- Elaborated on this by explaining that ATF form 4473, question 21F, asks “Are you an unlawful user of cannabis or addicted to a controlled substance,” and that this forces many to choose between firearms possession and a legal medical treatment which has proven to have positive affects for many New Hampshire residents.
- Explained that the existing likelihood of prosecution for medical cannabis users in possession of firearms is very slim, and stated that out of 15 million forms submitted of that kind there have been 250 prosecutions. He argued that this bill would further reduce this already low likelihood.

- Stated that the wording of the bill could be amended to protect individuals from federal prosecution, but that it may require additional consideration.
- Explained that there had been a recent alteration the previous Thursday, January 22nd, by the ATF that they would only reject an application if a cannabis user can be shown to be habitual or addicted to cannabis.
- Senator Gannon asked for clarification on the purpose of the bill if it did not seek to alter the existing federal crime possessing a firearm while a medical cannabis patient, and if it would have any real impact on New Hampshire's own laws.
 - Mr. Gurien responded that the bill would set the groundwork to respond to future federal legislation that might liberalize cannabis policy and that it would bring the likelihood of being prosecuted in New Hampshire for cannabis possession as a firearms owner from slim to none. He stated that he had spoken to many New Hampshire firearms owners that had refrained from engaging with the medical cannabis program in the state because of their fear of that slim chance of being prosecuted, and that this bill would serve as a statement from the legislature to provide them a level of comfort and security.
- Senator Abbas asked what the consequences would be for a firearms dealer that refused to sell a firearm to a patient using medical cannabis.
 - Mr. Gurien explained that there were legal concerns for firearms dealers as lying on the form carries with it a potential sentence of 10 years in prison. He argued that this bill presented far greater security for private firearms transactions rather than those with licensed firearms dealers.
 - Senator Abbas asked whether a licensed firearms dealer could decline a sale to a medical cannabis user if this bill became law in New Hampshire, to which Mr. Gurien replied that they could as you still might be in violation of federal law.
 - Mr. Gurien clarified that the new ATF ruling was effective already and that a medical cannabis user was able to purchase a firearm as long as they could not be proven to be a habitual user or addicted to cannabis.

Lieutenant Mary Cattabriga, a New Hampshire State Police officer in charge of the New Hampshire Gun Line, stated that the department was neutral on this bill. She explained that federal law, in this case, is supreme to state law, and that medical cannabis is not a federally accepted medical treatment and may disqualify and individual from possessing firearms.

- Explained that the ATF had indeed altered their guidelines, and that disqualified habitual users included those on a regular scheduled usage plan for medical cannabis. She stated that this habitual use would have to be proven for the ATF to reject the purchase, but that a firearms dealer would still refuse to sell to an individual selecting yes on question 21F as that dealer might face penalties if the individual was in violation of federal law. She also clarified that this bill only applies to individual purchases.
- Senator Gannon asked to clarify what made an individual a “regular user” of cannabis, and whether it only included those using cannabis every day.
 - The Lieutenant clarified that it included any individuals on a regular schedule, whether it be daily, weekly, or monthly.
- Senator Reardon thanked the Lieutenant for being clear on the boundaries between federal and state law, and asked to clarify that the bill would have no effect on federal law in New Hampshire. Lieutenant Cattabriga clarified that this was correct.
- Senator Abbas asked whether an individual might be able to give a firearm to another New Hampshire resident who was using medical cannabis under state laws
 - Lieutenant Cattabriga clarified that an individual was only prohibited from receiving firearms under New Hampshire state law in the case that they were a felon.

Mr. Nathaniel Gurien testified again, explaining that the ATF disqualification would not apply to controlled substances prescribed by a doctor. He explained that while doctors cannot currently prescribe cannabis, recent federal changes to make it a schedule 3 drug might allow them to do so and allow medical cannabis users to purchase and possess firearms. He stated that he had reached out to one of his sources to ask for more information on the topic.

SB 617 - AS INTRODUCED

2026 SESSION

26-2182

09/08

SENATE BILL **617**

AN ACT relative to the removal of abandoned vehicles by law enforcement.

SPONSORS: Sen. Gannon, Dist 23; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Sen. McGough, Dist 11; Rep. Bernardy, Rock. 36; Rep. Litchfield, Rock. 32; Rep. Khan, Rock. 30; Rep. M. Pearson, Rock. 34

COMMITTEE: Judiciary

ANALYSIS

This bill substantially revises the procedures and processes concerning the maintenance of and utilization of a list of contracted tow companies used by the division of state police for the removal of vehicles.

This bill is a request of the department of safety.

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-Six

AN ACT relative to the removal of abandoned vehicles by law enforcement.

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

1 1 Removal of Abandoned Vehicles by State Police. Amend RSA 106-B:26-34 to read as follows:
2 106-B:26 Applicability.

3 I. This subdivision shall apply to the enforcement of provisions of the motor vehicle laws by
4 the state police, including clearing roads and entrances of stolen, unregistered, illegally parked,
5 disabled or abandoned vehicles, vehicles involved in accidents or crimes or other situations,
6 regarding the removal, storage, and release of such vehicles towed and transported by **a qualified**
7 **tow business** [~~wreckers, towing, and emergency road service organizations~~] in a fair and equitable
8 manner, upon request of the division of state police ("**the division**"):

9 (a) In response to requests from owners or custodians of vehicles that have encountered
10 mechanical problems that rendered them inoperable or unsafe to be driven;

11 (b) In response to requests from [~~a state trooper~~] **the division** when a vehicle has been
12 abandoned on private property without consent of the property owner;

13 (c) When a vehicle is found obstructing the passage of vehicles from a public street or
14 highway onto the driveway of such private property or public building;

15 (d) When a vehicle was involved in a traffic accident or crime or its driver is
16 incapacitated or under arrest, or is without a valid driver 's license;

17 (e) When a vehicle is interfering with snow removal or highway maintenance;

18 (f) When a vehicle has been left unattended within a state-owned park and ride facility
19 for a period greater than 21 days; [~~or~~]

20 (g) When a vehicle is without proper registration or, **in the opinion of a division**
21 **member, is determined to be** [~~apparently~~] unsafe to be driven; **or**

22 (h) **When a commercial motor vehicle or its driver has been placed out of service**
23 **based on the current edition of the Commercial Vehicle Safety Alliance's North American**
24 **out-of-service criteria or is determined to be unsafe or unfit, respectively.**

25 II. Nothing in this subdivision shall restrict the authority of town and city law enforcement
26 agencies to enforce relevant state statutes, to enact local bylaws or ordinances not in conflict with
27 any state law or administrative rule regarding the clearance of disabled, abandoned, illegally
28 parked, unregistered, or stolen vehicles or vehicles involved in crimes or collisions in areas where the
29 local police have sole or shared jurisdiction with [~~state police~~] **the division**, or to enter into
30 contractual agreements with tow companies for the removal of vehicles at the request of local
31 authorities.

SB 617 - AS INTRODUCED
- Page 2 -

106-B:27 State Police; Use of Tow List.

2 I. In the event the division [~~of state police~~] seeks to tow or remove any vehicle pursuant to
3 applicable laws and rules, whenever practicable the **qualified** tow **business** [~~company~~] responsible
4 for such towing or removal shall be chosen from a tow list in accordance with this subdivision.

5 II. To facilitate the timely and effective towing and removal of vehicles pursuant to this
6 subdivision, the division [~~of state police~~] is authorized to develop and maintain a rotating list of
7 qualified tow **businesses** [~~services~~] within each geographical troop, **county, or by city or town.**
8 [~~Where long distances could cause unreasonably long wrecker response times, the director of state~~
9 ~~police or designee may authorize a separate rotation list by county or group of municipalities within~~
10 ~~a troop.~~] The director [~~from time to time~~] may [~~enlarge or shrink~~] **adjust the list of qualified tow**
11 **businesses eligible for a city or town** [~~an area~~] if necessary, to ensure **there is** an adequate
12 number of qualified tow businesses to handle the call workload and travel distances involved[~~and~~
13 ~~shall review the lists periodically to ensure that needs are being met~~]. The list may be further
14 segmented to distinguish between **class I, II, and III vehicles** [~~heavy and light/medium duty~~
15 ~~wreckers, recovery vehicles, rollback carriers~~] and other specialized equipment.

16 III. Rotation lists [~~shall~~] **may** include notations identifying **qualified** tow businesses that
17 maintain **class I, II, and III vehicles** [~~heavy duty wreckers, heavy duty recovery vehicles, and~~
18 ~~recovery vehicles~~], and whenever there is a specific, identified need for one of those vehicles it [~~shall~~]
19 **may** be summoned from the rotating list in the order in which it appears. Nothing herein shall
20 prevent a **qualified** tow business on a tow list from responding to a call with a **class I vehicle**
21 [~~larger, heavier~~], or more sophisticatedly equipped vehicle where only a **class II or III vehicle**
22 [~~lighter wrecker~~] is required, provided the **qualified** tow business does not exceed its normal charge
23 for a **class II or III vehicle** [~~lighter duty wrecker~~]. **In cases where the division requests a**
24 **specific or higher class of vehicle to complete the task more efficiently and safely, a**
25 **qualified tow business may charge fees equivalent with the use of the requested class of**
26 **vehicle.**

27 IV. The director, [~~of state police~~] with the approval of the commissioner of safety, may adopt
28 rules pursuant to RSA 541-A, consistent with relevant provisions of this subdivision setting forth
29 minimum qualifications of tow [~~companies~~] **businesses** and their employees to participate in the
30 state police tow list.[~~including~~] **Such minimum** qualifications **include, but are not limited to,**
31 training, [~~and~~] minimum standards for equipment, response times, storage and release of towed
32 vehicles and their contents, and criminal history and motor vehicle record checks of **employees** [~~tow~~
33 ~~truck drivers~~].

34 V. [~~State troopers handling an incident shall not call a tow business that, in their opinion,~~
35 ~~lacks a vehicle of sufficient size and equipment for a particular job.~~] **The division shall have the**
36 **prerogative to utilize qualified tow businesses with sufficient equipment, personnel, and**

facilities to meet the division's needs on a case by case basis. Under such conditions a *qualified* tow business not [called] *utilized* shall retain its position on the rotation list.

VI. Whenever a [desired] *requested qualified* tow business *declines a request or* is unable to respond to a call in a timely manner with the proper equipment, the *qualified* tow business next on the rotation list shall be called *and the qualified tow business unable to respond shall be placed at the bottom of the rotation list.*

VII. *Qualified* tow businesses may also be called for [service] *services, including but not limited to* [such as for] fuel, tire changes, dead battery, and removal of disabled, stolen, or abandoned vehicles according to placement on the appropriate rotation list and shall have a service vehicle suitably equipped and personnel capable of handling the assignment.

106-B:28 Definitions.

In this subdivision:

I. [~~"Heavy-duty wrecker"~~] *"Class I vehicle"* means a *"heavy duty recovery vehicle" as defined in RSA 259:40-b; or a heavy duty* wrecker [intended and suitably] equipped for towing vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

(a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500 pounds;

(b) Tandem axles, or a cab-to-axle length of not less than 102 inches;

(c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch manufacturer;

(d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;

(e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of equal capacity;

(f) A winch cable rated as specified by the winch manufacturer, in good condition, *which shall not be damaged in any way such as being frayed, cut, or improperly spliced or repaired;*

(g) *Appropriate driveway-towaway lights* [Light] and airbrake hookups for the towed vehicle; and

(h) Additional safety equipment as specified in this chapter and consistent with United States Department of Transportation [inspection] requirements *and federal Motor Carrier Safety regulations.*

II. [~~"Light/Medium-duty wrecker"~~] *"Class II vehicle"* means a *medium duty* wrecker intended and suitably equipped for safely towing vehicles weighing 26,000 pounds or less gross

weight, including passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements, provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch and cable:

- (a) A minimum gross vehicle weight rating of not less than ~~[14,500]~~ **33,000** pounds;
- (b) Individual boom capacity of not less than ~~[8,000]~~ **12,000** pounds, as rated by the boom manufacturer;
- (c) Individual power takeoff or hydraulic power or electric winch capacity of not less than ~~[8,000]~~ **12,000** pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent with the device manufacturer;
- (d) A manufactured wheel-lift with a retracting lifting capacity of not less than ~~[3,500]~~ **12,000** pounds, as rated by the manufacturer, with safety chains;
- (e) ~~[Dual rear wheels;]~~ ***A winch cable rated as specified by the winch manufacturer, in good condition, and which shall not be damaged in any way such as being frayed, cut, or improperly spliced or repaired;***
- (f) ~~[Two chock blocks that will prevent rolling or slippage of the wrecker]~~ ***Appropriate driveway-towaway lights and airbrake hookups for the towed vehicle;*** and
- (g) Additional safety equipment as specified in this chapter and consistent with United States Department of Transportation ~~[inspection]~~ requirements ***and federal Motor Carrier Safety regulations.***

III. ***“Class III vehicle” means a light duty wrecker intended and suitably equipped for safely towing vehicles weighing 15,000 pounds or less gross weight, including passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles, and that meets the following requirements, provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch and cable:***

- (a) A minimum gross vehicle weight rating of not less than 19,000 pounds;***
- (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom manufacturer;***
- (c) Individual power takeoff or hydraulic power or electric winch capacity of not less than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent with the device manufacturer;***
- (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500 pounds, as rated by the manufacturer, with safety chains;***
- (e) A winch cable rated as specified by the winch manufacturer, in good working condition, which shall not be damaged in any way, such as being frayed, cut, or improperly spliced or repaired;***

1 (f) *Additional safety equipment as specified in this chapter and consistent with*
2 *United States Department of Transportation requirements and federal Motor Carrier*
3 *Safety regulations.*

4 IV. *“Director” means the director of the division of state police within the*
5 *department of safety or designee. “Director” includes “colonel”.*

6 V. *“Division” means the division of state police as set forth in RSA 21-P:7.*

7 VI. *“Employee” means any individual employed by the business who will have any*
8 *possible interaction with a customer associated with a state police tow.*

9 VII. *“Qualified tow business” means a tow business that has been approved to be*
10 *placed on the state police tow list. [~~“Recovery vehicle” means a motor vehicle consisting of a~~*
11 *commercially available truck chassis equipped with a commercially manufactured tow body or bed*
12 *and that is rated and issued a serial number by the manufacturer, designed and equipped for and*
13 *used in the towing or recovery of vehicles, in good condition and capable of towing a vehicle by means*
14 *of a tow bar, sling, or wheel lift, and capable of recovering a vehicle by means of a hoist, winch, or*
15 *towline.*

16 IV. ~~“Rollback carrier” means a flatbed vehicle in good condition that meets the following~~
17 ~~requirements, provided that come-a longs, chains, or similar devices shall not be used as substitutes~~
18 ~~for a winch and cable:~~

19 (a) ~~A minimum gross vehicle weight rating of at least 19,500 pounds;~~

20 (b) ~~A specially equipped chassis with a ramp on wheels and a hydraulic lift with a~~
21 ~~capacity to haul or tow another vehicle;~~

22 (c) ~~At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50~~
23 ~~feet of cable, as recommended by the winch manufacturer; and~~

24 (d) ~~Additional safety equipment as specified in this chapter and consistent with United~~
25 ~~States Department of Transportation inspection requirements.~~

26 V.] VIII. *“Rotator” means a class I vehicle consisting of a commercially available*
27 *truck chassis equipped with a commercially manufactured rotating crane or hoisting*
28 *boom capable of rotating 360 degrees. The crane shall be rated and issued a serial number*
29 *by the manufacturer, designed and equipped for and used in the recovery of vehicles, in*
30 *good condition, and capable of hoisting, lifting, or pulling a minimum of 20 tons.*

31 IX. *“Tow business” means a person, enterprise, partnership, company, LLC, or other*
32 *corporation having a registered trade name, an active New Hampshire tax identification number, an*
33 *active New Hampshire workers' compensation insurance policy or exemption papers, an active New*
34 *Hampshire employment security account, and that meets all state and local legal requirements*
35 *including, but not limited to, those related to payment of business related taxes, fees, and insurance*
36 *coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or*
37 *abandoned vehicles, or in the disposal of abandoned vehicles.*

[VI.] X. "Tow list" means a list or lists of qualified New Hampshire businesses compiled by the division of state police and used by them to dispatch wreckers and recovery and road service vehicles to tow, recover, and temporarily store a vehicle when the owner, driver, or other person responsible for the vehicle is not present or wishes to have the vehicle removed and expresses no choice or preference of a specific **qualified** tow business, or when public safety requires the law enforcement official in charge at the scene to clear the vehicle from the location believing, in his or her sole opinion, the vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved in a crime, or is in violation of a statute that requires immediate removal.

[VII.] XI. "Vehicle storage area" means ~~[a suitable yard or enclosed building where a qualified tow business keeps or stores towed or impounded vehicles]~~ **a reasonably secure area for the safe storage of motor vehicles or other items stored at the request of the division. Storage areas shall have controlled access such that no unauthorized persons can gain access or remove vehicles or their contents. Storage areas shall be clearly marked as belonging to that qualified tow business, shall be clearly posted with signage in accordance with RSA 635:4, and shall have adequate lighting to illuminate the enclosed area. If a vehicle must be stored for processing after a crime, death, or serious injury, then such storage facilities shall be a completely gated or fenced area adequate to reasonably secure the storage facility and prevent unauthorized entrance.**

[VIII.] XII. "Wrecker" ~~[for purposes of this chapter and except where the context clearly indicates otherwise,]~~ means a tow truck, road service vehicle, ~~[or]~~ carrier, ~~[and recovery vehicle]~~ **or any other vehicle defined in this chapter** used by tow businesses ~~[on the state police tow list]~~.

106-B:29 [Use] **Administration** of Tow List.

I. When a ~~[towing]~~ situation being handled by **the division** ~~[state police]~~ involves a vehicle that requires recovery, towing, or removal from the scene, the ~~[trooper]~~ **division member** in charge shall make a best effort attempt to allow the owner, operator, or other person lawfully responsible for the vehicle to contact ~~[a]~~ **their** preferred tow business, unless doing so ~~[will]~~ **would** delay the timely restoration of safe traffic movement, prolong a serious hazard, **place any emergency personnel on scene at greater risk**, or compromise the preservation or collection of evidence. The preferred tow business ~~[when called]~~ **utilized** shall notify **the division** ~~[state police communications]~~ of its estimated time of arrival. The ~~[trooper]~~ **division member** on scene shall determine if that **response** time **is timely and effective pursuant to this subdivision** ~~[will unduly continue a hazardous condition or cause serious inconvenience for the public]~~ and, if **not** ~~[so]~~, state police communications shall summon the next ~~[appropriate]~~ **qualified** tow business from the tow list. If there is no one on site who is the owner, operator, or other person lawfully responsible for the vehicle, and in the opinion of the ~~[trooper]~~ **division member** the vehicle presents a hazard or unreasonable delay to the **restoration of safe travel conditions** ~~[public]~~, the ~~[trooper]~~ **division**

1 **member** on site shall request that state police communications contact the next ~~[appropriate]~~
2 **qualified** tow business on the list.

3 II. ~~[To help ensure a timely and professional response and to promote fairness to individual~~
4 ~~towing businesses, the division of state police shall maintain a separate rotation list for each state~~
5 ~~police geographical troop area. In any case where distances involved could cause unreasonably long~~
6 ~~wrecker responses, the director of state police may authorize a separate rotational list by county or~~
7 ~~group of communities for that troop. The director may enlarge or shrink an area if necessary to~~
8 ~~provide a sufficient number of tow businesses to handle the number of calls in the area and the~~
9 ~~travel distances involved, and shall review the zones periodically to determine if needs are being~~
10 ~~met.~~

11 III. If the ~~[desired]~~ **requested qualified** tow business is unable to respond to a call in a
12 timely manner with the proper equipment, the **qualified** tow business next in line on the rotation
13 list will be called.

14 ~~[IV. Placement on the tow list shall be by order of application.]~~ III. Whenever a new tow
15 business becomes ~~[authorized]~~ **qualified**, it shall be placed on the bottom of the appropriate list or
16 lists for which the director finds the tow business ~~[qualified]~~ **services are appropriate and will be**
17 **based upon the business' principal place of business.** The director shall have authority to
18 determine when a tow list is adequately staffed with towing businesses and may refuse to add a
19 business to the list if he or she determines the amount and type of calls in that zone is insufficient to
20 justify a larger list.

21 ~~[V.]~~ IV. Separate rotation lists ~~[shall]~~ **may** be maintained for each **class of vehicle**
22 ~~[category of wrecker]~~. When a situation requires services of a specific **class of vehicle** ~~[category of~~
23 ~~wrecker]~~, such ~~[wrecker]~~ **class** shall be called from the appropriate tow list unless the person
24 responsible for the vehicle is present and has a preference for a different tow business with that
25 **class of vehicle** ~~[category of wrecker]~~, in which case the preferred ~~[wrecker]~~ **tow business** shall be
26 summoned ~~[if available within a reasonable response time]~~ **in accordance with paragraph I.**

27 ~~[VI.]~~ V. Nothing in this chapter shall be construed to confer any vested property rights upon
28 a tow business to ~~[continue]~~ **qualify or remain** on the ~~[rotating]~~ **division's tow** list.

29 ~~[VII.]~~ VI. Calling a **qualified** tow company from the list does not create a contract with or
30 obligation on the part of the **division or division** ~~[state police or state police]~~ personnel to
31 reimburse any fee or towing charge, except when towing a vehicle owned or leased by the ~~[state~~
32 ~~police]~~ **division** or that is later forfeited to the **division** ~~[state police]~~, or if a court determines that
33 the **division** ~~[state police]~~ wrongfully authorized the tow and orders the **division** ~~[state police]~~ to
34 pay transportation and storage fees.

35 ~~[VIII.]~~ VII. Placement on the rotation list does not guarantee a particular number of calls,
36 an equal number of calls to every **qualified** tow business ~~[on the list]~~, nor any compensation as a
37 consequence of not being called ~~[in accordance with the list]~~, or when removed from the rotation list.

If a ~~[towing]~~ **qualified tow** business responds to a state police call and the call is later canceled due to the vehicle no longer being disabled, or the circumstances change such that after calling a **qualified tow business** ~~[company]~~ the vehicle must be stored in a manner that preserves all evidence in or on the vehicle and the **qualified tow business** is not so equipped, the **qualified tow business** shall go back to the top of the list.

~~[IX.]~~ **VIII.** A **qualified tow business** shall, upon receiving a request from the **division** ~~[state police]~~, use its own equipment, *which has been approved by the division. The tow business shall not use any vehicle or equipment that has not been approved by the division or is unsafe or unfit for the roadway. If the qualified tow business arrives on scene and determines it does not have sufficient equipment to complete the requested task and requires additional resources, the qualified tow business may seek those additional resources needed from another qualified tow business* ~~[and shall not refer a call to another tow business]~~. A **qualified tow business** shall not subcontract a tow request from the division except as stated in this paragraph.

~~[X.]~~ **IX.** A **qualified tow business** may **voluntarily** terminate or temporarily ~~[suspend]~~ **withdraw** its designation as a service provider and be removed from the rotation list by providing prompt written notice to ~~[state police communications]~~ **the division**. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss of equipment from accident or failure, a **qualified tow business** on the tow list shall ~~[timely]~~ notify the director ~~[of state police]~~ in writing **immediately** of its intent to ~~[suspend]~~ **withdraw or terminate** its designation as a service provider. If and when it desires to return to service, such **qualified tow business** ~~[company]~~ shall **complete the same application process as a new applicant, unless the withdrawal was less than 30 days and no changes have occurred** ~~[send a new application to the director]~~. **However,** if approved to resume operation, ~~[they]~~ **the qualified tow business** shall be placed at the bottom of the rotation list, **unless the withdrawal was less than 2 days**.

~~[XI.]~~ **X.** New tow businesses, when qualified and accepted, shall be placed on the bottom of the rotation list.

~~[XII.]~~ **The trooper in charge at the scene of a towing situation shall have discretionary authority to deny a request for a specific tow business whenever time is of the essence and the request will delay the restoration of safe traffic movement.**

~~[XIII.]~~ **XI.** If a motorcycle is to be towed, a tow sling, wheel lift, car carrier, or other comparable device shall be used that has the capability to transport motorcycles.

~~[XIV.]~~ **XII.** The division shall not call a **qualified tow business** that, in its opinion, does not have a vehicle of sufficient size and equipment for a specific job. Under these conditions, the **qualified tow business** not called will remain on the top of the rotation list.

~~[XV.]~~ **XIII.** A **qualified tow business** shall not sell, **sublet, subcontract**, assign, transfer, pledge, surrender, encumber, ~~[or]~~ dispose, **or otherwise transfer in any manner** ~~[or]~~ its place on

the rotation list. By applying to be placed on the list, a **qualified** tow business agrees to respond to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond to a call, it rotates to the bottom of the list. Businesses that develop ~~[a]~~ **any** pattern of non-response **or fails to meet the response times outlined in RSA 106-B:30** to calls may be subject to removal from the rotation list **or actions outlined in RSA 106-B:34**.

~~[XVI.]~~ **XIV.** A **qualified** tow business shall appear on the rotation list only once, **which means that a qualified tow business shall not create or establish other names or entities for the sole purposes of having multiple positions on the list.** The ~~[listing]~~ **qualified tow business** shall use the **legal trade name or the doing business as (DBA) name** of the business **found in the registrations with the United States Department of Transportation and the New Hampshire secretary of state, and the name** submitted at the time of application and a designation for any specialty in which the business is qualified. A **qualified** tow business conducting business at a location shall not receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating from the same location or trucks operating with the same name out of different locations within that zone. **If a qualified tow business already on the tow list plans to or legally purchases or acquires another qualified tow business already on the tow list, they may retain the acquired tow companies' current position on the tow list only if the appropriate notifications are made and original application process is completed and submitted to the division 30 days prior to the acquisition. If the purchasing entity fails to notify the division of its acquisition or any part of the application process is not complete 30 days prior to the acquisition or business transfer, then the entity being sold shall be removed from the list. The business shall then be treated as a new applicant.**

~~[XVII.]~~ **XV.** When emergency conditions necessitate, the ~~[state police]~~ **division** may request the services of the **qualified** tow business that is best equipped to handle the emergency and can reach the scene in the shortest time, regardless of its position on the rotation list. A call made under these circumstances shall count as such **qualified tow** business's next rotation call.

~~[XVIII.]~~ **XVI.** Whenever heavy equipment or large vehicles are involved in an incident, and it is determined that the **qualified** tow business next up on the rotation list lacks adequate equipment to handle the incident, the division may call ~~[a larger piece of]~~ **another qualified tow business with the proper** equipment ~~[from a business on the list that can handle the situation]~~. In such case, the **original qualified** tow business shall **remain on the top of the tow rotation** ~~[be repositioned on the rotation list accordingly]~~. Having only one large rotation wrecker shall not justify for being called to all truck accidents.

~~[XIX.]~~ **XVII.** In the event of ~~[an overturned truck]~~ **a large scale event**, the ~~[state police]~~ **division** shall determine at the time if the situation requires the use of only one **qualified** tow business or if additional ~~[vehicles]~~ **resources** are required. ~~[The first named tow business shall determine the amount of assistance necessary to remove any public hazards. The tow business~~

responding to the law enforcement request shall be responsible for contacting others meeting the qualifications to operate in New Hampshire and shall be the business responsible for efficient and safe handling of the recovery.] Decisions made pursuant to this paragraph shall be based on the public safety concerns.

[XX.] XVIII. At no time shall any towing vehicle exceed its manufacturer's gross vehicle weight rating or the manufacturer's rated capacity for the towing assembly or be attached to a vehicle which by its size and or weight would make towing it an unsafe movement.

106-B:30 Requirements for Placement on the *State Police* Tow List.

I. Any tow business ~~[that wishes]~~ **seeking** to be placed on the ~~[rotation]~~ **tow** list with appropriate designation shall ~~[make]~~ **complete the required** application **process** ~~[to the director of state police]~~. **Signing and submitting the application form or forms declares that the business or its designee, under penalty of unsworn falsification, are in compliance and are adhering to all the requirements found in RSA 106-B.**

II. The tow business **applicant** shall provide as part of its application a list of all **employees**. ~~[tow truck operator personnel, including]~~ **This list shall include the** full name, current address, date and place of birth, driver's license number and type, **state of issuance**, ~~[and]~~ any restrictions, **and** license expiration date~~[, and social security number]~~ **of each employee**. The application shall be updated with ~~[state police communications]~~ **the division** within 5 days of ~~[whenever]~~ a new employee **hire** ~~[is hired]~~, or an employee **separation from** ~~[leaves the employ of]~~ the business.

III. The application shall include an individual form approved by the director ~~[of state police]~~ for each **employee** ~~[tow truck operator and for the owner and manager of the business and any supervisors]~~, listing under penalty of unsworn falsification their full name, date and place of birth, driver license number and type and any restrictions or limitations, and a listing of all motor vehicle offense convictions in this or any other state or Canadian province including type, court, and year in the preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian province within the past 10 years, including type of offense, year of conviction, court, and sentence imposed, and whether the person is currently on probation or parole or has ever been a registered sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall restrict the employer or ~~[state police]~~ **the division** in case of doubt from verifying the information through a record check or checks **and by signing the individual form each individual employee consents to any and all record checks by using any database such as, but not limited to, NCIC, SPOTS, and NLETS. The tow business shall establish a driver qualification ("DQ") file for each employee who will be or could possibly operate any of the vehicles assigned to the business, shall meet all the requirements specified or outlined in 49 C.F.R. section 391.51 of the federal Motor Carrier Safety regulations, and shall consist of but not limited to the following:**

1 (a) *Employment application.*

2 (b) *Copy of the drivers' license.*

3 (c) *Copy of the driver's motor vehicle record from every state they held a driver's*
4 *license.*

5 (d) *Copy of the driver's medical examiner's certificate.*

6 (e) *Copy of tow operator certification.*

7 (f) *Copy of a criminal record, if applicable.*

8 (g) *Certificate of road test, if applicable.*

9 (h) *Drug and alcohol policy acknowledgment.*

10 (i) *Written consent for the tow business to obtain copies of the employee's motor*
11 *vehicle record at any time to verify license validity.*

12 IV. ~~[Any]~~ A history of *any* criminal convictions *under New Hampshire titles XXI, XXX,*
13 *and/or LXII, including, but not limited to:* ~~[involving (i) a felony against persons or property~~
14 ~~involving fraudulent activity, aggravated assaults, or sex offenses; (ii) burglary, or thefts resulting in~~
15 ~~a felony conviction within the last 3 years; or (iii)]~~ *any* ~~[a serious or repetitive]~~ motor vehicle
16 violation ~~[history]~~ *as defined in 49 C.F.R. parts 383 and 390* involving such individual or
17 business; *or if the applicant has been suspended more than once for a violation of RSA 106-*
18 *B or any other similar statute in this or any other jurisdiction; or has had authorization to*
19 *operate as a tow business revoked in this or any other jurisdiction.*^[5] *Such a history of*
20 *convictions may* ~~[shall]~~ be grounds for ~~[refusing to place]~~ *denial of placement* on or *the* removing
21 *of* the individual or business from the ~~[rotation]~~ tow list. *Any business, business owner, or*
22 *employee for the business under investigation or convicted of deceptive business practices*
23 *shall be denied placement on the rotation list and if the investigation or conviction is after*
24 *the tow business is placed on the tow list, the tow business shall be subject to the penalties*
25 *in RSA 106-B:34.*

26 V. If an *individual is an employee of* ~~[operator is employed by]~~ more than one ~~[listed~~
27 ~~towing company]~~ *tow business*, each ~~[company]~~ *business* shall maintain an independent and
28 separate driver file on such individual. When ~~[a driver, manager, or supervisor]~~ *an employee*
29 ceases employment at the business or a new such employee is hired, the company shall notify the
30 ~~[state police]~~ director in writing within ~~[10]~~ 5 days and include a copy of the application including a
31 copy of the form described in paragraph III. *A new employee shall not respond to any division*
32 *calls until they are approved. Operators and motor carriers shall require each driver used*
33 *by the motor carrier to record the driver's duty status for each 24-hour period using the*
34 *appropriate method as required under 49 C.F.R. part 395.* ~~[It shall be the responsibility of the~~
35 ~~operator to maintain appropriate records of driving times showing full compliance with all applicable~~
36 ~~laws, rules, and regulations.]~~

VI. In the event the ownership of a **qualified** tow business changes for any reason including but not limited to the sale of the business~~[-death,]~~ or retirement of the owner, the **qualified** tow business shall reapply before the effective date of the change in ownership for approval or the tow business shall be removed from the rotation list until such time as the new owner complies with the application process. ***In the event the ownership of a qualified tow business changes due to a death of the owner, the division shall be notified immediately and the qualified tow business may remain on the list as such and continue to conduct towing services for a period of 30 days or until such time the reapplication process is completed, whichever comes first. If the new ownership or managing members fail to complete the reapplication process or fail to complete any of the necessary requirements as outlined in RSA 106-B, the tow business shall be removed immediately. The tow business shall not need to be notified of this removal.***

VII. The business shall have a telephone number listed in its name and shall also have ~~an~~
~~after-hours~~ a telephone number where it can be contacted after normal business hours. The business shall be staffed Monday through Friday from at least 9 a.m. to 5 p.m. with someone who will be available for administrative matters and the release of a vehicle or other related items stored on premises. After normal business hours and on weekends or holidays, a responsible person shall be on call to provide those services.

VIII. ~~[Wreckers]~~ **Qualified tow businesses** dispatched shall arrive at the scene within ~~[30 minutes]~~ **the time frame outlined in this paragraph** of being called, except for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of traffic make this unreasonable. ***For class II or III vehicle calls between 8:00 a.m. and 5:00 p.m. (business hours), the company shall respond within a maximum of 30 minutes; between 5:01 p.m. and 7:59 a.m. (after hours), the company shall respond within a maximum of 45 minutes, if the call they are responding to is within the company's respected area of coverage. For [heavy duty] class I vehicle calls the company shall respond within a maximum of 60 minutes regardless of the time of day if the call they are responding to is within the company's respected area of coverage. If the responding qualified tow business is going to [time-exceeds] exceed the above [limit-and] time frame, the qualified tow business shall [does-not] provide the division [state police communications or the trooper in charge at the scene] a valid reason for the delay within 15 minutes for a class II or III vehicle or 30 minutes for a class I vehicle [that time], or a second [rotation-wrecker] qualified tow business may be dispatched. If a second [wrecker] qualified tow business is requested before the arrival of the initially dispatched [rotation-wrecker] qualified tow business, the initially requested [wrecker] qualified tow business shall forfeit the call and leave the incident scene. Repeated tardiness may result in suspension or removal from the rotation list or any other disciplinary action as outlined in RSA 106-B:34.***

SB 617 - AS INTRODUCED
- Page 13 -

IX. If a **qualified** tow business responds to a rotation call and through no fault of its own, does not tow the vehicle, the business shall retain its position on the rotation list.

X. ~~[Towing personnel shall wear reflective clothing meeting Federal Highway Administration specifications at all times when working in or adjacent to the roadway.~~

XI.] The **qualified** tow business shall maintain a **vehicle storage area** ~~[reasonably secure area for the safe storage of motor vehicles or other items stored at the request of the state police. Storage facilities shall be clearly marked as belonging to that tow business and shall have adequate lighting to illuminate the enclosed area. If a vehicle must be stored for processing after a crime, death, or serious injury then storage facilities shall include a gated or fenced area adequate to reasonably secure the storage facility and prevent unauthorized entrance. Camera surveillance is recommended but not mandatory].~~

~~[XII.]~~ XI. A secure building that ~~[provides written proof that it]~~ meets all applicable state and local codes ~~[and which is suitably alarmed]~~ may substitute for a fenced area if the **qualified** tow business provides for total inside storage.

~~[XIII.]~~ XII. The tow business shall provide reasonable accommodations for after-hours release of personal property in stored vehicles or other related storage once the ~~[state police]~~ **division** releases any hold on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual agreement for payment of all towing and storage fees. The towing of a vehicle at the request of ~~[law enforcement]~~ **the division** shall create a lien to the **qualified** tow business, equal to the cost of impoundment, recovery, transport, and storage.

~~[XIV.]~~ XIII. Under no circumstance may a **qualified** tow business withhold wallets, purses, life essential clothing, mail, legal documents, child safety seats, eyeglasses or contact lenses, medicines, medical equipment, license plates, or house or place of business keys pending payment of fees.

~~[XV.]~~ XIV. Any ~~[towing or recovery]~~ vehicle used by the **qualified** tow business shall **be marked or lettered pursuant to 49 C.F.R. section 390.21 and RSA 266:110** ~~[display lettering on both sides of the vehicle in letters that contrast in color with the background and are readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and kept and maintained in a manner that retains such legibility, indicating the name or trade name of the wrecking service or owner thereof, the city or town and state in which the vehicle is customarily based, and the business telephone number on each front door of the truck. The identification number issued by the Federal Motor Carrier Safety Administration to the motor carrier, preceded by the letters "USDOT"; shall also be included in such lettering].~~

~~[XVI.]~~ XV. The **qualified** tow business ~~[participating in the tow list]~~ shall maintain **appropriate levels of financial responsibility for automobile liability**. ~~[tow and hook, liability, and garage keepers' liability insurance]~~ **Automobile liability shall be a minimum of \$1,000,000 consistent with limits outlined in 49 C.F.R. section 387.9 or any** ~~[in an]~~ amount not less than

that designated under New Hampshire law or administrative rule, *whichever provides the highest coverage*. ~~[This shall include a minimum coverage of \$1,000,000 in liability including garage-keeper's insurance coverage.]~~ ***Proof of the required financial responsibility shall be maintained at the qualified tow businesses principal place of business. The proof shall consist of "Endorsement(s) for Motor Carrier Policies of Insurance for Public Liability Under Sections 29 and 30 of the Motor Carrier Act of 1980" (Form MCS-90) issued by an insurer; an ACORD certificate of insurance; and an insurance binder outlining each level of coverage. The qualified tow business shall maintain tow and hook and garage-keeper's insurance coverage which shall be consistent with industry standards and adequate to support the operational size of the tow business.*** The *qualified* tow business shall also comply with all other business requirements and taxes required under state or federal law.

~~[XVII.]~~ ***XVI.*** The *qualified* tow business shall not place or imprint on its vehicles, buildings, equipment, clothing, or correspondence anything that suggests or implies an official relationship between the company and any emergency services provider or law enforcement agency. This shall extend to paint schemes, colors, shoulder patches, or decals similar in design to department of safety or state police vehicles or any name or logo implying an official connection. ~~[State police]~~ ***The division*** may design and issue a suitable decal to indicate that a tow vehicle's owner is on the rotating list. Termination of services or suspension, even if temporary, from the rotation list shall require any decal provided, issued, or approved by ~~[state police]~~ ***the division*** to be removed immediately from the tow vehicle if such vehicle will be operated on public roads.

~~[XVIII.]~~ ***XVII.*** The *qualified* tow business shall provide ~~[state police]~~ ***the division*** with a complete updated list of all rates for the services it performs related to the towing and storage of vehicles, on the letterhead of the business, and shall update such list when prices change. ~~[State Police]~~ ***The division*** shall not set the fees for these services nor use the rate schedule provided in determining placement on a rotation schedule. Price lists shall remain confidential except when determining the reasonable fee in a requested hearing conducted by the department of safety.

~~[XIX.]~~ ***XVIII.*** Whenever the owner of a towed or impounded vehicle or their agent pays a towing company for those services, the company shall provide a detailed receipt to the owner or agent for the services rendered.

~~[XX.]~~ ***XIX.*** Motorists using a wrecker under the rotation list shall have the option of paying by cash or major debit or credit card. The *qualified* tow business may inquire, prior to accepting a dispatch, as to how the motorist will be paying. The owner of a towed or impounded vehicle who believes an exorbitant or unreasonable fee was charged for towing the vehicle if such service rendered was covered by RSA 262:31 through RSA 262:40-c, may file a complaint with the commissioner of safety and request review pursuant to RSA 262:35-a. If not covered by RSA 262:31 through RSA 262:40-c, the owner or his or her agent shall be notified of his or her ability to make a complaint to the consumer protection division of the department of justice.

~~XXI.~~ XX. *Prior to application the tow business shall first obtain a United States Department of Transportation (USDOT) number, United States Department of Transportation Operating Authority (MC) number, a valid New Hampshire registration, and a federal annual inspection for each vehicle assigned to the tow business. All documents associated with these requirements shall be submitted along with the tow list application (DSSP 455). No tow business shall be added to or allowed to remain active on the tow rotation when any of the said items are expired, suspended, revoked, inactive, or deactivated.* ~~[A tow business shall not be operated without a Federal Motor Carrier Safety Administration safety registration, an active United States Department of Transportation number, and valid New Hampshire registration.]~~

XXI. *The tow business shall have a drug and alcohol policy in place highlighting a zero-tolerance policy for the use, consumption, possession, and/or transportation of any drugs or alcohol while on duty or their use prior to coming on duty. The policy shall have a signature page for the employee to sign acknowledging the receipt and understanding of the policy.*

XXII. *Excluding the drugs described in 49 C.F.R. section 392.4 of the federal Motor Carrier regulations and outlined under RSA 318-B, the only drugs that may be transported are those legally prescribed by a licensed physician, in their original container, and in the possession of the person who is prescribed them.*

XXIII. *A tow business whose drivers possess a commercial drivers' license (CDL) and operate CDL required vehicles shall establish a drug and alcohol testing program consistent with 49 C.F.R. part 40 and part 382 of the federal Motor Carrier Safety regulations and OSHA drug free workplace standards.*

XXIV. *A tow business whose drivers do not possess a commercial drivers' license (CDL) and operate vehicles that do not require a CDL shall establish a drug and alcohol testing program consistent with 49 C.F.R. part 40 and part 382 of the federal Motor Carrier Safety regulations and OSHA drug free workplace standards.*

XXV. *The tow business shall require every employee and any perspective employee, regardless of license type, to submit to all testing requirements found under 49 C.F.R. part 382 who will be operating any motor vehicles assigned to the tow business or who will be conducting any safety sensitive function during the term of employment regardless if applicable under 49 C.F.R. part 382 of the federal Motor Carrier Safety regulations. If any individual or employee tests positive or refuses any test, they shall not operate any vehicle or conduct any safety sensitive function until such time they complete the return to duty process as outlined in 49 C.F.R. part 40.*

(a) *All testing results shall be maintained in a separate employee folder and stored in a secured location only accessible to authorized personnel.*

1 **(b) The tow business owner or their designee of choosing shall complete the**
2 **necessary reasonable suspicion training.**

3 **(c) The tow business shall enroll with a consortium and retain its certificate of**
4 **enrollment.**

5 106-B:31 Requirements to Remain on the Tow List.

6 I. Tow personnel shall perform a general cleanup of an accident area before leaving the
7 scene, and remove any glass, vehicle parts, debris, or other substances dropped or spilled prior to
8 leaving an incident scene. **No debris or vehicle parts from the accident area shall be placed**
9 **inside the towed vehicle if it is undamaged from the crash.** Vehicle fluids or hazardous
10 substances shall not be intentionally drained or left on the road or surrounding environment. ~~[There~~
11 ~~will be no charge for normal highway cleanup of 30 minutes or less unless cleanup is a regular part~~
12 ~~of the itemized bill.]~~ If the debris field was caused by more than one vehicle all tow personnel shall
13 share in the cleanup duties ~~[under the direction of the trooper in charge at the scene].~~

14 II. The **qualified** tow business shall be responsible for securing and preserving personal
15 property in a vehicle to be towed, unless the owner or person responsible is present and wishes to
16 take custody of it.

17 III. The **qualified** tow business shall employ reasonable safeguards and procedures so that
18 all personal belongings and contents in the towed vehicle are intact and returned to the vehicle's
19 owner or authorized agent upon release of the vehicle upon payment in full or mutual agreement for
20 payment of fees with the exception of those essential items **listed in RSA 106-B:30** ~~[as provided].~~

21 IV. All personal property left in a vehicle and unclaimed shall be handled in accordance with
22 applicable state laws.

23 V. No **qualified** tow business shall accept a call if the employee who will be responding is
24 under the influence of any substance that could cause impairment or has the odor of alcohol on his or
25 her breath, nor shall a **qualified** tow business employee respond in such a condition.

26 VI. The **qualified** tow business shall maintain ~~[a log or ledger of all vehicles]~~ **an**
27 **individual record of each vehicle** towed at the request of ~~[state police]~~ **the division**. It shall
28 contain the date, time, and location of the tow, a description of the vehicle towed including the
29 owner's name and address, vehicle identification number, registration plate number and state of
30 registration, name of the tow vehicle operator, name and address of the person to whom the vehicle
31 was released, and location to which the vehicle was towed. This record and any other records and
32 equipment associated with compliance with these applicable state statutes and these rules shall be
33 open to inspection by department of safety personnel during normal business hours and retained for
34 the year when the record was made and one full year beyond.

35 VII. The owner, operator, and any employee of the **qualified** tow business on the list shall
36 comply with all applicable state and federal laws and local ordinances. In matters where conflict of
37 laws arises the **qualified** tow business shall follow the lawful direction of the ~~[law enforcement]~~

~~officer]~~ **division member** controlling the scene of the investigations and shall be held harmless from any conflicts.

VIII. All wrecker drivers shall have a valid driver's license for the class of vehicle they are operating. Wrecker drivers shall have a motor vehicle record free of convictions of serious motor vehicle offenses, or license revocations, or suspensions for serious motor vehicle offenses for the past 3 years.

IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said person has been convicted for any felony against persons or property involving fraudulent activity, sex offenses, aggravated assaults, burglary, or theft resulting in a felony conviction within the last 3 years. No **qualified** tow **business** ~~[company]~~ shall permit any person to drive a wrecker if the person is currently subject to probation, parole restrictions, or a court order restricting the area the person may or may not be present in at any time.

X. Wreckers at the scene of a service call may be asked to provide minor on-site repairs, such as jump-starting a dead battery or changing a tire.

XI. ***In addition to meeting the requirements herein, each class of vehicle that will be responding to tow calls*** ~~[Each tow vehicle]~~ shall ***at a minimum, be equipped with the following equipment, all of which shall be in good working order, and the following supplies*** ~~[carry at a minimum the following supplies and equipment in good working order, in addition to meeting the requirements herein for each class of vehicle that will be responding to wrecker calls]~~:

(a) Emergency lights meeting ***all*** statutory requirements ***to include RSA 266:109 and RSA 226:78-a through RSA 226:78-q***, visible at 3/4 of a mile when illuminated, and visible over any vehicle being towed. Sirens, ***alternating headlights also known as wig-wags, and any other flashing light other than the color amber***, are prohibited.

(b) ***Appropriate flood lamps that can be used to illuminate the work area*** ~~[At least one working spotlight capable of being aimed]~~.

(c) One fire extinguisher, ***a minimum*** 5-lb. carbon monoxide or dry powder, fully charged, ***readily accessible***, and able to be operated.

(d) At least one heavy duty push broom, ***flat scoop shovel***, and garbage container ***or other suitable trash receptacle suitable for cleaning up debris***.

(e) A steering lock mechanism or capability to properly lock steering.

(f) ~~[A first aid kit.~~

(g) ~~A reflectorized safety vest for each employee on the vehicle.~~

(h) ~~For heavy duty vehicles and heavy duty recovery vehicles, portable lighting equipment.~~

(i) ~~Heavy duty wreckers and heavy duty recovery]~~ ***Class I and II*** vehicles shall have 10 of at least ~~[2]~~ ***one*** of the following: reflector flare, ~~[road flare,]~~ colored LED flashing road flare.

[Lighter] **Class III** vehicles shall have at least 3 of [2] **one** or more of the following: reflector flare, [road flare,] colored LED flashing road flare. Traffic cones **meeting National Highway Safety standards** may be substituted for one of the above [on a clear day during the hours from dawn to dusk].

~~[(j) At least one flat scoop type shovel.]~~

~~[(k)]~~ **(g)** For [heavy duty wreckers and heavy duty recovery] **class I and II** vehicles, necessary equipment to perform the tasks necessary for towing a vehicle.

~~[(4)]~~ **(h)** For any [wreckers] **class I or II vehicles** called to recover vehicles with air assisted brakes, the capability to provide air to the towed vehicle to facilitate brake operation.

~~[(m) A current, valid motor vehicle registration and a current, valid state safety inspection sticker.]~~

~~[(n) An FCC licensed 2-way business radio or a wireless telephone.]~~

~~[(o)]~~ **(i)** Portable **driveaway-towaway** lights for any vehicle being towed including taillights, stop lights, and directional signals.

~~[(p)]~~ **(j)** A minimum of 40 pounds of sand or other appropriate absorbent material designed and verified by the manufacturer to absorb hazardous waste and spills in an efficient and effective manner.

(k) A new tarpaulin of a minimum size of 11 feet by 23 feet.

(l) Appropriate chains, binders, nylon straps, or any other approved securement device to properly secure vehicles being towed.

(m) Snatch block, prybar, sledge hammer, hydraulic jack, lug wrench or comparable tool, battery jump pack.

(n) DOT approved fuel can not to exceed 8 gallons.

(o) Any other tool necessary to the recovery and towing of vehicles.

XII. The management of a **qualified** towing business on the rotating list shall be primarily responsible to the division of state police to inspect and maintain an ongoing awareness of compliance with relevant rules, regulations, and laws affecting the business and to make prompt corrections of any discrepancies. Each **qualified** tow business on the list shall annually, on or before January 15 of the following year, certify to the director of state police under penalty for unsworn falsification that it has conducted an internal inspection and that the business is in compliance with the provisions of this subdivision and any administrative rules adopted pursuant to it.

XIII. State troopers or other designated [department of safety personnel] **division members** may be assigned at the discretion of the state police director to conduct reviews from time to time of towing businesses, their records, and equipment to ensure compliance with relevant rules and laws and make a recommendation through the state police communications commander to the director as to the level of compliance and any appropriate action. **Qualified** tow businesses participating in the

1 tow list shall make, during normal business hours, their records, vehicles, facility, and equipment
2 available for examination for such reviews by troopers or other department of safety employees. In
3 cases of non-compliance, ~~[the state police communications commander]~~ **or where the qualified tow**
4 **business refuses to participate in the review or investigation or becomes uncooperative in**
5 **any way, the division member conducting the review** shall ~~[recommend appropriate]~~ **make a**
6 **recommendation of** action to the director, which may include a ~~[verbal or written reprimand,]~~
7 suspension, ~~[or]~~ revocation, **or indefinite removal** from continued participation in the rotating list.
8 ~~[Such action is discretionary and shall be based on the nature and seriousness of the discrepancy~~
9 ~~and any prior record of the business.]~~ **The division member conducting the review may also**
10 **pursue criminal or motor vehicles charges for offenses found.**

11 XIV. ~~[Before being removed from the rotating list for disciplinary reasons, a tow business or~~
12 ~~employee shall be served with a written notice of intent describing the reasons, and notified that it~~
13 ~~may request a hearing before the department of safety bureau of hearings prior to any such removal.~~
14 ~~A tow business that is removed from the list may contest the result of the hearing in superior court.~~
15 ~~Nothing in this subdivision shall be construed to confer any vested property rights upon a tow~~
16 ~~business or employee to remain on the state police rotating tow list.~~

17 XV. **Qualified** tow ~~[vehicle]~~ **business** owners~~[-operators,]~~ and employees shall not be
18 abusive, disrespectful, **deceptive, threatening,** or use profane language when dealing with the
19 public or **any** officials **or any member of the division.** **The qualified tow business** ~~[and]~~ shall
20 cooperate with the **division and its** members **at all times** ~~[of the state police].~~

21 ~~[XVI.]~~ **XV. Qualified** tow businesses shall employ only drivers who demonstrate an ability
22 to perform required services in a safe, timely, courteous and civil manner and who satisfy all
23 applicable state and federal laws and regulations.

24 ~~[XVII.]~~ **XVI.** The **qualified** tow business shall tow disabled vehicles to any destination
25 requested by the vehicle owner or person in charge of the vehicle after financial obligations have
26 been finalized to the satisfaction of the **qualified** tow business providing the service. The **qualified**
27 tow business may hold the vehicle for payment of services at the business location if not satisfied
28 with payment on site.

29 ~~[XVIII.]~~ **XVII.** Access to the **vehicle** storage **area** ~~[facility or yard]~~ by insurance inspectors,
30 appraisers, attorneys and their assistants and private investigators shall be at their own risk and
31 the **qualified** tow business shall not be responsible for any injury sustained. **The person entering**
32 **the area should be notified that entering is at their own risk.** A vehicle owner or the owner's
33 authorized agent, upon presentation of suitable identification, may enter the yard at their own risk
34 under supervision by the **qualified** tow business to remove personal items or belongings. **The**
35 **qualified tow business shall retain a copy of all identifications of any individual entering**
36 **the vehicle storage area in relation to a state police tow.**

[~~XIX.~~] XVIII. A [~~wrecker-operator~~] **qualified tow business** on the rotation list shall not offer towing services to the owner or operator of a vehicle currently under the supervision of [~~state police~~] **the division** unless dispatched by the rotation list or specifically hailed for service by the trooper [~~or other law enforcement officer~~] under emergency circumstances. Any activity **completed or attempted, such as but not limited to, patrolling any location, call chasing, or jumping whether utilizing a police scanner or not,** [~~done or designed~~] for the **sole** purpose of circumventing the **rotating** list shall be cause for **disciplinary action as outlined in RSA 106-B:34 or for the removal of** [~~the division to remove~~] the business from the rotating list permanently, **indefinitely**, or for a specific time determined by the **director** [~~division~~].

[~~XX.~~] XIX. **Qualified tow business** [~~Tow service~~] vehicles shall not be driven at an unsafe or unreasonable speed, commit other moving motor vehicle violations or drive recklessly on the way to or from a towing service call[, and may be removed from the list for such behavior]. **Any division member who observes any motor vehicle or criminal violation may handle the violation immediately and accordingly and shall refer this information to the director. Upon receipt of any information of the committed violations the qualified tow business shall be subject to disciplinary action as outlined in RSA 106-B:34.**

[~~XXI.~~] XX. State police shall not show any favoritism or circumvent the tow list to favor one or more businesses and shall be subject to divisional discipline for doing so.

XXI. In the event a qualified tow business has been removed from the tow list and seeks placement on the tow list, the director shall determine their eligibility based on the seriousness of the prior offense or offenses, any prior history of violations, or any case where violations resulted in harm. Any tow business removed from the tow list shall be ineligible to reapply for a minimum of 5 years from the date of removal.

106-B:32 Recordkeeping; Mandatory Records.

I. Each [~~operator or~~] **qualified tow** business on the [~~rotating~~] list shall maintain a record system covering all services performed in roadside service, pulling, towing, **recovery**, or transporting vehicles in response to calls from the **division** [~~state police~~], which shall include the following information:

(a) The date and time of day the business was contacted and requested to the scene and the times of arrival and departure from the scene.

(b) The name of the person requesting the service.

(c) The location of the vehicle or incident.

(d) A description of the vehicle including license plate and vehicle identification number.

(e) The name and address of the owner or lessee of the vehicle, if known.

(f) The name and address, date of birth, driver license number, and licensing state or province of the driver of the vehicle, if known.

(g) ~~[The]~~ ***A detailed breakdown of all services rendered*** ~~[service]~~ or towing ~~[charge]~~ ***charges*** and other related fees.

(h) ***The full name and signature of the employee who operated the tow vehicle, responded to the scene, towed the vehicle, and released the vehicle.***

II. ***Each qualified tow business shall retain a copy of the receipts outlined above and required in RSA 106-B:30, XVIII at the principal place of business for a minimum of one year from the date of payment.***

III. All such records shall be available for inspection and copying by state troopers or ***division members*** ~~[agents of the department of safety]~~ during normal business hours at the ***principal*** place of business of the ~~[wrecker]~~ ***qualified tow*** business, and shall be maintained for ***2 years*** ~~[the current calendar year and the year immediately prior to the current calendar year]~~.

106-B:33 Confiscated Vehicles; Impoundment.

A state trooper may impound ***and hold*** or confiscate a vehicle ***to be*** towed by a ***qualified*** tow business that is on the rotation list in furtherance of law enforcement duties, such as when the vehicle is reported stolen, ~~[or]~~ involved in a crime, is unsafe to be driven, ***pending a search warrant***, or is to be processed for possible forensic evidence of a crime. In such events:

I. The vehicle may be towed to a location specified by the ***division member or forensic technician*** ~~[processing officer]~~ to facilitate evidence preservation, collection, or processing, otherwise it shall be securely stored on the premises of the towing service.

II. The ~~[wrecker]~~ ***qualified tow*** business shall not release the vehicle to anyone unless and until authorized to do so by the ~~[trooper]~~ ***division member*** who arranged for the hold or a ***ranking division member*** ~~[state police officer]~~ superior in rank to that ~~[trooper]~~ ***division member who requested the hold***, or on ~~[an]~~ ***any*** order by the court.

III. The ***qualified*** tow business shall not allow anyone except a ***division*** member ~~[of the law enforcement agency having jurisdiction]~~ or someone having written permission from the ***division*** ~~[state police]~~ to enter, inspect, or touch the vehicle or any parts from the vehicle.

IV. When the ***qualified*** vehicle is released, the tow business shall require that the person to whom the vehicle is released display a valid photo driver license or other official government photo identification, and the ***qualified*** tow business shall keep a photocopy of such card or document.

106-B:34 Compliance Action; Disciplinary Enforcement. ~~[Participation in the state police tow list is a privilege, not a right. The director of state police is charged with the responsibility of ensuring that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or request of the division of state police is accomplished consistent with state law and administrative rules and in a manner that maintains the confidence and respect of the motoring public. To accomplish this, the director may take appropriate action to uphold the integrity and efficiency of the tow list and the duties and responsibilities of businesses participating in the list and their owners, managers, and employees. The director may take appropriate action including~~

removal of a tow business or a tow business employee from participating in the tow list, and which may include upon satisfactory evidence of violations or deliberate noncompliance, a verbal or written warning, suspending the business or employee or both from the list for a period of one to 120 days, or removal from the list and ineligibility for restoration for up to 2 years, depending on the seriousness of the offense, any prior history of violations, and any resulting harm. Causes for such action shall include violations of the equipment and other requirements set forth in RSA 106-B:28, and the provisions of RSA 106-B:29 through 106-B:33. Disciplinary actions may be appealed to the department of safety bureau of hearings and to the superior court as provided in RSA 106-B:31, XIV.]

I. Participation in the state police tow list is a privilege, not a right, and no one person or tow company is entitled to participate on the tow list. The director has the authority to determine who is added or removed from the tow list. No tow business shall make any demands, requests, or repeated complaints to intimidate or force the director to act. The director is responsible for ensuring that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or request of the division is accomplished consistent with state law and administrative rules and in a manner that maintains the safety, confidence, and respect of the motoring public. The director may take appropriate action to uphold any law, the integrity or the efficiency of the tow list, and the duties and responsibilities of qualified tow businesses participating in the list and their employees. Action may include, but is not limited to, a verbal or written warning, suspension, removal of a qualified tow business or a tow business employee or both from participating on the tow list, or an administrative fine.

II. Upon any evidence, any qualified tow business or tow business employee found to be in violation of this subdivision or any federal or state law, rule, or regulation surrounding the operation of any qualified tow business participating on the tow list shall be subject to disciplinary action. The director will determine the level of discipline necessary depending on the seriousness of the offense, prior history of violations, or any case where violations resulted in harm. The director may adopt rules pursuant to RSA 541-A to establish an administrative fine schedule.

III. Before being suspended or removed from the tow list for disciplinary reasons, a qualified tow business or employee shall be issued a written notice of intent describing the reasons for discipline, and they may request a hearing with the department of safety bureau of hearings ("bureau of hearings"). Hearings requests shall be received in writing by the bureau of hearings within 10 business days from the date of issuance of discipline. Any request received after 10 business days shall not be accepted by the bureau of hearings and the issued discipline shall be final.

1 ***IV. A qualified tow business under an active criminal investigation may be***
2 ***suspended from the tow list pending the outcome of the investigation.***

3 ***V. Disciplinary actions upheld by the bureau of hearings may be appealed to the***
4 ***superior court.***

5 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 617

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

2
3 1 State Police; Use of Tow List. Amend RSA 106-B:27, IV to read as follows:

4 IV. The director of state police with the approval of the commissioner of safety may adopt
5 rules pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth
6 minimum qualifications of tow companies and their employees to participate in the state police tow
7 list, including qualifications, training, and minimum standards for equipment, response times,
8 storage and release of towed vehicles and their contents, and criminal history and motor vehicle
9 record checks of ~~[-tow truck drivers]~~ **employees**.

10 2 Definitions; Removal of Abandoned Vehicles. Amend RSA 106-B:28 to read as follows:

11 106-B:28 Definitions.

12 In this subdivision:

13 I. ***"Employee" means any individual employed by the tow business who may***
14 ***physically respond roadside to a state police tow call for service.***

15 II. "Heavy duty wrecker" means a wrecker intended and suitably equipped for towing
16 vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar
17 vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that
18 come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

19 (a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500
20 pounds;

21 (b) Tandem axles, or a cab-to-axle length of not less than 102 inches;

22 (c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch
23 manufacturer;

24 (d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated
25 by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;

26 (e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity
27 of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of
28 equal capacity;

29 (f) A winch cable rated as specified by the winch manufacturer, in good condition;

30 (g) Light and air brake hookups for the towed vehicle; and

31 (h) Additional safety equipment as specified in this chapter and consistent with United
32 States Department of Transportation inspection requirements.

1 ~~[H.]~~ **III.** "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for
2 safely towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup
3 trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements,
4 provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch
5 and cable:

6 (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;

7 (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom
8 manufacturer;

9 (c) Individual power takeoff or hydraulic power or electric winch capacity of not less
10 than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent
11 with the device manufacturer;

12 (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500
13 pounds, as rated by the manufacturer, with safety chains;

14 (e) Dual rear wheels;

15 (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and

16 (g) Additional safety equipment as specified in this chapter and consistent with United
17 States Department of Transportation inspection requirements.

18 ~~[H.]~~ **IV.** "Recovery vehicle" means a motor vehicle consisting of a commercially available
19 truck chassis equipped with a commercially manufactured tow body or bed and that is rated and
20 issued a serial number by the manufacturer, designed and equipped for and used in the towing or
21 recovery of vehicles, in good condition and capable of towing a vehicle by means of a tow bar, sling, or
22 wheel lift, and capable of recovering a vehicle by means of a hoist, winch, or towline.

23 ~~[H.]~~ **V.** "Rollback carrier" means a flatbed vehicle in good condition that meets the following
24 requirements, provided that come-a-longs, chains, or similar devices shall not be used as substitutes
25 for a winch and cable:

26 (a) A minimum gross vehicle weight rating of at least 19,500 pounds;

27 (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a
28 capacity to haul or tow another vehicle;

29 (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50
30 feet of cable, as recommended by the winch manufacturer; and

31 (d) Additional safety equipment as specified in this chapter and consistent with United
32 States Department of Transportation inspection requirements.

33 ~~[H.]~~ **VI.** "Tow business" means a person, enterprise, partnership, company, LLC, or other
34 corporation having a registered trade name, an active New Hampshire tax identification number, an
35 active New Hampshire workers' compensation insurance policy or exemption papers, an active New
36 Hampshire employment security account, and that meets all state and local legal requirements
37 including, but not limited to, those related to payment of business related taxes, fees, and insurance

Amendment to SB 617

- Page 3 -

coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or abandoned vehicles, or in the disposal of abandoned vehicles.

[VI.] **VII.** "Tow list" means a list or lists of qualified New Hampshire businesses compiled by the division of state police and used by them to dispatch wreckers and recovery and road service vehicles to tow, recover, and temporarily store a vehicle when the owner, driver, or other person responsible for the vehicle is not present or wishes to have the vehicle removed and expresses no choice or preference of a specific tow business, or when public safety requires the law enforcement official in charge at the scene to clear the vehicle from the location believing, in his or her sole opinion, the vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved in a crime, or is in violation of a statute that requires immediate removal.

[VII.] **VIII.** "Vehicle storage area" means a suitable yard or enclosed building where a qualified tow business keeps or stores towed or impounded vehicles.

[VIII.] **IX.** "Wrecker" for purposes of this chapter and except where the context clearly indicates otherwise, means a tow truck, road service vehicle, or carrier and recovery vehicle used by tow businesses on the state police tow list.

3 Use of Tow List. Amend RSA 106-B:29, X to read as follows:

X. A tow business may terminate or temporarily suspend its designation as a service provider and be removed from the rotation list by providing prompt written notice to state police [communications]. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss of equipment from accident or failure, a tow business on the tow list shall timely notify the director of state police in writing of its intent to suspend its designation as a service provider. If and when it desires to return to service, such tow company shall send a new application to the director. If approved to resume operation, they shall be placed at the bottom of the rotation list.

4 Use of Tow List. Amend RSA 106-B:29, XV to read as follows:

XV. A tow business shall not sell, assign, transfer, pledge, surrender, encumber, or dispose of its place on the rotation list. By applying to be placed on the list, a tow business agrees to respond to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond to a call, it rotates to the bottom of the list. Businesses that develop a pattern of non-response to calls **or fail to meet the response times outlined in RSA 106-B:30** may be subject to removal from the rotation list **or actions outlined in RSA 106-B:34**.

5 Requirements for Placement on the Tow List. Amend RSA 106-B:30, II-III to read as follows:

II. The tow business shall provide as part of its application a list of all [tow truck operator personnel] **employees**, including full name, current address, date and place of birth, driver's license number and type, and any restrictions, **and** license expiration date[, and social security number]. The application shall be updated with **the** state police [communications] within 5 days of whenever a new employee is hired, or an employee leaves the employ of the business.

Amendment to SB 617

- Page 4 -

III. The application shall include an individual form approved by the director of state police for each ~~[tow-truck-operator]~~ **employee** and for the owner and manager of the business and any supervisors, listing under penalty of unsworn falsification their full name, date and place of birth, driver license number and type and any restrictions or limitations, and a listing of all motor vehicle offense convictions in this or any other state or Canadian province including type, court, and year in the preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian province within the past 10 years, including type of offense, year of conviction, court, and sentence imposed, and whether the person is currently on probation or parole or has ever been a registered sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall restrict the employer or state police in case of doubt from verifying the information through a record check or checks.

6 Requirements for Placement on the Tow List. Amend RSA 106-B:30, V to read as follows:

V. If an ~~[operator]~~ **individual** is ~~[employed by]~~ **an employee of** more than one listed towing company, each company shall maintain an independent and separate driver file on such individual. When ~~[a driver, manager, or supervisor]~~ **an employee** ceases employment at the business or a new such employee is hired, the company shall notify the state police director in writing within 10 days and include a copy of the application including a copy of the form described in paragraph III. It shall be the responsibility of the operator to maintain appropriate records of driving times showing full compliance with all applicable laws, rules, and regulations.

7 Requirements for Placement on the Tow List. Amend RSA 106-B:30, VIII to read as follows:

VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business does not provide state police communications or the trooper in charge at the scene with a valid reason for the delay within that time, a second rotation wrecker may be dispatched. If a second wrecker is requested before the arrival of the initially dispatched rotation wrecker, the initially requested wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result in suspension or removal from the rotation list **or any other disciplinary action as outlined in RSA 106-B:34. Notwithstanding any other provision of law, for imminent concerns related to public health, safety, or welfare, the director may order the immediate suspension of the tow business at their discretion, and without a hearing. Any such suspension shall be subject to the hearing requirements and timelines set forth in RSA 541-A:30, III.**

8 Requirements to Remain on the Tow List. Amend RSA 106-B:31, XIII to read as follows:

XIII. State troopers or other designated department of safety personnel may be assigned at the discretion of the state police director to conduct reviews from time to time of towing businesses, their records, and equipment to ensure compliance with relevant rules and laws and make a

Amendment to SB 617

- Page 5 -

1 recommendation~~[through the state police communications commander]~~ to the director as to the level
2 of compliance and any appropriate action. Tow businesses participating in the tow list shall make,
3 during normal business hours, their records, vehicles, facility, and equipment available for
4 examination for such reviews by troopers or other department of safety employees. In cases of non-
5 compliance, the state police ~~[communications commander]~~ shall recommend appropriate action to
6 the director, which may include a verbal or written reprimand, suspension, or revocation from
7 continued participation in the rotating list. Such action is discretionary and shall be based on the
8 nature and seriousness of the discrepancy and any prior record of the business.

9 9 Compliance Action; Disciplinary Enforcement. RSA 106-B:34 is repealed and reenacted to
10 read as follows:

11 106-B:34 Compliance Action; Disciplinary Enforcement.

12 I. Participation in the state police tow list is a privilege and not a right. The director of the
13 division of state police shall administer the state police tow list and shall ensure that towing,
14 storage, roadside emergency service, and vehicle recovery performed at the direction or request of
15 the division of state police are conducted in compliance with state law and rules adopted pursuant to
16 RSA 541-A, and in a manner that promotes public safety and maintains the confidence of the
17 motoring public.

18 II. The director may take disciplinary action upon a finding, supported by satisfactory
19 evidence, that a tow business or tow business employee has violated:

20 (a) The provisions of RSA 106-B:29 through RSA 106-B:33; or

21 (b) Any rule adopted pursuant to this subdivision.

22 III. Disciplinary actions authorized under this section may include:

23 (a) A verbal or written warning;

24 (b) Suspension of a tow business, a tow business employee, or both, from participation in
25 the state police tow list for a period not to exceed 2 years; or

26 (c) Removal from the state police tow list. Tow businesses that are removed are eligible
27 to reapply to the state police tow list after a period of not less than 2 years.

28 IV. In determining the appropriate disciplinary action, the director shall consider the
29 seriousness of the violation, any prior history of violations, and any resulting harm to the public or to
30 property.

31 V. Any person aggrieved by a disciplinary action imposed under this section may appeal the
32 decision to the department of safety bureau of hearings and thereafter to the superior court in
33 accordance with RSA 106-B:31, XIV.

34 10 Effective Date. This act shall take effect 60 days after its passage.

Docket of SB617		
11/25/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
02/24/2026	S	Hearing: 03/03/2026, Room 100, SH, 01:45 pm; SC 8
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1218s, 03/26/2026; Vote 4-0; CC; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 617, relative to the removal of abandoned vehicles by law enforcement.

Hearing Date: March 3, 2026

Time Opened: 2:14 p.m.

Time Closed: 2:18 p.m.

Members of the Committee Present: Senators Gannon, Altschiller and Reardon

Members of the Committee Absent: Senators Carson and Abbas

Bill Analysis: This bill substantially revises the procedures and processes concerning the maintenance of and utilization of a list of contracted tow companies used by the division of state police for the removal of vehicles.

This bill is a request of the department of safety.

Sponsors:

Sen. Gannon
Sen. McGough
Rep. Khan

Sen. Innis
Rep. Bernardy
Rep. M. Pearson

Sen. Birdsell
Rep. Litchfield

Who supports the bill: Brendan Davey (NH State Police), Senator Daniel Innis, Cory Stone, Howard Handler (National Insurance Crime Bureau), and Suzanna Derynioski.

Who opposes the bill: Ralph Cresta (NH Towing Assoc.)

Who is neutral on the bill: None.

Summary of the testimony presented:

Major Brendan Davey, the head of the Operations Bureau with the New Hampshire State Police, introduced the bill, explaining that the department had decided that it would be inexpedient to move forward with it at this time. He anticipated that, by working with stakeholders including the Towing Association, they would be able to create a bill that was more substantive, workable, and better for the public.

Mr. Ralph Cresta, the President of the New Hampshire Towing Association, explained that his organization was opposed to some of the language used in the bill. He stated that while he had been working with the Department of Safety and the State Police for months on this bill, they did not currently have language that they were happy with.

Mr. Pericles Brutus, a representative of the New Hampshire Towing Association, warned that the current iteration of the bill had a number of unintended consequences and that there was no consensus currently between the Department of Safety and his organization. He asked that they be given more time to find a mutual compromise.

- Senator Reardon asked if they anticipated being able to find a compromise on the bill in the near future, given that it was a Senate Bill with only a few weeks left to be resolved.
 - Mr. Brutus answered that there a handful of very minimal items that they would like to see resolved and that the greater issue was in the unintended consequences created by the bill. He stated that they were likely to be able to create a better bill within the next couple of weeks.

BMB
Date Hearing Report completed: March 9, 2026

SB 482-FN - AS INTRODUCED

2026 SESSION

26-2043

07/06

SENATE BILL ***482-FN***

AN ACT establishing consumer protections for digital access transaction kiosks.

SPONSORS: Sen. McGough, Dist 11; Sen. Pearl, Dist 17; Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Rep. Ammon, Hills. 42; Rep. Miles, Hills. 12; Rep. Potucek, Rock. 13; Rep. L. Walsh, Rock. 15

COMMITTEE: Commerce

ANALYSIS

This bill establishes consumer protections for digital access transaction kiosks.

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.

In the Year of Our Lord Two Thousand Twenty-Six

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

(a) Hold the first digital financial asset transaction made by a new consumer for a period of at least 48 hours, after which time the operator may complete the new consumer's digital financial asset transaction.

SB 482-FN - AS INTRODUCED
- Page 2 -

1 (b) Not permit a new consumer to complete a second digital financial asset transaction
2 until the hold period under subparagraph (a) has lapsed.

3 II. During a hold period under paragraph I(a), a new consumer may contact the operator to
4 request that the consumer's first digital financial asset transaction be canceled and the entire
5 amount of the new consumer's first digital financial asset transaction be returned or refunded to the
6 new consumer.

7 III. Prior to accepting payment from a user at a virtual currency kiosk, the kiosk operator,
8 or its authorized delegate, shall verify the identity of the individual in a manner consistent with
9 applicable state and federal laws.

10 IV. Operators shall not permit transactions under any false, fictitious, or assumed identity.
11 All transactions shall be conducted under a user's true and verifiable identity.

12 358-A:17 Core Consumer Protections.

13 I. For first time customers, an operator shall not accept or dispense, in the aggregate, more
14 than \$5,000 per customer per calendar day across all kiosks under common control within the
15 United States.

16 II. For existing customers, an operator shall not accept or dispense, in the aggregate, more
17 than \$15,000 per customer per calendar day across all kiosks under common control within the
18 United States.

19 III. Before accepting funds, all kiosks shall display conspicuous warnings, including that no
20 government agency, law enforcement, court, utility, bank, tech support, employer, or retailer will
21 ever demand payment by crypto ATM. The kiosk shall require the customer to answer fraud-
22 screening prompts, including whether they are being coached by another person. If the customer
23 indicates a risk of fraud, the kiosk shall block the transaction and display law enforcement and
24 consumer protection and antitrust bureau contact information.

25 IV. Operators shall use commercially reasonable blockchain analytics to block transfers to or
26 from wallet addresses flagged for association with scams, theft, sanctions, or other illicit activity,
27 and shall maintain written anti-fraud and consumer protection policies.

28 V. Before accepting funds, kiosks shall disclose in writing and on-screen all fees, the spread
29 between the operator's price and the reference price, expressed as a percentage and dollar amount,
30 and the total digital asset expected to be delivered.

31 VI. The kiosk shall provide a printed or electronic receipt summarizing the transaction,
32 including the operator's name and toll-free live customer service phone number, the kiosk's location,
33 a timestamp, the name of the asset, the quantity of the asset, the asset's reference price, the asset's
34 spread, all fees paid, the total amount paid, the wallet address or voucher ID, and any applicable
35 cancellation codes.

36 3 Effective Date. This act shall take effect January 1, 2027.

**SB 482-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing consumer protections for digital access transaction kiosks.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

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

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association

Amendment to SB 482-FN

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

2
3 AN ACT establishing protections for digital asset transaction kiosks.

4
5 Amend the bill by replacing sections 2 and 3 with the following:

6
7 2 New Chapter; Digital Asset Transaction Kiosks. Amend RSA by inserting after chapter 358-T
8 the following new chapter:

9 CHAPTER 358-U

10 DIGITAL ASSET TRANSACTION KIOSKS

11 358-U:1 Statement of Purpose. It is the intent of the general court that this chapter establish
12 reasonable and uniform consumer protections while permitting lawful and responsible digital asset
13 transaction kiosk operations.

14 358-U:2 Definitions.

15 I. "Customer" means a natural person using a kiosk.

16 II. "Digital asset" means a digital representation of value recorded on a distributed ledger or
17 blockchain, including cryptocurrency.

18 III. "Digital asset transaction kiosk" or "kiosk" means a self-service electronic terminal
19 located in a public or retail setting that enables a person to buy, sell, or transfer a digital asset using
20 cash or another payment method.

21 IV. "Operator" means a person or entity that owns, manages, or controls one or more kiosks
22 in this state, whether directly or through a third-party host location.

23 V. "Reference price" means a real-time price for the covered digital asset derived from a
24 public exchange or composite index.

25 358-U:3 Registration and Coordination.

26 I. With respect to the first transaction for a customer, an operator shall:

27 (a) Hold the first digital asset transaction made by a customer for a period of at least 48
28 hours, after which time the operator may complete the customer's digital asset transaction.

29 (b) Not permit a customer to complete a second digital asset transaction until the hold
30 period under subparagraph (a) has lapsed.

Amendment to SB 482-FN

- Page 2 -

1 II. During a hold period under paragraph I(a), a customer may contact the operator to
2 request that the customer's first digital asset transaction be canceled and the entire amount of the
3 customer's first digital asset transaction be returned or refunded to the customer.

4 III. Prior to accepting payment from a customer at a digital asset transaction kiosk, the
5 kiosk operator, or its authorized delegate, shall verify the identity of the individual in a manner
6 consistent with applicable state and federal laws.

7 IV. Operators shall not permit transactions under any false, fictitious, or assumed identity.
8 All transactions shall be conducted under a customer's true and verifiable identity.

9 V. All digital asset transaction kiosk operators performing business shall provide a
10 dedicated communications line for relevant government agencies via a posted United States phone
11 number or email address. Said dedicated line shall be used to facilitate law enforcement and
12 regulatory agency communications with the digital asset transaction kiosk operator in the event of a
13 fraud report from a customer. The communications line shall be frequently monitored.

14 358-U:4 Core Consumer Protections.

15 I. An operator shall not accept or dispense, in the aggregate, more than \$2,000 per customer
16 per calendar day across all kiosks under common control within the United States.

17 II. Before accepting funds, all kiosks shall display conspicuous warnings, including that no
18 government agency, law enforcement, court, utility, bank, tech support, employer, or retailer will
19 ever demand payment by crypto ATM. The kiosk shall require the customer to answer fraud-
20 screening prompts, including whether they are being coached by another person. If the customer
21 indicates a risk of fraud, the kiosk shall block the transaction and display law enforcement and
22 consumer protection and antitrust bureau contact information.

23 III. Operators shall use blockchain analytics to block transfers to or from wallet addresses
24 flagged for association with scams, theft, sanctions, or other illicit activity, and shall maintain
25 written anti-fraud and consumer protection policies.

26 IV. Before accepting funds, kiosks shall disclose in writing and on-screen all fees, the spread
27 between the operator's price and the reference price, expressed as a percentage and dollar amount,
28 and the total digital asset expected to be delivered.

29 V. The kiosk shall provide a printed and electronic receipt summarizing the transaction,
30 including the operator's name and toll-free live customer service phone number, the kiosk's location,
31 a timestamp, the name of the asset, the quantity of the asset, the asset's reference price, the asset's
32 spread, all fees paid, the total amount paid, the wallet address or voucher ID, any applicable
33 cancellation codes, and a refund policy.

34 VI. The digital asset transaction kiosk operator shall provide a full refund of all transactions
35 to a customer who was fraudulently induced to engage in a digital asset kiosk transaction or
36 transactions, provided that the customer contacts the digital asset kiosk operator and a law
37 enforcement or government agency to inform the operator and the agency of the fraudulent nature of

Amendment to SB 482-FN

- Page 3 -

1 the transaction or transactions within 5 days after the customer's last digital asset transaction with
2 the digital asset transaction kiosk operator. The refund shall include any fees charged in association
3 with the fraudulently induced transactions.

4 358-U:5 Minimum Requirements. The provisions of this chapter shall constitute the minimum
5 requirements for the regulation of digital asset transaction kiosks and shall not preempt any local
6 laws affording greater protections for customers.

7 358-U:6 Remedies.

8 I. Any violation of this chapter shall constitute an unfair or deceptive act or practice within
9 the meaning of RSA 358-A:2. Any right, remedy, or power set forth in RSA 358-A may be used to
10 enforce the provisions of this chapter.

11 II. The rights, obligations, and remedies provided in this chapter shall be in addition to any
12 other rights, obligations, or remedies provided for by law or in equity.

13 3 Effective Date. This act shall take effect 180 days after its passage.

Amendment to SB 482-FN
- Page 4 -

2026-0787s

AMENDED ANALYSIS

This bill establishes protections for digital asset transaction kiosks.

Docket of SB482		
11/21/2025	S	Introduced 01/07/2026 and Referred to Commerce; SJ 1
01/13/2026	S	==CANCELLED== Hearing: 02/03/2026, Room 100, SH, 10:00 am; SC 1
01/13/2026	S	==RESCHEDULED== Hearing: 01/27/2026, Room 100, SH, 09:45 am; SC 2
02/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0787s, 03/05/2026; Vote 4-1; CC; SC 8
03/05/2026	S	SB 482 was Removed from the Consent Calendar; 03/05/2026; SJ 5
03/05/2026	S	Special Order to 03/19/2026, Without Objection, MA; 03/05/2026 SJ 5
03/05/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0787s, 03/19/2026, Vote 4-1; SC 10
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0787s, 03/26/2026, Vote 4-1; SC 11

Senate Commerce Committee

Aaron Jones 271-2609

SB 482-FN, establishing consumer protections for digital access transaction kiosks.

Hearing Date: January 27, 2026

Time Opened: 9:48 a.m.

Time Closed: 11:31 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill establishes consumer protections for digital access transaction kiosks.

Sponsors:

Sen. McGough

Sen. Pearl

Sen. Gannon

Sen. Rosenwald

Rep. Ammon

Rep. Miles

Rep. Potucek

Rep. L. Walsh

Who supports the bill: Senator Tim McGough, Senator Daniel Innis, Senator Cindy Rosenwald, Senator Howard Pearl, Representative Julie Miles, David Hutton (AARP), Kyle Baker (CoinFlip), Shannon Hickey (AARP), Roger Desrosiers (AARP), Marc Lacroix (AARP), Lily Wellington (NH State Commission on Aging), Mike Padmore (AARP), Iris Altilio (AARP), Krysten Evans (ABLENH), Bryan Townsend II (NH DOJ), Cheryl Steinberg (NH Legal Assistance), Ryan Hale (NH Bankers), Jim Isaak (AARP), Janet Lucas, Jesse Bolin

Who opposes the bill: Steve Zemanek, Jeremy Olson

Who is neutral on the bill: Representative Keith Ammon, Detective Ray Lamy (NH Association of Chiefs of Police), Chief Alex Reno (Hampton Police Department), Sergeant Mike Foster (Tilton Police Department), Lieutenant Stephen Soares (Epping Police Department), Thomas Yerkes (Concord Police Department), Judith Jones (New Futures & Alliance for Healthy Aging), Emelia Galdieri (NH Banking Department), Seth Zoracki (NH Banking Department)

Summary of testimony presented in support:

Senator Tim McGough

- Cryptocurrency ATMs take up a small amount of space, and small store owners are paid if they install them. These machines allow users of cryptocurrency to

access their assets. Unfortunately, these devices are a place where individuals fall victim to scammers as well.

- This bill would place guardrails around the use of these devices. Senator McGough said industry promoters, consumer protection advocates, and law enforcement wanted these guardrails.
- This bill was designed to be balanced, and it has key protections, including identity verification, a waiting period, and withdrawal limits.
- Often, scammers exploit limitations by having their victims go from one ATM to another to make multiple withdrawals.
- Senator McGough said the Legislature would need to determine if these devices are regulated under the Banking Department or the Consumer Protection Bureau. They also will need to decide what the proper withdrawal limit should be, and how long an individual should have to request a refund.
- **Senator Ricciardi** said this was a big problem, and from her understanding, individuals who are scammed do not get their money back. She expressed concerns with the bill as it was written, and she believed the caps were too high to protect citizens. She asked if he agreed that the caps were too high.
 - **Senator McGough** said the number was what was in question. Like ATM withdrawals, operators make a fee based on a percentage and they pay for the floor space wherever it is located. Operators need a viable economic model. Bad actors are able to find a way around limits, so they need to find a way to prevent scams from taking place, while also allowing good actors to provide a service. In Vermont, they set limits low and they required businesses to escrow money for three months. As a result, all reputable providers left the state. It could be \$500; however, he did not think it would be an economically viable number to allow them to stay in business in New Hampshire.

Lily Wellington, Executive Director, New Hampshire State Commission on Aging

- While fraud and scams have a financial cost, victims also carry an emotional burden.
- Scams are often underreported because individuals feel humiliated or embarrassed.
- In New Hampshire, scams cost older adults exponentially more than the average citizen. If fraud is disclosed, elderly individuals fear it will impact their independence and autonomy.
- While they are supportive of this bill, Ms. Wellington said it did not go far enough. She believed the window should be weeks because an individual is not likely to understand they have been scammed within hours.
- **Senator McGough** asked if based on her written testimony, it should be thirty days.

- **Ms. Wellington** said at a minimum that is what they would suggest. This would be similar to what other states have done. She said they have a vested interest that these machines are functional for older adults.

Senator Cindy Rosenwald

- Senator Rosenwald asked the Committee to consider lowering the limits that can be withdrawn on Page 2, Lines 14 and 17 because \$5,000 in a day was a lot of money. She believed lower limits would be better for consumer protection.

Kyle Baker, on behalf of CoinFlip

- CoinFlip is a Chicago-based global digital currency platform that provides consumers with a way to buy and sell virtual currency.
- Mr. Baker said they were in support of this bill as it was written because they supported establishing consumer protections for digital transaction kiosks.
- This bill would require identity verification for customers who are using kiosks; establish a two-day transaction hold for first-time customers; during the two-day period, customers would be limited to only their first transaction; require operators to fully refund purchased crypto assets and fees charged within the two-day period; set transactions limits of \$5,000 for new customers and \$15,000 for established customers; require disclosure of fees, pricing, and a receipt with contact information on it if there are problems; and require operators to use commercially available blockchain analytics.
- Blockchain analytics is a way for operators to track and identify potential scams and crypto wallets that are tied to fraud. It also allows those transactions to be immediately blocked.
- While these components are already being done within the industry, Mr. Baker said they support clear guidelines at the state level to create impediments for bad actors.
- CoinFlip and other kiosk companies are registered under the Financial Crime Enforcement Network. They are required to follow the Bank Secrecy Act, the Patriot Act, and other federal rules and regulations.
- CoinFlip applied for a money transmitter license. Under existing law, however, they are not eligible. Nationally, they have a money transmitter license in 38 jurisdictions.
- **Senator Murphy** asked how they would recoup money if an individual put \$3,000 into a crypto ATM and the next day, they said it was a scam.
 - **Mr. Baker** said they use blockchain analytics and other tools to identify wallets being used. Often, there is no way to recoup the money, and it is a loss for the company. They are supportive of this bill because they feel it is important for consumers. In some cases, their law enforcement liaisons partner with local law enforcement to try to identify the wallet used. Sometimes wallets are linked to other commercial exchange platforms, so they can go to that company to help with identification and get the money

back. When crypto is transferred into a personal crypto wallet, and it is not tied to any exchanges, there is no way for the company to recoup funds.

- **Senator McGough** asked if 48 hours was long enough for an individual to realize they had been scammed. If it was not, he asked how long would be viable.
 - **Mr. Baker** said based on blockchain software, they have determined that the scam rate was 2 percent on transactions conducted on their machines. In most cases where CoinFlip has been contacted, it is within a 48-hour window. They have a 24/7 customer service line. He said they would work with the Committee if the number needed to be adjusted.
- **Senator McGough** asked if it would work for them if it were pushed out to 30 or 45 days.
 - **Mr. Baker** said he could not speak to specifics. Under this legislation, crypto kiosks would be the only money service businesses required to hold legally conducted transactions on their books for that amount of time. Nothing would stop a wire, or withdrawn cash from being sent in the mail. They felt the limits in place were workable, so they were cautious in extending it too far.
- **Senator McGough** asked if a legitimate user might have their liquidity or availability of their funds held up. For example, when stock is sold, it takes time for a transaction to be completed before funds are available in a brokerage account.
 - **Mr. Baker** said he would follow up with how the hold worked. Crypto has changing values, so he understood the concerns if an individual chose to deposit \$500 one day and something happened over the two-day period that caused the cost to double.
- **Senator McGough** asked for clarification if CoinFlip was not eligible to register as a money transmitter under current law.
 - **Mr. Baker** said CoinFlip and other crypto kiosks own their supply of Bitcoin. Current money transmitter licensing bars banking regulation over crypto-related finances. Also, there is no transmission other than buying an asset from someone else.
- **Senator Ricciardi** said the bill as written seemed to favor the industry versus protecting consumers. She asked if he was aware the Iowa Attorney General's Office had filed a lawsuit against CoinFlip and Bitcoin Depot. Their investigation found 94 percent of transactions were fraudulent, and 98 percent of transactions with Bitcoin Depot were fraudulent. She asked if he could address the lawsuit and these figures.
 - **Mr. Baker** replied he could not comment on pending litigation, but he could connect the Committee with the general counsel at CoinFlip.

- **Senator Ricciardi** asked if he could show independent third-party audits demonstrating that the fraud rate was substantially lower than what law enforcement has found.
 - **Mr. Baker** said he could connect the Committee with the general counsel at CoinFlip.

Michael Padmore, Director of Advocacy, AARP New Hampshire

- Mr. Padmore said they had a few recommendations on lowering transaction limits and extending the refund period.
- Other states, including Maine and California, have enacted a transaction limit of \$1,000 a day.
- A detective with the Fraud and Cyber Crimes Bureau in the Los Angeles Sheriff's Department said there had been a "reduction in crypto kiosk scams and fraud since the daily transaction limit became effective in 2024. I have also determined there has been a reduction in the use of crypto kiosks for escort services, which are known to involve human trafficking."
- Mr. Padmore said there is evidence that transaction limits help to reduce fraud and other illicit activities.
- Other states, such as Maine and Vermont, have adopted a 90-day refund window. Often, it can take time for an individual to determine if they are a victim.
- Nationally, 24 states have enacted similar legislation.
- If this bill were passed, Mr. Padmore said criminals would not target New Hampshire residents.
- **Senator Ricciardi** said there are different limits for first-time and existing customers. She asked what would stop a scammer from having a victim make a \$5,000 transaction as a first-time customer, then have them come back 72 hours later once they are considered an existing customer, to deposit \$15,000. She saw this as a loophole, and she asked if it had been exploited in other states.
 - **Mr. Padmore** said there was nothing that prevented it from happening. Scammers are clever, and they will try to exploit the law. If they can convince an individual to make a first-time transaction, their scam could evolve to coach them to wait 72 hours until the limit has expired. This is the reason states have adopted a single transaction for any customer whether they are new or existing. Based on information they have received from operators, the median transaction is \$350. He felt this is why the \$1,000 limit was adequate to allow legitimate transactions to occur.

Pat McDermott, Volunteer State President, AARP

- Caregivers are the first line of defense for fraud and scams.

- Mr. McDermott told a personal story about his mother who had been asked to transfer \$12,500. If there were no caregivers in her life, he said she would have been a victim of the scammer.
- Mr. McDermott said many older adults do not have a caregiver to provide support or a safety net, so they are at high risk.
- While the transaction limit of \$1,000 would not stop scams from happening, it would help to prevent catastrophic losses.

Roger Desrosiers and Mary Roberge, AARP

- As caregivers, Ms. Roberge said they can uncover the truth from parents, spouses, and neighbors weeks later. If an individual is scammed, they are often reluctant to let others know. She said she supported the changes proposed by Mr. Padmore.
- While caregivers may have power of attorney or financial oversight, they might not see a bank statement until months after a withdrawal. Once money is gone, it can be impossible to recover.
- A 90-day refund would allow caregivers to piece together what has occurred.
- Other states like Maine and Vermont have implemented stronger protections. Mr. Desrosiers said New Hampshire should not let criminals target residents because our limits are higher or our systems are slower to respond to.
- As caregiver volunteers, Ms. Roberge said they see the emotional and financial toll fraud takes on families and loved ones.

Marc LeCroix, AARP

- Mr. LeCroix told a personal story about his father who did not use electronic banking, so he had to review physical bank statements to ensure everything was fine. He said a 30-day timeframe was not enough to review bank statements.
- Given there are guardrails for financial investors, Mr. LeCroix said there should be guardrails around crypto.

Linda Hodgdon, Iris Altilio, and Charlene Puzzo, AARP

- Ms. Altilio said they gave 46 presentations on fraud last year, which reached over 800 adults.
- Nationally, fraud losses from these machines went from \$12 million in 2020 to over \$247 million in 2025.
- In New Hampshire, 27 percent of the population is 60 years and older. 85 percent of theft losses from crypto ATMs were from this population, and the average amount was \$40,000.
- Ms. Hodgdon said criminals went where safeguards are the weakest.
- Ms. Puzzo told a personal story of being a victim of an imposter scam. She said she lost about \$2,000 in an hour.

Bryan Townsend II, Senior Assistant Attorney General and Lead Prosecutor for the Elder Abuse and Financial Exploitation Unit, New Hampshire Attorney General's Office

- The Elder Abuse and Financial Exploitation Unit is housed within the Consumer Protection Bureau.
- Attorney Townsend agreed this bill was a good start, but he asked the Committee to review its placement in RSA 358-A.
- When an additional industry is regulated under RSA 358, it is tucked under a separate subchapter. When subchapters are enacted, it clarifies that violations of the subchapter are unfair and deceptive practices under RSA 358-A.
- By placing this bill under RSA 358-A, Attorney Townsend said it was unclear if violations by operators were already unfair and deceptive practices. He felt it made sense to place these provisions into their own subchapter and refer it back to RSA 358-A to allow the Bureau to regulate these as potentially unfair and deceptive business practices.
- Attorney Townsend said some of the language within the bill was unclear. For example, this bill referred to a “reference price” and it asked the Department to designate a widely used public exchange or composite index. Since they are not experts in cryptocurrency, he said it needed to be further defined.
- This bill states, “designated by the Attorney General by rule...,” but this bill does not provide the Department with any rulemaking authority.
- This bill requires that operators use “commercially reasonable blockchain analytics.” They have a general understanding of blockchain analytics, but for enforcement purposes, Attorney Townsend asked what it meant to be “commercially reasonable.”
- If they are required to enforce this statute, Attorney Townsend asked for consistency.
 - Digital financial assets and virtual currency are used interchangeably, but only digital assets have been defined.
 - Customer, consumer, and user are used interchangeably. They asked for a consistent use of customer, which is defined in the definitions section.
 - First-time customers are defined in this bill, but new customers are used several times throughout without a definition.
- Based on their investigations, victims who are 60 years or older are being taken advantage of by these kiosks.

Cheryl Steinberg, Director of Justice in Aging Project, New Hampshire Legal Assistance

- Financial exploitation has become a huge problem in New Hampshire and nationally.
- Scammers are savvy, and they can manipulate individuals to do things that are unimaginable.
- Similar to previous testifiers, Attorney Steinberg supported the \$1,000 limit.

- Attorney Steinberg said she believed these kiosks should be banned.
- In Iowa, they filed two lawsuits against Bitcoin Depot and CoinFlip.
 - They subpoenaed 14 cryptocurrency companies, and interviewed users of crypto ATMs, during their investigation.
 - Once it was completed, they found that over \$20 million was lost to scammers. Over \$7 million was attributed to Bitcoin Depot, and \$13 million was attributed to CoinFlip.
 - They also found that 98 percent and 94 percent of money sent through Bitcoin Depot and CoinFlip respectively was for fraudulent purposes.
 - Fees for transactions using these machines were 20 percent or higher.
- Attorney Steinberg said using the term “ATM” was a misnomer because individuals can only put money in, they cannot get money out.
- According to one victim, scammers and cryptocurrency machine holders were the only individuals who benefited whereas victims were the losers.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Ray Lamy, Fraud and Financial Crimes Investigator, Manchester Police Department and New Hampshire Association of Chiefs of Police

- Detective Lamy preferred having these machines banned statewide. If that was not an option, this bill needed to be stricter to protect residents from being defrauded.
- According to the FTC, consumers over the age of 60 were more than three times as likely as younger adults to report losing money to crypto ATM scams.
- By posing as authority figures, Detective Lamy said criminals can scare susceptible victims. Often, victims do not listen to warnings by bank staff.
- According to the FTC, consumers have reported losing over \$110 million in 2023 to scams involving Bitcoin ATM machines.
- Due to the high fees associated with transactions made through crypto ATMs, legitimate consumers are more likely to use an online cryptocurrency exchange. Exchanges, such as Coinbase, charge a transaction fee of 1.5 percent. In contrast, crypto ATMs charge transaction fees up to 30 percent.
- In Manchester, there are 22 crypto ATM machines. These machines are deposit only.
- Between 2021 and 2025, Manchester had 66 fraud cases. The average monetary loss per transaction was \$17,000, and the average age of the victim was 73 years old.
- This is a statewide issue because if a victim does not have an ATM in their town, they are directed to drive elsewhere.

- In 2024, Detective Lamy said he was able to intercept and recover more than \$1 million for victims of fraud. In cases where money was deposited into crypto ATMs, however, he has been unable to recover any money.
- Despite written warnings on crypto machines and warnings by store clerks, it does not deter victims from depositing money into these machines.
- Maine, Vermont, Connecticut, and Rhode Island have recently passed similar legislation.
- As these companies leave surrounding states, Detective Lamy said New Hampshire residents will be a higher target.
- The definition of a "new customer" needed to be changed because it was easy for scammers to work around it and provide different identifications.
- A daily transaction limit should be no more than \$1,000 a day, which is what surrounding states have done.
- Reiterating previous testifiers, Detective Lamy said the refund policy should be 90 days.
- Detective Lamy said municipalities should have the ability to enact local ordinances that can be more restrictive than what is enacted by the state.
- **Senator Ricciardi** asked if she heard correctly that in cases involving crypto fraud, he has recovered zero dollars.
 - **Detective Lamy** said that was correct.
- **Senator Ricciardi** asked why these machines are allowed given the egregious fraud.
 - **Detective Lamy** said they would like them to be banned. From a business perspective, he did not understand why someone would pay a 15 to 30 percent fee versus 1.5 percent on an online exchange.

Alex Reno, Chief, Hampton Police Department and New Hampshire Association of Chiefs of Police

- Chief Reno said he has seen a sharp increase in online and cryptocurrency scams that have had a significant economic impact on Hampton residents.
- Chief Reno was concerned this bill did not go far enough to protect the average user of digital asset transaction kiosks. He said he supported the amendments suggested by Detective Lamy.
- Since the end of 2024, \$2.6 million dollars in Hampton has been lost to scammers. The average age of the victims is 66 years old.
- Since financial crimes are underreported by victims, Chief Reno believed the financial impact could be much higher.
- According to the FBI, New Hampshire received 2,340 complaints for computer-related scams resulting in a reported overall loss of \$52,811,455 in 2024.
- Chief Reno provided two examples of cases in Hampton.
 - First, there was a 68-year-old woman who deposited \$3,000 into a crypto ATM. The victim was contacted by a scammer who convinced her that an image of child pornography was downloaded onto her computer. She also

sent gift cards and the redemption codes to the scammer. The next day, the victim reported the incident to the police.

- Second, there was a 80-year-old female who was attempting to close out an online retailer account. After conducting an online search, she clicked on a link that she believed was legitimate and she was convinced to bring \$17,000 to a crypto ATM. After she spoke to a friend, she realized that she had been victimized.
- In Hampton, there are 30 machines within a 15-mile radius.
- Chief Reno said putting protections in place for New Hampshire residents was critical in assisting them with preventing and investigating these schemes.
- **Senator Murphy** asked how Western Union was different.
 - **Chief Reno** said he could not speak to that.
- **Senator Murphy** asked what protections are in place for an individual if they are told to send \$5,000 and they walked into a Western Union and send it electronically to the person.
 - **Chief Reno** said he was not an expert, but he knew there were safeguards. Western Union used to be the big scam that individuals fell victim to, but he could not answer what the safeguards were.
- **Senator McGough** asked if it was one vendor.
 - **Chief Reno** replied it was not one vendor.
- **Senator McGough** asked if they would be given the tools they needed if they were regulated like conventional ATMs.
 - **Chief Reno** replied that anything would be better than what was in place right now. He reiterated that their position is that they should be banned in their entirety. He said he was not someone who would ask for regulations, but in this situation, there should be strict regulations.
- **Senator Ricciardi** asked if there were two companies, Bitcoin Depot and CoinFlip.
 - **Chief Reno** said yes.
- **Senator Ricciardi** asked for justification as to why individuals go to these machines rather than go online.
 - **Chief Reno** said he could not speak to the justification, and he recognized that the 1.5 percent fee on an individual's phone was significantly lower than other ATMs.

Mike Foster, Sergeant, Tilton Police Department

- Sergeant Foster told a personal story about an older individual who had \$22,000 in cash, and he had already deposited \$3,000 into the machine. He said he was more afraid of law enforcement than the scammer. Except for the transaction fee, they were unable to recover any of the money despite contacting the company immediately.

- Sergeant Foster said scam cases are some of the most frustrating cases for law enforcement. He has seen hundreds of thousands of dollars taken from individuals ranging from high schoolers to senior citizens.
- In smaller towns, such as Tilton and Pembroke, they do not have the resources that larger agencies have.
- Cryptocurrency kiosks are high tech and official looking, thereby allowing scammers to rob victims of their lifesavings before they have realized what has happened.
- A waiting period of 90 days would provide law enforcement with time to receive reports and obtain refunds.
- **Senator Ricciardi** asked if there was a reason a town could not go to a select board or council to ban these machines since they are hurting citizens.
 - **Sergeant Foster** said they were working on it in Tilton. They have Belmont and Franklin in their vicinity, so if they do not enact a ban, they will make the same deposit elsewhere. In the example he provided, the victim was from Franklin and they drove to Tilton.

Representative Keith Ammon

- Representative Ammon said they should not demonize a whole industry. Fraudsters use ATMs and gift cards, yet no one was talking about banning them.
- Representative Ammon said a ban was not the right approach; instead, it was anti-consumer.
- **Senator Murphy** asked what the legitimate uses of these machines were.
 - **Representative Ammon** said they were vending machines, but instead of getting a soda, they are getting cryptocurrency. To conduct certain transactions on a smart contract network, you might need a machine to pay a fee to the operator. Machines can be used to pay a friend, or it can be held in an app on a smartphone to settle a business. He said it is a legitimate form of payment. Recently, President Trump said “America is going to be the crypto capital of the world.” Federal legislation has been delayed because there is a divide between whether they are a security or a commodity. Attention will turn to the states if it passes, and the industry will be looking for which states are friendly. If this bill went too far, the wrong signal would be sent to the world.
- **Senator McGough** said they wanted good legislation to protect consumers and the industry. He asked what was the best way to balance expanding the state’s favorable business climate for this industry, while still protecting good actors and consumers.
 - **Representative Ammon** said they did not need the heavy hand of government to stamp out an industry because there are technological solutions. Blockchain analytics and other tools are provided to law enforcement for free. These devices have a programmable iPad that could

require a series of warnings or a red button to call law enforcement. This is a new technology, but he also understood the need for safeguards for the elderly.

- **Senator McGough** asked if a kiosk could have a trigger for a certain level of transactions or require a phone call to a law enforcement agency or banking regulator before a transaction goes through.
 - **Representative Ammon** thought it could be done. While there might be some companies who are facilitating legitimate scams, he worried that onerous regulation would crush competition. Regulatory compliance is a cost, which is passed on to the user as a fee. These are voluntary transactions. Grown adults are making choices, and the Legislature should respect their autonomy while protecting against fraudsters.
- **Senator Ricciardi** asked why they would charge higher fees when an individual could go online, which has lower fees and less fraud. Based on testimony, these machines are problematic. She said one person scammed is one too many.
 - **Representative Ammon** said that was called safety-ism wherein you value safety so much that innovation is crushed. Banning these machines is not a balanced approach.
- **Senator Ricciardi** asked if he agreed that there was a problem right now that needed to be resolved.
 - **Representative Ammon** said based on a federal study, there has been \$16 billion in total fraud. Less than 2 percent of it is tied to kiosks. Scammers invite someone from another country, they take their passport, and they force them to work in call centers. These individuals are also under duress, so it is a complicated network of how fraud works. He said banning kiosks would not solve a vast majority of problems; instead, it would send a signal that they are afraid of new technology and resistant to the future of the financial industry. With crypto, money can be held on an individual's own device, and no one else has access to it.

Judith Jones, New Futures and New Hampshire Alliance for Healthy Aging

- From January 2024 to June 2024, the FTC estimated that losses from fraud was \$65 million.
- Ms. Jones asked the Committee to look at what other states have done, and if there could be a more robust holding period for customers and a reduction on daily transaction limits.
- Ms. Jones said protections would help, not hurt, the industry.

Emelia Galdieri, Commissioner, and Seth Zoracki, General Counsel, New Hampshire Banking Department

- The Banking Department is responsible for licensing, regulating, and chartering financial institutions ranging from banks to credit unions to money transmitters.
- Teams of examiners go out to look at entities under their jurisdiction. They review money transmitters for compliance with laws, rules, and regulations, including the Bank Secrecy Act, countering the financing of terrorism, and anti-money laundering laws.
- A few years ago, the Department worked with the Bankers Association to provide anyone in a bank who interacts with a consumer with the ability to put a transaction on hold if there is concern over fraud or duress.
- **Senator Murphy** asked what the practical difference was between Western Union and other money transmitters versus a crypto ATM.
 - **Commissioner Galdieri** said it depended on the type of transaction. Crypto kiosks are exempt from the jurisdiction of the Department. With kiosks, there is no third-party in between them.
- **Senator Murphy** asked what was different between driving to Western Union to send \$5,000 versus driving to a Bitcoin ATM to send the same amount. He asked if Western Union had a hold period or a limit.
 - **Commissioner Galdieri** said she would need to talk to those who go out and examine these companies. Western Union is regulated by the Department, so they can look at a transaction, know where money was sent, and when it was sent. While it was looking backwards, they have a consumer complaint process.
 - **Attorney Zoracki** said a difference with Western Union was that an individual will interact with a human who is trained, and subject to regulations on how they are trained, in anti-money laundering. They are a line of defense in trying to block a fraudulent transaction. With crypto kiosks, there are typically no humans there. There could be a convenience store operator, but they would not have the same level of training.
 - **Commissioner Galdieri** said when examiners go to institutions, they ensure they have a fraud program in place that complies with relevant laws, including Know Your Customer. Entities are not required to do this if they do not have the same regulations. Some departments in other states regulate these companies through licensure. The Department offered their services, but it would take a change in their law.
- **Senator Ricciardi** asked if fraud would be minimized if these kiosks were moved under their jurisdiction.
 - **Commissioner Galdieri** said she did not know if it would minimize fraud, but it would give them a way in. They would send examiners to ensure policies and procedures are in place. It can be very challenging to

stop fraud. If transaction limits were imposed, they would send a team of examiners in to ensure that they are done on every transaction.

- **Attorney Zoracki** stated that in some states, these companies are regulated as money transmitters.
- **Senator McGough** said there had been a lot of discussion on where to place this law. He asked if it was properly placed under consumer protection, or if it should be under them. If it were under the Department, he asked if they had better protections and an ability to claw back funds.
 - **Commissioner Galdieri** said clawing back funds was challenging. Fraudsters are creative, so it is a constant struggle. She said she was neutral on where this should be placed. By the end of the year, her examiners will be trained in the fundamentals of cryptocurrency transactions and blockchain analytic software. Since they regulate Western Union, PayPal, Venmo, and other companies, examiners need to be aware of this area that is separate from fiat currency.
- **Senator McGough** asked if they would have to determine how to regulate these as money transmitters if they were placed under the Department.
 - **Commissioner Galdieri** said different things could be done. They could amend the exemption in the money transmitter statute to allow the Department to have oversight over cryptocurrency. They also could do a separate licensure under its own statute. She requested it to be full licensure, not just registration. Previously, the Department registered non-bank cash dispensing machines. They preferred not to do that because they have no ability to go and examine them despite receiving consumer complaints.

AJ

Date Hearing Report completed: February 6, 2026

SB 659 - AS INTRODUCED

2026 SESSION

26-3264

12/08

SENATE BILL **659**

AN ACT relative to education financing.

SPONSORS: Sen. Carson, Dist 14; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Ward, Dist 8; Sen. Gray, Dist 6; Sen. Innis, Dist 7; Sen. Lang, Dist 2; Sen. Gannon, Dist 23; Sen. McConkey, Dist 3; Sen. McGough, Dist 11; Sen. Pearl, Dist 17; Sen. Rochefort, Dist 1; Sen. Murphy, Dist 16

COMMITTEE: Education Finance

ANALYSIS

 This bill makes changes to what substantive educational content satisfies an adequate education.

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-Six

AN ACT relative to education financing.

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

1 1 Education; Adequate Public Education; Policy and Purpose. RSA 193-E:1, I-II is repealed and
2 reenacted to read as follows:

3 I. It is the policy of the state of New Hampshire that public elementary and secondary
4 education shall provide all students with the opportunity to acquire the knowledge and skills
5 necessary to prepare them for successful participation in the social, economic, scientific,
6 technological, and political systems of a free government, now and in the years to come; an education
7 that is consistent with the state-established academic standards, and school district or school
8 curriculum.

9 II. Respecting New Hampshire's long tradition of community involvement, it is the purpose
10 of this chapter to ensure that appropriate means are established to provide an adequate education
11 through an integrated public education system of shared responsibility between state and local
12 government, in recognition of the fact that local governmental entities, including school districts, are
13 created by the state, receive their authority to act and operate from the state, and are therefore
14 indivisible from the state for the purposes of providing an adequate education. In this system, the
15 state and local governmental entities function collectively to ensure that an adequate version of the
16 academic program defined in RSA 193-E:2-a is provided to New Hampshire pupils. Such a system of
17 shared responsibility ensures flexibility in implementing diverse educational approaches to
18 instruction and curriculum tailored to meet student needs, allows local governments to make the
19 local infrastructure and administrative choices that are best for their particular communities, and
20 helps ensure that local school districts remain accountable and responsive to community and family
21 needs. How the state and its local governmental entities choose to raise, allocate, and spend
22 financial resources to implement this integrated public education system is a political policy matter
23 reserved to legislative and executive judgment and control.

24 2 Education; Adequate Public Education; Substantive Educational Content of an Adequate
25 Education. Amend RSA 193-E:2-a, I(a) to read as follows:

26 I.(a) ~~[Beginning in the school year 2008-2009, and for each year thereafter, the specific~~
27 ~~criteria and substantive educational program that deliver the opportunity for an]~~ **An** adequate
28 education shall be defined and identified as the school approval standards in the following learning
29 areas:

30 (1) English/language arts and reading.

31 (2) Mathematics.

SB 659 - AS INTRODUCED
- Page 2 -

- 1 (3) Science.
- 2 (4) Social studies, including civics, government, economics, geography, history, and
- 3 Holocaust and genocide education.
- 4 (5) Arts education, including music and visual arts.
- 5 (6) World languages.
- 6 (7) Health and wellness education, including a policy for violations of RSA 126-K:8,
- 7 I(a).
- 8 (8) Physical education.
- 9 (9) Engineering and technologies including technology applications.
- 10 (10) Personal finance literacy.
- 11 (11) Computer science.

12 3 Education; School Money; Cost of an Opportunity for an Adequate Education. RSA 198:40-a,

13 III is repealed and reenacted to read as follows:

14 III. The sum total calculated under paragraph II shall be computed toward the cost of an

15 adequate education, defined in RSA 193-E:2-a, including all differentiated aid. The department

16 shall determine the cost of an adequate education, as defined in RSA 193-E:2-a, for each

17 municipality based on the ADMR of pupils who reside in that municipality.

18 4 Effective Date. This act shall take effect 60 days after its passage.

Docket of SB659		
02/04/2026	S	Introduced 01/29/2026 and Referred to Education Finance; SJ 3
02/09/2026	S	==CANCELLED== Hearing: 02/12/2026, Room 103, SH, 09:45 am; SC 6
03/06/2026	S	Hearing: 03/13/2026, Room 103, SH, 09:00 am; SC 9A
03/13/2026	S	Committee Report: Ought to Pass, 03/26/2026, Vote 3-2; SC 11

HB 1815-FN - AS INTRODUCED

2026 SESSION

26-2334
07/08

HOUSE BILL ***1815-FN***

AN ACT relative to education financing.

SPONSORS: Rep. Lynn, Rock. 17; Rep. D. McGuire, Merr. 14

COMMITTEE: Education Funding

ANALYSIS

 This bill makes changes to what substantive educational content satisfies an adequate education.

.....

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-Six

AN ACT relative to education financing.

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

1 1 Education; Adequate Public Education; Policy and Purpose. RSA 193-E:1, I-II is repealed and
2 reenacted to read as follows:

3 I. It is the policy of the state of New Hampshire that public elementary and secondary
4 education shall provide all students with the opportunity to acquire the knowledge and skills
5 necessary to prepare them for successful participation in the social, economic, scientific,
6 technological, and political systems of a free government, now and in the years to come; an education
7 that is consistent with the state-established academic standards, and school district or school
8 curriculum.

9 II. Respecting New Hampshire's long tradition of community involvement, it is the purpose
10 of this chapter to ensure that appropriate means are established to provide an adequate education
11 through an integrated public education system of shared responsibility between state and local
12 government, in recognition of the fact that local governmental entities, including school districts, are
13 created by the state, receive their authority to act and operate from the state, and are therefore
14 indivisible from the state for the purposes of providing an adequate education. In this system, the
15 state and local governmental entities function collectively to ensure that an adequate version of the
16 academic program defined in RSA 193-E:2-a is provided to New Hampshire pupils. Such a system of
17 shared responsibility ensures flexibility in implementing diverse educational approaches to
18 instruction and curriculum tailored to meet student needs, allows local governments to make the
19 local infrastructure and administrative choices that are best for their particular communities, and
20 helps ensure that local school districts remain accountable and responsive to community and family
21 needs. How the state and its local governmental entities choose to raise, allocate, and spend
22 financial resources to implement this integrated public education system is a political policy matter
23 reserved to legislative and executive judgment and control.

24 2 Education; Adequate Public Education; Substantive Educational Content of an Adequate
25 Education. Amend RSA 193-E:2-a, I(a) to read as follows:

26 I.(a) ~~[Beginning in the school year 2008-2009, and for each year thereafter, the specific~~
27 ~~criteria and substantive educational program that deliver the opportunity for an]~~ **An** adequate
28 education shall be defined and identified as the school approval standards in the following learning
29 areas:

30 (1) English/language arts and reading.

31 (2) Mathematics.

HB 1815-FN - AS INTRODUCED
- Page 2 -

- 1 (3) Science.
- 2 (4) Social studies, including civics, government, economics, geography, history, and
- 3 Holocaust and genocide education.
- 4 (5) Arts education, including music and visual arts.
- 5 (6) World languages.
- 6 (7) Health and wellness education, including a policy for violations of RSA 126-K:8,
- 7 I(a).
- 8 (8) Physical education.
- 9 (9) Engineering and technologies including technology applications.
- 10 (10) Personal finance literacy.
- 11 (11) Computer science.

12 3 Education; School Money; Cost of an Opportunity for an Adequate Education. RSA 198:40-a,

13 III is repealed and reenacted to read as follows:

14 III. The sum total calculated under paragraph II shall be computed toward the cost of an

15 adequate education, defined in RSA 193-E:2-a, including all differentiated aid. The department

16 shall determine the cost of an adequate education, as defined in RSA 193-E:2-a, for each

17 municipality based on the ADMR of pupils who reside in that municipality.

18 4 Effective Date. This act shall take effect 60 days after its passage.

**HB 1815-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to education financing.

FISCAL IMPACT:

This bill modifies the terminology and purpose relative an adequate education and adds additional references to the statute defining the content of an adequate education to the adequacy calculation formula. This bill does not change the grant amounts awarded to districts, charter schools, or education freedom accounts pursuant to RSA 198:40-a, nor does it modify the content of an adequate education pursuant to RSA 193-E:3-b, I(a). Therefore, the proposed bill will have no fiscal impact.

AGENCIES CONTACTED:

Department of Education

Docket of HB1815		
12/18/2025	H	Introduced 01/07/2026 and referred to Education Funding HJ 1
02/05/2026	H	Public Hearing: 02/13/2026 01:00 pm GP 232
02/11/2026	H	Executive Session: 02/18/2026 10:00 am GP 234
02/24/2026	H	Majority Committee Report: Ought to Pass 02/18/2026 (Vote 10-7; RC) HC 9 P. 34
02/24/2026	H	Minority Committee Report: Inexpedient to Legislate
03/05/2026	H	Ought to Pass: MA RC 188-162 03/05/2026 HJ 6
03/05/2026	H	Reconsider OTP (Rep. Osborne): MF VV 03/05/2026 HJ 6
03/06/2026	S	Introduced 03/05/2026 and Referred to Education Finance; SJ 6
03/06/2026	S	Hearing: 03/13/2026, Room 103, SH, 09:15 am; SC 9A
03/13/2026	S	Committee Report: Ought to Pass, 03/26/2026, Vote 3-2; SC 11

SB 447 - AS INTRODUCED

2026 SESSION

26-2020
06/08

SENATE BILL **447**

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

SPONSORS: Sen. Avar, Dist 12; Sen. Lang, Dist 2; Sen. McConkey, Dist 3; Sen. Pearl, Dist 17; Rep. Sabourin, Rock. 30; Rep. Notter, Hills. 12; Rep. D. Thomas, Rock. 16

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill:

I. Defines "advanced nuclear resource" (ANR) and includes ANR options alongside renewable energy sources for utility services.

II. Sets limitations and guidelines for investments in distributed electric generation.

III. Clarifies the coordinator's duties in nuclear development and regulatory activities.

IV. Allows the department of energy or the electric distribution utilities, or both, to issue requests for proposals (RFPs) for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources, and coordinate with one or more New England states in issuing this RFP.

V. Modifies the scope and capacity limits of community solar projects, including expanding the annual cap for low-moderate income community solar projects from 6 MW to 18 MW.

VI. Allows group net metering members to sign agreements with multiple group hosts, as long as their combined allocated load does not exceed their total load.

VII. Expands the definition of "political subdivision" to include public housing authorities and explains eligibility for participation in group net metering.

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-Six

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

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

1 1 Findings and Purpose. The general court finds that:

2 I. The cost of electricity supply in New Hampshire is higher than the national average and
3 continues to create an economic burden on the state's citizens and businesses.

4 II. The cost of electricity in New England is driven by a number of factors, including the
5 retirements of baseload generation resources, lack of adequate natural gas capacity in the winter,
6 and increases in the cost of natural gas due to international factors.

7 III. The retention and development of reliable sources of low-cost electricity supply are
8 critical to stabilizing and reducing the cost of electricity in New Hampshire.

9 IV. Market volatility is harming New Hampshire's residents and businesses.

10 V. To ensure that New Hampshire ratepayers can benefit from cost-effective energy sources,
11 the general court finds that it is appropriate to allow the electric distribution utilities to issue
12 requests for proposals to provide more diverse and long-term options for providing energy service to
13 customers.

14 2 Coordination of Studies and Development Activities; Position Established. Amend RSA 162-
15 B:4, III to read as follows:

16 III. The coordinator of nuclear development and regulatory activities shall have the duty to
17 coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies
18 conducted, and the recommendations and proposals made, in this state with like activities in New
19 England and other states and with the policies and regulations of the United States Nuclear
20 Regulatory Commission. ***These activities may include the management of funding and***
21 ***oversight of nuclear incentive programs, such as those described by RSA 374-G:4, as well as***
22 ***outreach programs to inform and educate the public, particularly regarding safety.***

23 3 Net Metering. Amend RSA 362-A:9, III and IV to read as follows:

24 III. Metering shall be done in accordance with normal metering practices. A single net
25 meter that shows the customer's net energy usage by measuring both the inflow and outflow of
26 electricity internally shall be the extent of metering that is required at facilities with a total peak
27 generating capacity of not more than [400] **500** kilowatts. A bidirectional metering system that
28 records the total amount of electricity that flows in each direction from the customer premises, either
29 instantaneously or over intervals of an hour or less, shall be required at facilities with a total peak

generating capacity of more than ~~[100]~~ **500** kilowatts. The bidirectional system may consist of one or more meters, as long as it can be used to appropriately meter and bill in compliance with utility tariffs and rules. Customer-generators shall not be required to pay for the installation of net meters, but shall pay for the installation of, or procure at their own cost if approved by the interconnecting utility, all bidirectional metering systems as outlined in utility interconnection tariffs or rules.

IV. (a) For facilities with a total peak generating capacity of not more than ~~[100]~~ **500** kilowatts, when billing a customer-generator under a net energy metering tariff that is not time-based, the utility shall apply the customer's net energy usage when calculating all charges that are based on kilowatt hour usage. Customer net energy usage shall equal the kilowatt hours supplied to the customer over the electric distribution system minus the kilowatt hours generated by the customer-generator and fed into the electric distribution system over a billing period.

(b) For facilities with a total peak generating capacity of more than ~~[100]~~ **500** kilowatts, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, less a credit on default service charges equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

4 Net Energy Metering. Amend RSA 362-A:9, XIV(e) to read as follows:

XIV. (e) The department of energy, by rule or order, shall develop a process by which community solar developers can apply for designation as a community solar project for new solar arrays. Such projects designate their production for the benefit of households on the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can offer to low-moderate income households. Annually, the number of projects designated as low-moderate income community solar shall not exceed a total nameplate capacity rating of ~~[6]~~ **18** megawatts in the aggregate. If more than ~~[6]~~ **18** megawatts of projects apply for designation, the department of energy shall select the projects that offer the largest on-bill credit and that demonstrates project readiness.

5 Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means the state of New Hampshire or any city, town, county, school district, chartered public school, village district, school administrative unit, ~~[or any district or entity created for a special purpose administered or funded by any of the above-named governmental units]~~ **nonprofit educational institution, or any district or entity created for a special purpose administered or funded**

1 *by any of the above-mentioned governmental units; such districts or entities include public*
2 *housing authorities.*

3 6 New Paragraph; Electric Utility Restructuring; Definitions. Amend RSA 374-F:2 by inserting
4 after paragraph II the following new paragraph:

5 II-a. "Advanced nuclear resource" (ANR) means generation IV nuclear technologies that
6 include gas-cooled, lead-cooled, sodium-cooled, supercritical water-cooled, and molten salt and very
7 high temperature reactors, small modular, thermal-only, and encased fuel pellet reactors, including
8 any micro, mini, or small nuclear reactor having a generating capacity between 0 and 300
9 megawatts.

10 7 Definitions. Amend RSA 362-F:2, X-a to read as follows:

11 X-a. "Low-moderate income community solar project" means ground-mounted or rooftop
12 solar arrays, *with a total peak generating capacity of up to and including 3 megawatts*, that
13 directly benefit a group of at least 5 residential end-user customers, where at least a majority of the
14 residential end-user customers are at or below 300 percent of the federal poverty guidelines, or
15 directly benefit the residents of a public housing authority created pursuant to RSA 203, or a
16 housing project as described in RSA 78-B:2, XXIII, where the electric bills are either paid directly by
17 the residents or by the public housing authority or housing project, provided that at least a majority
18 of the residents receiving the direct benefit are at or below 80 percent of the Area Median Income
19 (AMI) calculated by the Department of Housing and Urban Development. No more than 15 percent
20 of the projected load for such project shall be attributable to non-residential end-user customers.

21 8 Purchased Power Agreements. Amend the introductory paragraph of RSA 374-F:11, I to read
22 as follows:

23 I. Investor-owned electric distribution utilities may elect to develop and, no later than June
24 30, ~~[2025]~~ **2040**, issue a request for proposals for multi-year agreements for energy, in conjunction
25 with or independent of any attendant environmental attributes from electric energy sources.

26 9 Purchased Power Agreements. Amend RSA 374-F:11, I(g) to read as follows:

27 (g) All megawatt hours procured through agreements made pursuant to this section
28 shall come from *existing*, new, or incremental electric energy sources.

29 10 New Subparagraph; Purchased Power Agreements. Amend RSA 374-F:11, I(h) by inserting
30 after subparagraph (2) the following new subparagraphs:

31 (3) "Existing electric energy sources" means all sources that currently provide
32 energy to the ISO-NE regional markets, including nuclear power generation facilities located in the
33 ISO-NE control area that commenced commercial operation before January 1, 2011.

34 (4) Upon the petition of one or more electric distribution utilities, and after notice
35 and hearing, the public utilities commission may authorize such utility or utilities to enter into
36 multi-year agreements with existing, new, or incremental electric energy sources up to a total of 3

1 million megawatt hours statewide, on an annual basis, if it finds such agreements to be just and
2 reasonable and in the public interest.

3 (5) Further, any single source shall be eligible to procure an amount of energy not to
4 exceed 1 million megawatt hours statewide, on an annual basis, except for advanced nuclear
5 resources as defined in RSA 374-F:2, II-a, which may procure an amount not to exceed 2 million
6 megawatt hours on an annual basis.

7 11 Purchased Power Agreements. Amend the introductory paragraph for RSA 374-F:11, II to
8 read as follows:

9 II. Any investor-owned electric distribution utility electing to enter into an agreement
10 pursuant to this section shall petition the public utilities commission for authorization to enter the
11 agreement no later than June 30, ~~2026~~ **2041**.

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

Amendment to SB 447

1 Amend the bill by replacing section 2 with the following:

2
3 2 Coordination of Studies and Development Activities; Position Established. Amend RSA 162-
4 B:4, III to read as follows:

5 III. The coordinator of nuclear development and regulatory activities shall have the duty to
6 coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies
7 conducted, and the recommendations and proposals made, in this state with like activities in New
8 England and other states and with the policies and regulations of the United States Nuclear
9 Regulatory Commission. ***These activities may include outreach programs to inform and***
10 ***educate the public, particularly regarding safety.***

11
12 Amend the bill by inserting after section 5 the following and renumbering the original sections 6
13 through 12 to read as 7 through 13, respectively:

14
15 6 New Paragraph; Definition; Nonprofit Educational Institution. Amend RSA 362-A:1-a by
16 inserting after paragraph II-f the following new paragraph:

17 II-g. "Nonprofit educational institution" means a nonpublic, nonprofit elementary school,
18 secondary school, or post-secondary institution such as a college or university, with approval to
19 operate as a school by the state board of education or the department of education, that is exempt
20 under section 501(c)(3) of the Internal Revenue Code, is organized and operated primarily for the
21 purpose of providing direct instruction to enrolled students, and does not distribute profits to private
22 shareholders or individuals.

Docket of SB447		
11/21/2025	S	Introduced 01/07/2026 and Referred to Energy and Natural Resources; SJ 1
12/09/2025	S	Hearing: 01/08/2026, Room 103, SH, 02:00 pm; SC 46
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1213s, 03/26/2026, Vote 4-1; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 447, enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

Hearing Date: January 8, 2026

Time Opened: 3:19 p.m.

Time Closed: 3:44 p.m.

Members of the Committee Present: Senators Avard, McConkey, Watters and Rosenwald

Members of the Committee Absent : Senator Pearl

Bill Analysis: This bill:

I. Defines "advanced nuclear resource" (ANR) and includes ANR options alongside renewable energy sources for utility services.

II. Sets limitations and guidelines for investments in distributed electric generation.

III. Clarifies the coordinator's duties in nuclear development and regulatory activities.

IV. Allows the department of energy or the electric distribution utilities, or both, to issue requests for proposals (RFPs) for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources, and coordinate with one or more New England states in issuing this RFP.

V. Modifies the scope and capacity limits of community solar projects, including expanding the annual cap for low-moderate income community solar projects from 6 MW to 18 MW.

VI. Allows group net metering members to sign agreements with multiple group hosts, as long as their combined allocated load does not exceed their total load.

VII. Expands the definition of "political subdivision" to include public housing authorities and explains eligibility for participation in group net metering.

Sponsors:

Sen. Avard
Sen. Pearl

Sen. Lang
Rep. Sabourin dit

Sen. McConkey
Rep. Notter

Who supports the bill: 7 Individuals sign in Support. Contact Joshua.Schauer@gc.nh.gov. for further information.

Who opposes the bill: 3 Individuals sign in Opposition. Contact Joshua.Schauer@gc.nh.gov. for further information.

Who is neutral on the bill: 3 Individuals sign Neutral. Contact Joshua.Schauer@gc.nh.gov. for further information.

Summary of testimony presented:

Senator Kevin Avar, District 12

- Senator Avar introduced the bill as the prime sponsor and said that the bill is a repeat of prior legislation. He hoped that it could serve as a placeholder if last year's bill is not signed by the House.

Chris Ellms, Deputy Commissioner of Department of Energy

- Said that he already testified on this legislation last year, however the department still had some technical concerns and policy questions and was happy to discuss if the senators were willing to meet with them.
- He offered a follow-up discussion with the sponsor in order to improve this legislation.

Molly Connors, New England Power Generators Association (NEPGA)

- She expressed significant concerns with the bill explaining that rate-based generation will not speed up construction times or lower costs.
- She warned that this legislation poses a threat to the existing power generating facilities which provide reliable low-cost energy.

Senator Avar asked if any of the companies she represents produce energy NH.

Ms. Connors said that she represents all the non-utility owned generators in New England including the vast number of power plants in New Hampshire.

Sarah Abramson, Executive Director C10 research and Education Foundation

- She said that her organization was neutral on this bill and her organization primarily focused on providing radiological monitoring of the air near the Seabrook Nuclear power station.
- Ms. Abramson emphasized education on radiological safety and role of the nuclear commissions which provide safety protocols and tips.
- She raised a question about new coordinator position which was created in this bill. She highlighted the need for collaboration with neighboring countries on energy and it would be good to eliminate this role.
- She proposed amending the bill to create an independent panel instead of a single coordinator and stressed that excluding the public from the process is detrimental to policy.

Senator Watters asked if Ms. Abramson was familiar with the office of consumer advocate and if she knew the functions, because he would like to get her advice regarding public engagement.

Ms. Abramson said she would review the Office of the Consumer Advocate and its role.

Clifton Below, Community Power Coalition of NH (CPCNH)

- He said the organization took no formal position on the bill but agreed that the intent to expand opportunities for low-income communities and expand participation in net metering was good for the State.
- Mr. Below raised concerns with section 7 where it expands the size of LMI solar projects to 3 megawatts, noting the lack of temporal price signals. He stated that New England already has sufficient solar storage and this would be unnecessary.
- He noted that Liberty and Unitil are on competitive supply and believed they would not use 1 million MW of power and that language can be changed.

Chad Whittaker, Pure Source Consulting

- Mr. Whittaker said they were in support of the bill overall but had concerns with the definition of “municipal host”. It is in regard to low-income housing tax credit properties which are traditionally owned by public housing authorities.
- He said that things have changed and now properties are operated as public housing but owned by separate legal entities and because they are owned by a separate legal entity, they no longer qualify as a public subdivision and don’t get the tax credit. He asked the committee to consider a language change to adjust for the change in ownership structure.

Lindsay Bourgoine, Revision Energy

- Ms. Bourgoine said she supported the legislation and the intent of the bill. She was happy to see that the legislation was updating the small customer generator threshold.
- She argued that it is unfair to treat large (150 kw) and small (mw) facilities the same noting they have very different economies of scale. She urged fixes for smaller projects and updating the threshold.
- She spoke in support of Section 4, noting a change that is an expansion from 6 megawatts to 18 megawatts annually. They support expanding access to low- and moderate-income communities.

Bruce Burke, NextEra Energy

- He said that NextEra are the owners of the Seabrook nuclear power station and was there in support of SB447.
- He said that there was earlier testimony that inferred NextEra was not in support of the bill, but he wanted to clarify that they are in support of the legislation.

JS

Date Hearing Report completed: January 15, 2026

SB 595 - AS INTRODUCED

2026 SESSION

26-2185

08/09

SENATE BILL

595

AN ACT relative to the establishment of a remediation pathway for water systems required to undergo frequent testing.

SPONSORS: Sen. Murphy, Dist 16; Sen. Avar, Dist 12; Sen. McGough, Dist 11; Sen. Pearl, Dist 17; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Energy and Natural Resources

ANALYSIS

This enables a community water system that is sanctioned by department of environmental services for missing a required water test, or submitting late water test results to return to a standard schedule of testing under certain conditions.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the establishment of a remediation pathway for water systems
 required to undergo frequent testing.

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

1 1 New Paragraph; Drinking Water Rules; Community Water Systems. Amend RSA 485:3 by
2 inserting after paragraph XIV the following new paragraph:

3 XV. Any community water system that is sanctioned by department of environmental
4 services for missing a required water test, or submitting late water test results, leading the
5 department to require increased frequency of testing, shall be returned to the prior testing schedule
6 upon submitting 6 consecutive water tests in a timely fashion.

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

Amendment to SB 595

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

2

3 AN ACT relative to rulemaking for transient non-community water systems.

4

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

6

7 1 Drinking Water Rules. Amend RSA 485:3, I(c) to read as follows:

8 (c) Criteria and procedures to assure compliance with the levels or methods determined
9 under subparagraph (b), including quality control monitoring and testing procedures and standards
10 to ensure compliance with such levels or methods; criteria and standards to ensure proper operation
11 and maintenance of the system; requirements as to the minimum quality of water which may be
12 delivered to the consumer; and requirements with respect to siting new facilities. Such rules shall
13 be no less ***or no more*** stringent than the most recent national Primary Drinking Water Regulations
14 in effect, as issued or promulgated by the United States Environmental Protection Agency. ***The***
15 ***department shall waive the lateness penalty for transient non-community water systems***
16 ***and allow such systems to remain on a quarterly sampling schedule for samples submitted***
17 ***late, consistent with the criteria and procedures in 40 C.F.R. Section 141.854 et seq.***

Amendment to SB 595
- Page 2 -

2026-1002s

AMENDED ANALYSIS

This bill requires rules made by the department of environmental services relative to drinking water include an option for sampling of transient non-community water systems under certain circumstances.

Docket of SB595		
11/25/2025	S	Introduced 01/07/2026 and Referred to Energy and Natural Resources; SJ 1
01/28/2026	S	Hearing: 02/10/2026, Room 103, SH, 09:20 am; SC 4
03/04/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1002s, 03/12/2026; Vote 5-0; CC; SC 9
03/12/2026	S	SB 595 was Removed from the Consent Calendar; 03/12/2026; SJ 6
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1002s, 03/26/2026, Vote 5-0; SC 11

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

SB 595, relative to the establishment of a remediation pathway for water systems required to undergo frequent testing.

Hearing Date: February 10, 2026

Time Opened: 10:06 a.m.

Time Closed: 10:21 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This enables a community water system that is sanctioned by department of environmental services for missing a required water test, or submitting late water test results to return to a standard schedule of testing under certain conditions.

Sponsors:

Sen. Murphy

Sen. Avard

Sen. McGough

Sen. Pearl

Sen. Perkins Kwoka

Who supports the bill: Senator Keith Murphy (SD16), Senator Howard Pearl (SD17), Lorraine Hansen.

Who is neutral on the bill: Brandon Kernen (DES)

Summary of testimony presented:

Senator Keith Murphy, District 16

- Senator Murphy introduced the bill on behalf of a constituent who raised concerns about campground water testing requirements. Campgrounds are classified as non-community transient water systems and must submit water samples quarterly.
- The constituent's manager submitted required water samples one day late on two occasions (eight months apart). As a result, the campground was moved from quarterly to monthly testing, which has continued for years.
- To return to quarterly testing, the campground must hire a certified water engineer to inspect the system. According to discussions with DES and an EPA citation, this requirement is driven by federal regulations; DES

indicated that if the state does not enforce it, the EPA would, under stricter standards.

- Senator Murphy argued that a sample submitted only a few days late should not trigger ongoing monthly testing and suggested amending the bill to incorporate Paragraph 4 of the cited EPA regulation to ensure federal compliance.

Brandon Kernen, DES

- Mr. Kernen expressed concerns about the bill as currently drafted. As proposed, it would be inconsistent with existing federal regulations. Even if the bill were enacted, water systems would still be required to continue their current sampling practices to remain in compliance with federal law; however, they would do so under a new jurisdiction and potentially a new enforcement authority. This could create regulatory confusion without reducing the compliance burden.
- He noted that he discussed these concerns with the bill's prime sponsor. In that conversation, they reviewed how affected parties can receive relief after completing the required inspection process. The department provides significant technical assistance to help facilities come into compliance. For example, the department has assigned a staff member to conduct the inspection at the specific campground in question so that the campground does not need to hire and pay for an independent operator.
- He emphasized that although the Department of Environmental Services (DES) serves as the regulatory authority, the water industry generally views DES as a partner rather than simply an enforcer. DES works collaboratively with water systems and businesses to ensure compliance is achieved properly and efficiently. In cases involving hardship, such as this particular situation, the department makes efforts to visit the site and provide direct assistance to help resolve the issue.
- The primary concern remains ensuring that any statutory changes are fully compliant with federal regulations, so that water systems are not placed in a position where they must meet conflicting or duplicative requirements.

Senator Avard asked if they would have inspected the said campground if there was no legislation. He said they would have had to pay a fee if the Constituent didn't say anything.

Mr. Kernen explained that they do provide technical assistance; however, they do not have enough staff to help everyone consistently. He added that they offer assistance wherever they can, but they were not aware of the specific facility until yesterday.

Senator McConkey stated that he was surprised this measure was considered necessary, noting that he has worked on this issue for many years. Drawing on his

experience, he expressed concern about the requirement for monthly testing and the potential consequence of having to forgo a facility inspection as a result. He questioned whether the current approach appropriately balances compliance requirements with thorough oversight of the facility.

Mr. Kernen explained that there is a distinction between community water systems and non-community or transient water systems, which may explain why Senator McConkey has not encountered this type of situation. He stated that inspections for non-community systems are conducted every five years. If a violation occurs within 12 months of the most recent inspection, the system operator would be covered. However, if the violation occurs more than 12 months after the inspection, the responsibility would fall on the affected party to hire a third-party operator to perform a special inspection.

Senator McConkey asked if it was a simple routine water sample test that they missed.

Mr. Kernen said yes, it was just a bacteria sample. He added that it is only a \$20-30 sample that they missed.

Senator McConkey stated that the issue involved simply missing a sample, yet the consequences were extremely stringent for what amounted to a minor delay. He expressed astonishment at the severity of the penalties and indicated that this legislation may need to be moved forward.

Mr. Kernen stated that the department does not take the position that it would refuse assistance. Once the entity was identified, the department addressed the issue and provided the necessary support. He added that the industry generally considers DES to be helpful, and that this particular case was an anomaly.

Senator Keith Murphy, District 16

Senator Avard asked of Senator Murphy about the possibility of an amendment.

Senator Murphy asked the committee to look at the EPA regulations he handed out and suggested that if they took paragraph 4 and turned it into an amendment and putting in a grace period.

Senator Avard asked him to craft an amendment and submit it to committee.

Senator Rosenwald asked whether his intent was to retain the requirement for six consecutive water tests while referencing the section of the federal code that allows the state to return to quarterly testing. She requested clarification on exactly what he was proposing.

Senator Murphy stated that, based on his reading of the federal regulations, the bill as currently written could be contradictory. He expressed concern that this could invite further federal oversight, potentially allowing the EPA to assume greater regulatory authority instead of DES. He emphasized that the last thing he wants is for the EPA to impose more stringent regulations.

Senator Rosenwald asked whether the requirement for six consecutive months of testing should be explicitly included in the language. She sought clarification on whether that provision ought to be added.

Senator Murphy explained that he included the six-month timeframe because he believed six consecutive tests should be sufficient. However, he acknowledged that federal regulations require 12 months and stated that he would be comfortable adjusting the timeframe if that is the committee's preference. He further suggested that the section in question could be removed and replaced with Paragraph 4 of the applicable federal regulation to ensure compliance.

Brandon Kernen, DES

Senator Avard asked DES whether the department would be amenable to Senator Murphy's proposed amendment.

Mr. Kernen said they are happy to work on it and will be in contact with the prime sponsor.

JS

Date Hearing Report completed: February 13, 2026

SB 470-FN - AS INTRODUCED

2026 SESSION

26-2079

09/05

SENATE BILL ***470-FN***

AN ACT relative to the expungement of certain disciplinary matters.

SPONSORS: Sen. Rochefort, Dist 1; Sen. Reardon, Dist 15; Sen. Pearl, Dist 17

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows licensees subject to certain disciplinary matters that did not include permanent revocation of license to petition to have the disciplinary records expunged.

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-Six

AN ACT relative to the expungement of certain disciplinary matters.

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

1 1 New Section; Office of Professional Licensure and Certification; Expungement of Disciplinary
2 Action. Amend RSA 310 by inserting after section 10 the following new section:

3 310:10-a Expungement of Disciplinary Action.

4 I. Any current or past licensee of a board or the office who has been subject to disciplinary
5 action by the board that did not include revocation of license may file a petition with the office to
6 have it determine if the records from such action should be classified as confidential, not for public
7 release, and considered expunged for reporting purposes if:

8 (a) The application is submitted more than 3 years after the subject disciplinary action
9 occurred;

10 (b) The disciplinary action did not include permanent revocation of license;

11 (c) The licensee has had no further disciplinary action against their license since the
12 disciplinary action identified in the application occurred;

13 (d) The office has no pending investigations against the licensee; and

14 (e) The licensee's license is currently in good standing.

15 II. Petitions that involve disciplinary action that only included a reprimand, administrative
16 fine, reasonable cost of investigation and prosecution, or a combination thereof shall be granted if
17 they meet the requirements in paragraph I.

18 III. All other petitions shall be granted if they meet the requirements in paragraph I and the
19 petitioner also demonstrates that expungement will assist in the licensee's rehabilitation and is
20 consistent with protecting the public welfare. In making this determination, the office shall consider
21 the nature of the conduct that resulted in the disciplinary action; the nature of the disciplinary
22 action; and the current circumstances of the petitioner, including but not limited to their
23 rehabilitation, completion of the requirements of the disciplinary action, amount of time that has
24 passed since completion of the disciplinary action, testimonials, employment history, and
25 employment aspirations.

26 IV. Any licensee who has their petition denied by the office shall have the right to a hearing
27 before the appropriate board or, if no such board exists, the office in accordance with RSA 310.
28 Requests for a hearing shall be made in writing to the appropriate board within 30 days of receipt of
29 the original final decision.

30 V. The executive director may adopt rules in accordance with RSA 541-A to implement this
31 section.

SB 470-FN - AS INTRODUCED

- Page 2 -

2 Office of Professional Licensure and Certification; Rulemaking Authority. Amend RSA 310:6,
II to read as follows:

II. Such organizational and procedural rules necessary to administer the boards in the
office, including rules governing the administration of complaints and investigations, hearings,
disciplinary and non-disciplinary proceedings, ***expungement of disciplinary action***,
manufactured housing dispute resolution, inspections, payment processing procedures, and
application procedures. For purposes of this paragraph, "manufactured housing dispute resolution"
means a program for the timely resolution of disputes between manufacturers, retailers, and
installers of manufactured homes, including the issuance of appropriate orders, regarding
responsibility for the correction or repair of defects in manufactured homes for defects that are
reported during the one-year period beginning on the date of installation.

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

LBA
26-2079
10/29/25

**SB 470-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the expungement of certain disciplinary matters.

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

Docket of SB470		
11/21/2025	S	Introduced 01/07/2026 and Referred to Executive Departments and Administration; SJ 1
01/15/2026	S	Hearing: 01/21/2026, Room 103, SH, 01:20 pm; SC 2
03/05/2026	S	Committee Report: Ought to Pass, 03/12/2026; Vote 4-0; CC; SC 9
03/12/2026	S	SB 470 was Removed from the Consent Calendar; 03/12/2026; SJ 6
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Ought to Pass, 03/26/2026, Vote 4-0; SC 11

Senate Executive Departments and Administration Committee

Declan Donahue 271-3324

SB 470-FN, relative to the expungement of certain disciplinary matters.

Hearing Date: January 21, 2026

Time Opened: 1:38 p.m.

Time Closed: 1:56 p.m.

Members of the Committee Present: Senators Pearl, Gannon, Reardon and Altschiller

Members of the Committee Absent : Senator McGough

Bill Analysis: This bill allows licensees subject to certain disciplinary matters that did not include permanent revocation of license to petition to have the disciplinary records expunged.

Sponsors:

Sen. Rochefort

Sen. Reardon

Sen. Pearl

Who supports the bill: Senator David Rochefort (District 1)

Who opposes the bill: Daniel Richardson

Who is neutral on the bill: Nik Frye (O.P.L.C.)

Summary of testimony presented in support:

Senator David Rochefort (Senate District 1)

- Senator Rochefort served on the New Hampshire Board of Pharmacy for 7 years.
- In his second meeting, there was a hearing on a disciplinary action for the violation of a law that had recently gone into effect regarding the prescription drug monitoring program (P.D.M.P.).
- The pharmacist made an administrative error in releasing information contained in the P.D.M.P. and received disciplinary action for it.
- 5 or 6 years later, the pharmacist reached out to the board because the state of Florida denied his license due to the action in New Hampshire, preventing him from being able to treat his mother's Alzheimer's there.
- When trying to look into his case, Senator Rochefort was informed the board does not have the authority to expunge disciplinary matters.

- This bill attempts to lay out a framework in which a disciplined professional can petition the board for a hearing to get a disciplinary action off their record.
- The intention of this bill is not to expunge repercussions for hurting people, but to clean up the record of people who have paid the penalty and later want to continue their professional career.
- Senator Rochefort requested the committee wait on this bill until he can present a future amendment.
- Senator Pearl suggested that an individual be eligible for a hearing after their disciplinary action has been completed, not just 3 years universally.
- Senator Altschiller stated that this bill gives her some pause, but is interested to see a future amendment.
 - o She asked about people who are still under investigation and worked at Y.D.C. if their disciplinary action still hasn't taken place. What stops them if they want to move to another state and start over?
 - o The bill does not let bad actors off the hook, as we do not want them practicing.
 - o When a license is revoked, once it is revoked, there isn't any differentiation within revoked as a category?
 - o Yes, that is correct.
 - o To give people a second chance for minor mistakes, there is no gradation for revoked licenses?
 - o In that case it wasn't revoked, it was a disciplined.
 - o What about gradations in disciplined?
 - o In my case I would look and see it was a form issue 25 years ago and would show leniency, some states are stricter than that, but that shouldn't ruin somebody's career. Revocations are a hard stop. I don't want someone practicing in my state with a revocation. Those are not due to recordkeeping, it's someone who inflicted legitimate harm.
 - o What might be helpful is to know what the lines are between disciplinary action, when it crosses over into revocation: is that a frequency or severity question?
 - o O.P.L.C. can weigh in on that for sure.

Neutral Information Presented:

Nik Frye (General Counsel, O.P.L.C.)

- There is a hard stop at license revocation where you cannot ask for disciplinary action to be expunged.
- There are 3 gradations in statute: revocation, intermediary disciplinary action where you have the right to a hearing, and minor disciplinary action which can be done without a hearing.
- For the last one, if the license is in good standing, there is no active investigation, and it's been 3 years, those people can walk away without a hearing, usually after a reprimand and time.

- Senator Reardon noted a "shall" in lines 16 and 18, and asked if making it a "may" would give the opportunity to weigh the circumstances of each individual action.
 - o The purpose of that is to set up exactly what Senator Rochefort was talking about so someone with a minor transgression can avoid the hearings process, but others will have a hearing on whether expunging would contribute to personal rehabilitation and public safety.
 - o On page 2, there is a manufactured housing dispute resolution payment, does that still exist?
 - o There is still a manufactured housing installations board. The rulemaking was moved to O.P.L.C.

DD

Date Hearing Report completed: January 26, 2026

CACR 13 - AS INTRODUCED

2026 SESSION

26-2597

12/08

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **13**

RELATING TO: registers of probate.

PROVIDING THAT: the office of register of probate and all references to such office be eliminated.

SPONSORS: Rep. D. Mannion, Rock. 25; Rep. Rombeau, Hills. 2; Rep. Ankarberg, Straf. 7;
Rep. Tenczar, Hills. 1; Rep. Kuttub, Rock. 17; Rep. Donnelly, Rock. 25; Sen.
Rosenwald, Dist 13

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurrent resolution amends the constitution to delete the position of register of probate and all references to the position of register of probate.

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-Six

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: registers of probate.

PROVIDING THAT: the office of register of probate and all references to such office be eliminated.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That article 71 of the second part of the constitution be amended to read as follows:

2 [Art.] 71. [County Treasurers, ~~[Registers of Probate,]~~ County Attorneys, Sheriffs, and Registers
3 of Deeds Elected.] The county treasurers, ~~[registers of probate,]~~ county attorneys, sheriffs and
4 registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in
5 the state, according to the method now practiced, and the laws of the state, provided nevertheless
6 the legislature shall have authority to alter the manner of certifying the votes, and the mode of
7 electing those officers; but not so as to deprive the people of the right they now have of electing them.

8 II. That article 81 of the second part of the constitution be amended to read as follows:

9 [Art.] 81. [Judges ~~[and Registers of Probate]~~ Not to Act as Counsel.] No judge~~[-or Register of~~
10 ~~Probate,]~~ shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any
11 probate business which is pending, or may be brought into any court of probate in the county of
12 which he **or she** is judge ~~[or Register]~~.

13 III. That the above amendments proposed to the constitution be submitted to the qualified
14 voters of the state at the state general election to be held in November, 2026.

15 IV. That the selectmen of all towns, cities, wards and places in the state are directed to
16 insert in their warrants for the said 2026 election an article to the following effect: To decide
17 whether the amendments of the constitution proposed by the 2026 session of the general court shall
18 be approved.

19 V. That the wording of the question put to the qualified voters shall be:

20 "Are you in favor of eliminating the office of register of probate by amending articles 71 and 81 of the
21 second part of the constitution to read as follows:

22 [Art.] 71. [County Treasurers, County Attorneys, Sheriffs, and Registers of Deeds Elected.] The
23 county treasurers, county attorneys, sheriffs and registers of deeds, shall be elected by the
24 inhabitants of the several towns, in the several counties in the State, according to the method now
25 practiced, and the laws of the state, provided nevertheless the legislature shall have authority to
26 alter the manner of certifying the votes, and the mode of electing those officers; but not so as to
27 deprive the people of the right they now have of electing them.

CACR 13 - AS INTRODUCED

- Page 2 -

1 [Art.] 81. [Judges Not to Act as Counsel.] No judge shall be of counsel, act as advocate, or
2 receive any fees as advocate or counsel, in any probate business which is pending, or may be brought
3 into any court of probate in the county of which he or she is judge.”

4 VI. That the secretary of state shall print the question to be submitted on a separate ballot
5 with other constitutional questions or on the official ballot. The ballot containing the question shall
6 include 2 ovals next to the question allowing the voter to vote “Yes” or “No.” If no oval is marked, the
7 ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular
8 official ballot except that the words “Questions Relating to Constitutional Amendments proposed by
9 the 2026 General Court” shall be printed in bold type at the top of the ballot.

10 VII. That if the proposed amendment is approved by 2/3 of those voting on the amendment,
11 it becomes effective when the governor proclaims its adoption.

12 VIII. Voters' Guide.

13 AT THE PRESENT TIME, the constitution references registers of probate while the
14 office's duties were redistributed to circuit court clerks in 2011.

15 IF THE AMENDMENT IS ADOPTED, the constitution will eliminate the position of
16 register of probate.

Docket of CACR13		
12/01/2025	H	Introduced 01/07/2026 and referred to Judiciary
01/08/2026	H	Public Hearing: 01/21/2026 11:00 am GP 230
01/21/2026	H	Executive Session: 01/21/2026 11:00 am GP 230
01/27/2026	H	Committee Report: Ought to Pass 01/21/2026 (Vote 13-2; RC) HC 5 P. 24
02/05/2026	H	Ought to Pass: MA DV 325-15 By Necessary Three-Fifths Vote 02/05/2026 HJ 3
02/09/2026	S	Introduced 02/05/2026 and Referred to Executive Departments and Administration; SJ 4
03/12/2026	S	Hearing: 03/18/2026, Room 103, SH, 10:00 am; SC 10
03/19/2026	S	Committee Report: Ought to Pass, 03/26/2026, Vote 3-0; SC 11

SB 645-FN - AS AMENDED BY THE SENATE

03/05/2026 0839s

2026 SESSION

26-2084

05/09

SENATE BILL

645-FN

AN ACT relative to income eligibility for the New Hampshire child care scholarship program and reallocating certain revenue to fund the program.

SPONSORS: Sen. Reardon, Dist 15; Sen. Long, Dist 20; Sen. Watters, Dist 4; Sen. Rosenwald, Dist 13; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Health and Human Services

ANALYSIS

This bill directs the department of health and human services to amend its policy to increase eligibility for the child care scholarship program and directs revenues to fund the eligibility increase.

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-Six

AN ACT relative to income eligibility for the New Hampshire child care scholarship program and reallocating certain revenue to fund the program.

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

1 1 New Subparagraph; Public Assistance To Blind, Aged, Or Disabled Persons, And To
2 Dependent Children; New Hampshire Employment Program and Family Assistance Program;
3 Administration; Duties; Rulemaking. Amend RSA 167:83, II(r) by inserting after subparagraph (3)
4 the following new subparagraph:

5 (4) Providing eligibility for the child care scholarship program for families whose
6 gross monthly income is less than or equal to 95 percent of state median income for their respective
7 family size, subject to the availability of funds.

8 2 Taxation; Tobacco Tax; Distribution of Funds. Amend RSA 78:24, I to read as follows:

9 I. Tax revenue on all tobacco products sold at retail in this state imposed by RSA 78:2 shall
10 be divided with 39 percent of that total revenue deposited in the education trust fund established by
11 RSA 198:39 and the remaining revenue deposited in the general fund, ***except that for any surplus***
12 ***funds over that year's planned revenue, 50 percent of the surplus shall be transferred to the***
13 ***department of health and human services for the purposes of administering and***
14 ***expanding eligibility for the child care scholarship program pursuant to RSA 167:83,***
15 ***II(r)(4), and the remainder shall be deposited in the general fund.***

16 3 Alcoholic Beverages; The Liquor Commission; Funds. Amend RSA 176:16, I to read as follows:

17 I. Except as provided in paragraph II, the state treasurer shall credit all gross revenue
18 derived by the commission from the sale of liquor, or from license fees, and interest received on such
19 moneys, to a special fund, to be known as the liquor commission fund, from which the treasurer shall
20 pay all expenses of the commission incident to the administration of this title. Any balance left in
21 such fund after such expenses are paid shall be deposited in the general fund on a monthly basis,
22 ***except that for any surplus funds over that month's planned revenue, 50 percent of the***
23 ***surplus shall be transferred to the department of health and human services for the***
24 ***purposes of administering and expanding eligibility for the child care scholarship***
25 ***program pursuant to RSA 167:83, II(r)(4), and the remainder shall be deposited in the***
26 ***general fund.***

27 4 Alcoholic Beverages; Liquor Licenses and Fees; Additional Fees. Amend RSA 178:26, I to read
28 as follows:

29 I. In addition to the annual license fees provided in this chapter, a fee of \$.30 for each gallon
30 of beverage sold or transferred for retail sale or to the public shall be required for licenses issued to

wholesale distributors, beverage manufacturers, brew pubs, and nano breweries; provided, however, that if beverage container mandatory deposit legislation is enacted, such fee shall be \$.18 per gallon as of the effective date of such legislation. A fee of 5 percent of the wholesale price per case of any specialty beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors or beverage manufacturers. For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee. ***For any surplus funds over that month's planned revenue, 50 percent of the surplus shall be transferred to the department of health and human services for the purposes of administering and expanding eligibility for the child care scholarship program pursuant to RSA 167:83, II(r)(4), and the remainder shall be deposited in the general fund.***

5 Games, Amusements, and Athletic Exhibitions; Video Lottery Terminals; Revenue Share. Amend RSA 287-J:6, III(b)(2) to read as follows:

(2) 75 percent to the general fund;

(3) Except that for any surplus funds over that period's planned revenue, 50 percent of the surplus shall be transferred to the department of health and human services for the purposes of administering and expanding eligibility for the child care scholarship program pursuant to RSA 167:83, II(r)(4), and the remainder shall be deposited in the general fund.

6 New Paragraph; Horse and Dog Racing; General Provisions. Amend RSA 284:21-j by inserting after paragraph II the following new paragraph:

III. Notwithstanding any other provision of law to the contrary, 2 percent of all revenues received by the lottery commission under RSA 284, 287-D, 287-E, 287-H, 287-I, 287-J, or pursuant to any other provision of law, shall be distributed to the department of health and human services for the purposes of administering and expanding eligibility for the child care scholarship program pursuant to RSA 167:83, II(r)(4).

7 Contingency. This act shall not take effect until the commissioner of the department of revenue administration certifies to the secretary of state and the director of the office of legislative services that the revenues in sections 2 through 6 of this act have each operated at a surplus for the past year. In no case shall the commissioner make such certification prior to July 1, 2027.

8 Effective Date. This act shall take effect as described in section 7 of this act.

SB 645-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2026-0839s)

AN ACT relative to income eligibility for the New Hampshire child care scholarship program and reallocating certain revenue to fund the program.

FISCAL IMPACT: This bill does not authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$0	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund, Education Trust Fund			
Appropriations*	\$0	\$0	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund, Education Trust Fund			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill amends RSA 167:83, II(r) by directing the Department of Health and Human Services to find families eligible for the child care scholarship program if their gross monthly income is less than or equal to 95 percent of the state median income (SMI). Currently, the statute in question merely establishes the program as a departmental responsibility, and does not reference SMI with respect to eligibility criteria. The bill makes the new eligibility standards contingent upon available funding, and allocates the following resources to provide for child care scholarships:

- 50 percent of any surplus tobacco tax revenues above those estimated in the annual revenue plan;
- 50 percent of any surplus Liquor Commission profits above those estimated in the monthly revenue plan;
- 50 percent of any surplus beer tax revenues above those estimated in the monthly revenue plan;
- 50 percent of any surplus revenues collected from video lottery terminals (VLT), above those estimated in the monthly revenue plan; and

- 2 percent of certain revenues received by the Lottery Commission. (The bill specifies revenues attributable to horse and dog racing, games of chance, bingo/Lucky 7, fantasy sports, sports betting, and video lottery terminals.)

The revenue sources identified above are currently deposited into the general and education trust funds. The bill states that no transfers to the childcare scholarship program shall take place before July 1, 2027. As the first four sources refer to revenue above plan, the amounts that may be available for the childcare scholarship program are currently indeterminable. The fifth component, certain revenues received by the Lottery Commission, is unique in that the bill requires two percent of *all* such revenues to be transferred to the childcare scholarship program, regardless of whether those revenues exceed plan. Although it cannot be known how much revenue will be generated by the Lottery Commission in FY28 and beyond, the operating budget for FY27 assumes that approximately \$164 million will be received from the sources identified in the bill. Assuming this number is accurate in future years, the Lottery component would generate approximately \$3.28 million per year for the childcare scholarship program. This would indirectly be a cost to the general and education trust funds, as these are where such revenues are currently deposited.

With respect to the non-Lottery revenue sources, the bill contains several inconsistencies regarding the determination of surplus revenues above plan. Section 2 refers to a surplus above the yearly revenue plan, sections 3 and 4 refer to surpluses above the monthly revenue plan, and section 5 refers to a surplus above an unidentified period's revenue plan.

With respect to possible costs, the Department of Health and Human Services states that it currently provides child care scholarships for households with income at or below 85 percent of the SMI. The SMI for a family of four is \$146,582 annually. Therefore, the families who will become newly eligible for child care scholarships as a result of this bill are those between \$124,595 (85 percent of SMI) and \$139,253 (95 percent of SMI) annually.

Based on available census data, the Department concludes that approximately 6,090 children will newly qualify for the child care scholarship as a result of this bill. At an average cost of \$4,770 per year, the bill will therefore result in a total annual cost of approximately \$29 million should all eligible children be provided benefits. In addition, the Department assumes that nine new positions (one business administrator, one business system analyst, and seven social services specialists) will be needed to handle the increased caseload, at an annual cost of \$560,000 in the first year of the program's expansion, increasing slightly in subsequent years as step increases are provided. Finally, the Department anticipates needing a one-time change to

the New Heights eligibility system, at a cost of \$1,145,000 in the first year of the program's expansion.

As noted above, the bill makes the new eligibility criteria contingent upon available funding. Total costs, therefore, are indeterminable and will depend on the amount of revenue received from the sources identified above.

AGENCIES CONTACTED:

Department of Health and Human Services

Docket of SB645		
11/25/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
12/15/2025	S	Hearing: 01/14/2026, Room 100, SH, 01:15 pm; SC 47
02/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0839s, 03/05/2026; Vote 5-0; CC; SC 8
02/24/2026	S	Committee Amendment # 2026-0839s, AA, VV; 03/05/2026; SJ 5
03/03/2026	S	Ought to Pass with Amendment #2026-0839s, MA, VV; Refer to Finance Rule 4-5; 03/05/2026; SJ 5
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026, Vote 7-0; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 645-FN, relative to income eligibility for the New Hampshire child care scholarship program and reallocating certain revenue to fund the program.

Hearing Date: January 14, 2026

Time Opened: 1:17 p.m.

Time Closed: 1:44 p.m.

Members of the Committee Present: Senators Long, Rochefort, Avard, Birdsell and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill directs the department of health and human services to amend its policy to increase eligibility for the child care scholarship program and directs revenues to fund the eligibility increase.

Sponsors:

Sen. Reardon

Sen. Long

Sen. Watters

Sen. Rosenwald

Sen. Perkins Kwoka

Who supports the bill: 49 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 2 people signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: 2 people signed in neutral on the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Summary of testimony presented:

Senator Tara Reardon, Senate District 15

- Senator Reardon explained that the availability and affordability of child care has influenced the decisions she has made in her life and the decisions her children have made for her grandchildren.
- Child care access is the difference between going to work or not, getting a specific role or not, seizing opportunities or not, and going to school or not.

- Child care also impacts housing choices, as parents must decide whether they can afford child care in different areas.
- Senator Reardon has family members who pay \$32,800 per year on child care expenses for two children.
- Currently, child care scholarships are available for those up to 85% of an area's median income. This makes about 61,000 children eligible, with a utilization rate of only 8% in New Hampshire.
- This bill proposes increasing the income limit to 95% of an area's median income per household, which would be approximately \$95,000 for a family of four.
- As written, this proposal would add \$5-6 million in revenue to the Child Care Scholarship Fund.
- Senator Reardon has an amendment that would encompass 2% more in lottery funding, which would bring the total revenue going to the Child Care Scholarship Fund closer to \$10 million.
- This bill could save a family of four \$16,800 per year in child care expenses. This bill presents a chance to make a real impact on young families in New Hampshire and our communities.
- Senator Rochefort commented that his initial calculations had the figure of around \$3.39 million and asked if Senator Reardon is saying that with the added 2% it will bring the total to around \$10 million.
- Senator Reardon replied that with her original calculation of \$5 million, the added 2% would bring it to \$10 million.

Karen Hebert & Brian Clark, Department of Health and Human Services

- Mr. Clark explained that we currently have a Child Care Scholarship program that utilizes federal dollars from the Child Care Development Fund (CCDF).
- This fund provides child care for families who are working, have children enrolled in a participating facility or with a license-exempt provider, and have a household income less than or equal to 85% of the state median income.
- This bill would create a new expanded eligibility for child care scholarships.
- There is hard limit on what the Department can do with CCDF dollars in terms of income eligibility, so they would not be able to use CCDF dollars for this new income group. DHHS would have to make system changes to ensure that the new 95% level of income is separate from CCDF cases who are under the 85% level.
- Using census data, every household with children in this age bracket would total up to 6,000 children now eligible. This funding would only cover about 25% of the group.
- The proposed legislation lets the Department put limits based on financial availability.

- In practice, they would start accepting applications from individuals who are over 85%, open them for child care scholarships, monitor the funding, and implement a wait list when it gets too low.
- Senator Avard confirmed that there would be potentially 6,000 children eligible and funding would only cover 25% of those children, so the \$10 million would be going to that 25%. Mr. Clark confirmed.
- Senator Rochefort asked how much money the scholarship fund has annually.
- Ms. Hebert explained that the current budget per fiscal year is approximately \$53 million, which includes the maximum allowable transfer of TANF funding to avoid a wait list for the scholarship.
- Senator Rochefort asked what the anticipated administrative costs to implement this would be.
- Mr. Clark explained that fiscal note worksheet is forthcoming. The Department will need a business administrator, a systems analyst, and additional staff to handle the caseload.
- Senator Rochefort asked how many full time employees they would need, and Mr. Clark answered that they would need 9 additional FTEs.

Mackenzie Nicholson, Moms Rising

- Ms. Nicholson stated that she is speaking in support of this bill and the conversation it opens around a dedicated revenue source to support the struggling child care sector.
- The New Hampshire Fiscal Policy Institute found that the median household income in New Hampshire did not cover the basic costs for a family of four.
- In 2024, it cost the average family over \$30,000 a year to have an infant and a toddler in a child care center. The federal government says that child care is deemed affordable at a maximum of 7% of a family's income. Thus, that family of four would need to earn almost \$429,000 a year before their child care is deemed affordable.
- Ms. Nicholson emphasized that families are not failing to budget. Rather, the state is failing to build a system that supports modern working families.
- When families have access to child care that meets their needs, they can work, employers can fill jobs, and children can get the stable early learning that they need to thrive.
- A recent New Hampshire Fiscal Policy Institute study found that New Hampshire businesses may lose out on up to \$56 million per year due to parents being absent from the workforce.
- This bill recognizes that the child care crisis cannot be solved without a dedicated revenue source. Ms. Nicholson asked the Committee to use this as a launching point to commit to dedicated revenues for child care.

David Trumble

- Mr. Trumble explained that he has a personal interest in this as a former stay-at-home dad, which gave him insight into being a caretaker for young children.
- Mr. Trumble cited data from a 2021 U.S. Department of Treasury report, explaining that at the time in life when most people have young children, their earnings and net worth are at their lowest. By the time their kids are 16 years old, most parents will have three times as much wealth compared to when their children are young.
- Due to the high costs of child care, many families who do not qualify for aid must choose to have a parent stay home with their children. This means a loss in the work force, missed opportunities, less chance for advancement, lower salaries upon return to work, and lower life-time earnings.
- Mr. Trumble stated that passing this bill will be an investment in our families and society.
- The aforementioned New Hampshire Fiscal Policy Institute report found that 17,000 people in New Hampshire are out of the workforce every month due to lack of child care access. In New Hampshire, the lack of affordable child care leads to lower wages to the tune of \$180 million per year. This represents a loss in state and local tax revenue that could be as high as \$14 million per year.
- Mr. Trumble emphasized that while this bill is asking the state to spend \$10 million, we will be losing \$14 million by not spending it.

Cora Hoppe

- As a child care provider for almost 300 children, Rochester Child Care is still struggling. Ms. Hoppe said that she is severely underpaid and her staff is not paid enough for the care that they are providing.
- As Rochester Child Care is nearing their 50th year in business, they face potential programming cuts.
- Ms. Hoppe explained that they have no financial cushion to fall on if something bad were to happen. She noted that essentially no one wants to finance child care centers as well, especially the non-profits.
- Ms. Hoppe does not qualify for scholarships as a parent due to her husband's income, meaning she cannot send her kids to summer camp because they cannot afford it.
- Ms. Hoppe emphasized that another dedicated revenue source is needed, and this bill is a step in the right direction.

SB 441-FN - AS INTRODUCED

2026 SESSION

26-2022

05/08

SENATE BILL

441-FN

AN ACT

requiring a municipality that intends to transport a person needing substance use disorder treatment and other support services to have a memorandum of understanding with the receiving municipality prior to transport.

SPONSORS:

Sen. Sullivan, Dist 18; Sen. Murphy, Dist 16; Sen. Avar, Dist 12; Rep. McLean, Hills. 15; Rep. Paquette, Hills. 25; Rep. Warden, Hills. 39; Rep. Kesselring, Hills. 18; Rep. Rice, Hills. 38

COMMITTEE:

Health and Human Services

ANALYSIS

This bill requires a municipality that intends to transport a homeless individual to another municipality for shelter and substance use disorder treatment to enter into a memorandum of understanding (MOU) with the receiving municipality prior to transport. The bill also requires the department of health and human services to adopt rules regarding application and enforcement of such MOUs.

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-Six

AN ACT requiring a municipality that intends to transport a person needing substance use disorder treatment and other support services to have a memorandum of understanding with the receiving municipality prior to transport.

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

1 1 New Section; Aid to Assisted Persons; MOU Between Municipalities Required Prior to
2 Transport for Substance Use Disorder Treatment. Amend RSA 165 by inserting after section 2-c the
3 following new section:

4 165:2-d MOU Between Municipalities Required Prior to Transport for Substance Use Disorder
5 Treatment.

6 I. A municipality, or any representative of a municipality, that intends to transport or
7 arrange for the transport of a homeless individual or other person showing symptoms of addiction or
8 incapacitation from substance use to another municipality for the purpose of receiving housing,
9 shelter, addiction treatment, or related services shall first have in place a memorandum of
10 understanding (MOU) with the receiving municipality.

11 II. The MOU shall specify the types of services to be provided by the receiving municipality,
12 any financial contributions to be made by the sending municipality, which may include payment for
13 some or all treatment or service costs, and any other conditions mutually agreed upon by the
14 municipalities, including limits on the number of individuals to be transferred, coordination
15 protocols, and reporting requirements.

16 III. This section shall not apply to emergency medical transfers, transfers by law
17 enforcement when complying with a court order, or voluntary relocation by an individual without the
18 assistance, arrangement, or sponsorship of a municipality or their representative.

19 IV. Each municipality may develop criteria for treatment or recovery organizations that
20 operate under the opioid abatement trust fund, established in RSA 126-A:86, or syringe service
21 programs, established under RSA 318-B:43, on what messaging and harm reduction materials may
22 be distributed, as well as the time and location of their distribution.

23 V. Organizations working under RSA 126-A:86 or RSA 318-B:43 within a municipality may
24 be required to offer a pathway to recovery and include literature against the use of drugs and
25 promoting respite and recovery programs.

26 VI. A municipality may disallow any organization under RSA 126-A:86 or RSA 318-B:43
27 from operating within its jurisdiction.

1 VII. A municipality found in violation of this section shall be subject to a \$5000 fine, payable
2 to the department of health and human services, for the purpose of reimbursing the receiving
3 municipality.

4 2 Opioid Abatement Trust Fund; Rulemaking. Amend RSA 126-A:84, V to read as follows:

5 V. The department of health and human services shall adopt rules under RSA 541-A
6 necessary to implement this subdivision. Such rules shall include funding qualifications, application
7 procedures, time-lines for receiving, reviewing and acting upon application requests, and reporting
8 requirements. ***The department also shall adopt rules under RSA 541-A regarding***
9 ***transportation of individuals under RSA 165:2-d for substance use disorder treatment. The***
10 ***rules shall include provisions for the enforcement of memoranda of understanding between***
11 ***municipalities regarding financial liability for such services.***

12 3 Syringe Service Programs Authorized; Rulemaking. Amend RSA 318-B:43, I(b) to read as
13 follows:

14 (b) The commissioner of the department of health and human services shall adopt rules,
15 pursuant to RSA 541-A, further defining the entities in subparagraph (a) ***and the requirements of***
16 ***RSA 165:2-d, relative to the operation of a syringe service program within a municipality.***

17 4 Effective Date. This act shall take effect July 1, 2026.

**SB 441-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring a municipality that intends to transport a person needing substance use disorder treatment and other support services to have a memorandum of understanding with the receiving municipality prior to transport.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	Fine revenue imposed upon municipalities			
Expenditures*	\$0	\$315,000	\$367,000	\$385,000
<i>Funding Source(s)</i>	General Funds, Fine Revenue			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires any New Hampshire municipality intending to transport a homeless individual or someone showing signs of substance use disorder to another municipality to first establish a memorandum of understanding (MOU) with the receiving municipality. The bill requires the Department of Health and Human Services to adopt rules relative to the transfer of individuals between municipalities, including rules for the enforcement of memoranda of understanding. The Department assumes that this enforcement function will require the following full-time staff:

- One full-time compliance officer, at a total cost (including salary and benefits) of \$131,000 in FY27, \$148,000 in FY28, and \$155,000 in FY29;

- One full-time administrative assistant at a cost of \$88,000 in FY27, \$99,000 in FY28, and \$104,000 in FY29; and
- One developer/programmer for ongoing IT operation and maintenance at a cost of \$120,000 in FY28 and \$126,000 in FY29.

In addition, the Department assumes that one contracted IT support specialist will be needed, at a one-time cost of approximately \$96,000, presumably in FY27. The total costs anticipated by the Department are therefore as follows: \$315,000 in FY27, \$367,000 in FY28, and \$385,000 in FY29. It is assumed that these expenses would be funded with a combination of general funds and fine revenue generated from municipalities the Department has found noncompliant. The amount of fine revenue is indeterminable, but the bill imposes a \$5,000 fine for each offense.

The New Hampshire Municipal Association states that it lacks data on intermunicipal transportation of individuals, and so it is unable to determine the fiscal impact of the bill.

AGENCIES CONTACTED:

Department of Health and Human Services and New Hampshire Municipal Association

Amendment to SB 441-FN

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

2
3 AN ACT relative to the financial responsibility for local assistance and enabling
4 municipalities to request a hearing regarding the residency of an assisted person.
5

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

7
8 1 Aid to Assisted Persons; Expense of General Assistance. Amend RSA 165:2-a to read as
9 follows:

10 165:2-a Expense of General Assistance.

11 ***I.*** The financial responsibility for general assistance for assisted persons shall be the
12 responsibility of the town or city in which the person making application resides, except as otherwise
13 provided in RSA 165:1-c.

14 ***II.*** *Whenever any town or city assists a person pursuant to this chapter who is*
15 *believed to be a resident of another New Hampshire municipality, it may contact the*
16 *overseer of the public welfare for the alleged municipality of residency to seek*
17 *reimbursement for the costs of relieving and maintaining the applicant person, or request*
18 *that the municipality of residency undertake ongoing relief and maintenance of the*
19 *applicant pursuant to the municipality of residency's welfare guidelines.*

20 ***III.*** *Whenever there is a dispute between the assisting municipality and the alleged*
21 *municipality of origin regarding the residency of the assisted person, the assisting*
22 *municipality may request a hearing to determine the residency of the assisted person.*

23 ***IV.*** *Hearings conducted pursuant to paragraph III shall be conducted by an*
24 *agreed-upon current or former welfare administrator of a third municipality, with the*
25 *consent of such welfare administrator, and shall be conducted according to the fair*
26 *hearing provisions described by the welfare guidelines of the alleged municipality of*
27 *residency, except that the hearing may be conducted by telephone or video conference by*
28 *agreement of the participants.*

29 ***V.*** *If the hearing results in a determination that the alleged municipality of*
30 *residency is where the assisted person resides, the municipality of residency shall*
31 *reimburse the assisting municipality for the costs of assistance previously rendered, and:*

1 ***(a) Continue to reimburse the assisting municipality so long as the person***
2 ***remains assisted; or***

3 ***(b) Undertake relief and maintenance of the assisted person by the municipality***
4 ***of residency.***

5 2 Effective Date. This act shall take effect July 1, 2026.

Amendment to SB 441-FN
- Page 3 -

2026-0841s

AMENDED ANALYSIS

This bill provides that a municipality that assists an individual who is not a resident may request reimbursement from the municipality of residence. This bill also enables a municipality to request a hearing to determine residency of an assisted person.

Docket of SB441		
11/21/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
01/12/2026	S	Hearing: 01/21/2026, Room 100, SH, 09:30 am; SC 2
02/19/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0841s, 03/05/2026; Vote 3-2; CC; SC 8
03/05/2026	S	SB 441 was Removed from the Consent Calendar; 03/05/2026; SJ 5
03/05/2026	S	Special Order to 03/19/2026, Without Objection, MA; 03/05/2026 SJ 5
03/05/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0841s, 03/19/2026; Vote 3-2; CC; SC 10
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-0841s, 03/26/2026, Vote 3-2; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 441-FN, requiring a municipality that intends to transport a person needing substance use disorder treatment and other support services to have a memorandum of understanding with the receiving municipality prior to transport.

Hearing Date: January 21, 2026

Time Opened: 10:36 a.m.

Time Closed: 12:04 p.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill requires a municipality that intends to transport a homeless individual to another municipality for shelter and substance use disorder treatment to enter into a memorandum of understanding (MOU) with the receiving municipality prior to transport. The bill also requires the department of health and human services to adopt rules regarding application and enforcement of such MOUs.

Sponsors:

Sen. Sullivan

Sen. Murphy

Sen. Avard

Rep. McLean

Rep. Paquette

Rep. Warden

Rep. Kesselring

Rep. Rice

Who supports the bill: Sen. Sullivan, Peter Marr (Manchester Police Department), and Alderman Crissy Kantor.

Who opposes the bill: Kate Horgan (NHAC), Sarah Burke Cohen (NHMA), Dawn McKinney (NHLA), Todd Marsh (NH Local Welfare Administrators' Association), Steve Tower (NHLA), Jennifer Chisholm (NH Coalition to End Homelessness), Jake Berry (New Futures), Nicole Johnson, Rachel Potter (ACLU NH), and Emily Lawrence (Waypoint).

Who is neutral on the bill: Jenny O'Higgins (DHHS).

Summary of testimony presented:

Senator Victoria Sullivan, Senate District 18

- Senator Sullivan explained that this bill requires municipalities that intend to transport or arrange the transport of a homeless person or person showing symptoms of addiction or incapacitation from substance use to another

municipality for the purpose of receiving treatment, housing, shelter, or related services must first have a memorandum of understanding (MOU) with the receiving municipality.

- Senator Sullivan stated that Manchester taxpayers are bearing the brunt of the financial responsibility of the state's addiction crisis.
- Senator Sullivan knows first-hand of people being dropped off in Manchester by other towns as far as Massachusetts who did not have any services arranged for them.
- This bill further provides more control over the harm reduction organizations that function within any municipality.
- Senator Sullivan reviewed written testimony including documents from the New Hampshire Harm Reduction Coalition, which she noted receives state funding. She emphasized that the outlined programs encourage drug use and do not promote getting help. This bill would allow municipalities to decide what organizations they want to operate within their town or city.
- Senator Sullivan explained that she does not disagree with some forms of harm reduction, but the first line of harm reduction is to get people to not use drugs.
- Senator Sullivan referenced the fiscal note and said this does not require a full-time Department of Health and Human Services (DHHS) employee, as it is an agreement between municipalities. She is happy to work with the Committee to address any provisions in the bill that call for a full-time employee.
- Senator Prentiss explained that as a former municipal official, she understands the pressures that shift between different-sized communities. She asked how municipalities would be informed of the MOU requirement if this bill were to pass.
- Senator Sullivan explained that it would be the same as whenever any law gets changed. She noted the Municipal Association may spread the word and that there are people who watch out for these bills to ensure their municipalities are complying.
- Senator Prentiss agreed and noted that the information does not always trickle down in an expedient manner. She questioned what would happen if a community was not aware and transported an individual without an MOU.
- Senator Sullivan acknowledged that there is a penalty in the bill, but it is not the intention of the original bill. She noted that may be the reason the fiscal note calls for a full-time employee. She emphasized that these agreements should be between the municipalities and said she would prefer to let DHHS stick to the rulemaking on this.
- Senator Prentiss referenced a report based in Manchester from the Overdose Fatality Review Committee that found a reduction in overdoses and overdose related deaths.

- Senator Sullivan acknowledged that the overdose related death statistics may be more factual, but explained that overdoses in general cannot be tracked. She explained that numbers are being based back to when Narcan was exclusively distributed by first responders and hospitals, but as that is no longer the case, we only know how many overdoses are being reported, not how many overdoses are happening.
- Senator Sullivan explained that she works with this community, as she has a non-profit sober home. The people she works with tell her that they see overdoses happening all the time.
- Senator Long confirmed that this bill is two-part, focusing on transportation and syringe service programs.
- Senator Sullivan confirmed and said these parts support each other in giving municipalities more control over what is happening in their cities and towns.
- Senator Long asked if DHHS rulemaking would include penalties, and Senator Sullivan confirmed.

Alderman Crissy Kantor

- Alderman Kantor stated that she is speaking in support of the bill.
- She emphasized that this about fairness, accountability, and the right of the city to protect itself, while still caring for people in need.
- Alderman Kantor said there must be a financial agreement in place. If any other community chooses to send an individual to Manchester for services, they must share the responsibility of the costs. She emphasized that this should be the case across all municipalities.
- Communities should have the authority to determine what treatment centers operate within their borders, what harm reduction services are appropriate, and what messaging is appropriate. She emphasized that harm reduction should reduce harm, not shift it to children, first responders, residents, businesses, and city employees.
- Alderman Kantor shared statistics from the Manchester Public Works Department. From July 2021 to October 2025, Public Works employees picked up over 11,685 needles from all over the city.
- Senator Avard asked if Alderman Kantor has been able to identify which municipalities are transporting individuals into Manchester, and if so, how she has identified them.
- Alderman Kantor explained that these individuals are coming from all around New Hampshire and out-of-state.
- Senator Prentiss noted that there are 13 cities in the state that serve as regional hubs, including for health care purposes. She asked if the services and institutions Alderman Kantor talked about are owned by or have relationships with the municipality.

- Alderman Kantor explained that she was talking about the overall impact on all of the city's services. She noted there is health insurance for the homeless that comes from the state level to the city and hospitals.
- Senator Prentiss said she is wondering if some of the organizations mentioned are not all municipal and asked if these relationships should be with those receiving entities instead of the municipality. She also noted that the Municipal Association has not weighed in on the fiscal note and asked if we know what it costs cities to administer, track, and follow-up with other municipalities.
- Alderman Kantor said she is not sure.

Chief Peter Marr, Manchester Police Department

- Chief Marr stated that he is speaking in support of the bill.
- The Manchester Police Department has first-hand experience observing police cruisers from other agencies dropping people off at shelters with no beds available.
- The responsibility of dealing with these situations is regularly shifted to Manchester's police, EMS, hospitals, and service providers without any notice, coordination, or agreement.
- This bill does not prohibit transport, deny treatment, or criminalize homelessness and addiction. It requires basic coordination and accountability.
- An MOU ensures that the receiving municipality knows who is coming, the services being sought, if those services are available, and who is financially responsible before anyone is transported.
- This bill promotes shared responsibility by recognizing that municipalities have different capacities and must retain reasonable control over how services operate within their borders.
- Chief Marr said that he is in favor of the enforcement provision included in the bill. He emphasized that punishment is not the goal, but rather compliance and coordination.
- Senator Avard referenced mutual aid and confirmed that police cruisers are dropping off individuals from other municipalities in New Hampshire. Chief Marr confirmed and said they are coming from out-of-state as well.
- Senator Avard asked if the officers coming in from other towns must notify Manchester.
- Chief Marr explained that they do not have to notify anybody.
- Senator Avard noted that it does not sound fair that other municipalities can drop people off without notifying anybody.
- Chief Marr agreed that it is not fair and said that is why he is here.
- Senator Avard asked how this will be enforced if the bill were to pass.
- Chief Marr said he does not know exactly how it will be enforced, but it should be enforced. He suggested that if a municipality wants to transport someone to

Manchester, they call a shelter first. If there are no beds available, they call the police department. He emphasized that this gives the Manchester Police Department the ability to get information, but it does not give them the right to say yes or no.

- Senator Avard asked if a fee for service would be acceptable, noting that this could become a financial burden to taxpayers.
- Chief Marr said he thinks it would be acceptable. He emphasized that if they are able to track all of this, it could be solved on this level.
- Senator Birdsell asked if there are cases in which the police do not observe other municipalities dropping off individuals and how they identify where those individuals came from in those scenarios.
- Chief Marr said they ask the individual. He explained that they do not always get dropped off at shelters, as they may get dropped off somewhere like a 7/11. There have also been instances in which the transported individual did not know what city they were in.
- Senator Long noted that this bill is only for New Hampshire municipalities, so it would not impact the out-of-state municipalities. He asked how many municipalities have dropping off individuals.
- Chief Marr explained that in the past year there have 5 different agencies, not including Maine, that the police department is aware of.
- Senator Long asked if it was treatment facilities requesting drop-offs or the municipality itself.
- Chief Marr said he does not know, but based on his experience, it is the agencies themselves. Manchester shelters are not calling municipalities and asking them to bring people.
- Senator Rochefort asked if this is targeted at substance use or general homelessness.
- Chief Marr said he thinks it should be towards general homelessness issues.
- Senator Rochefort told a story about a mother with three children being at a temporary homeless shelter up north. He noted they were getting help from the town. One of the places that could accommodate this family was in Manchester. He asked if an MOU would have been needed in this scenario if they chose to go to that facility.
- Chief Marr said he would encourage that. He explained that an MOU could be an online form, so it would not be a large burden in a situation like this.
- He emphasized that this is not a problem when there is space at the facilities. The issue is when people get dropped off in Manchester without any sort of plan.
- Senator Rochefort noted that the bureaucratic MOU process could pose an issue in emergency situations, and Chief Marr stated that a provision for emergency situations could address that concern.

Jenny O'Higgins, Department of Health and Human Services

- Ms. O'Higgins stated that she is here to provide information about the potential fiscal impacts and operational impacts of the bill.
- She acknowledged that, based on testimony, it may not be the intent for this bill to sit with the Department. She noted page 2 lines 8-12 and explained that this falls under the Opioid Abatement Trust Fund rulemaking, which is a current responsibility of the Department. The language added there was interpreted as the rulemaking for the MOUs between municipalities sitting with the Department. This piece is why there is an additional staffing need in the fiscal note.
- Ms. O'Higgins explained that there are multiple areas that would be challenging for the Department to operationalize, as they do not oversee individual municipalities. There are over 300 municipalities that the Department would need to be overseeing in this program, so there would be a significant change in workload compared to what the Department is currently doing.
- Ms. O'Higgins noted that no new positions are authorized in the bill, but they would be necessary if this stays with the Department.
- Senator Birdsell asked if there would be a cost-benefit analysis here, as this is affecting Manchester's budget and thus the Department as well.
- Ms. O'Higgins explained that the systems of health care infrastructure for substance use disorder and behavioral and mental health are statewide. She said she understands the concerns raised today, but the Department does not have that kind of local oversight.
- Senator Long referenced the effective date of July 1, 2026 and asked if it would be beneficial to move it to January 1, 2027.
- Ms. O'Higgins confirmed and noted there are other operational concerns as well, such as how the Department would implement fines and how they would follow up on unpaid fines. She noted that it is unknown if it is fully permissible for the state to oversee these municipal relationships and emphasized the Department would need significant time to investigate how they would operationalize this bill.
- Ms. O'Higgins noted that there are also privacy and security concerns around how information is shared about individuals being transported. There are specific ways the Department protects privacy, and it is even more stringent with substance use disorder.
- Senator Birdsell asked what would stop a municipality from adopting an ordinance requiring an MOU for individuals to be transported.
- Ms. O'Higgins said she does not know if there is anything to stop that. She noted that Manchester adopted an ordinance on syringe service programs in 2024 despite there being state law authorizing it.

- She emphasized that with the current health care structure in New Hampshire, not every municipality has available substance use services, homeless shelters, and hospitals. She said it is a complicated issue taking into consideration how people access care if they do not live in a resource-dense area.
- Senator Birdsell emphasized that this does not authorize municipalities to drop people off in Manchester and have Manchester pay for it.
- Ms. O'Higgins clarified that she was not suggesting that, but rather that there is complexity in where we receive care compared to where we live.
- Senator Avard asked where rulemaking would come from if the current rulemaking authority was struck out of the bill.
- Ms. O'Higgins said she is not familiar with how municipalities would enter into MOUs with each other.
- Senator Prentiss noted that there are existing intergovernmental agreements between municipalities for things like water supply and questioned if the existence of the ability to already do this would allow for this kind of agreement to take place without passing legislation.
- Ms. O'Higgins said she thinks there are probably other types of programs that could be looked into. She emphasized that there is complexity with mental health and substance use disorder.
- Senator Long referenced the Opioid Abatement Trust Fund and noted that Manchester reduces the tax burden with this fund. He asked if MOU agreements could include agreement that one municipality would use their Opioid Abatement Trust Fund dollars in servicing an individual.
- Ms. O'Higgins explained that the RSA listed in this bill is referring to the Opioid Abatement Trust Fund at the state level, while cities have distinct funds. While this could not be done within this RSA, the ability to do that with local dollars could be investigated.

Jake Berry, New Futures

- Mr. Berry stated that New Futures has questions and concerns with this bill.
- There is concern about what would happen to individuals seeking substance use disorder treatment in communities that do not have MOUs in place.
- Best practice shows that when people are ready to engage in substance use treatment, there is a short window to engage them with the treatment process. Any bureaucratic challenges introduced could impact access to treatment and success rates for individuals in treatment. This could lead to negative outcomes and further costs for taxpayers.
- Mr. Berry emphasized that harm reduction is a critical piece of the substance use treatment network. He emphasized that this network is working, with overdose rates declining rapidly.

- Mr. Berry asked the Committee to consider the unintended consequences of this bill that may undermine the work that has been done.
- Senator Avard referenced best practices and said that dropping people off in Manchester with no accountability does not sound like best practice.
- Mr. Berry explained that he has spoken with a number of treatment providers in Manchester and Nashua who expressed that this has not been their experience. They did not find people being dropped off to be a primary challenge.

Jennifer Chisholm, New Hampshire Coalition to End Homelessness

- Ms. Chisholm stated that she is speaking in opposition to the bill.
- She expressed concern about the barriers that this would create for people seeking substance use disorder treatment. This bill would allow receiving municipalities to place limits on the number of people to be transferred to that municipality. This means that individuals who need transportation assistance could be denied access to treatment by municipal leaders.
- Ms. Chisholm explained that there are many types of treatment across the state, so it is important to ensure that individuals are placed in programs that meet their needs.
- As a licensed clinician, Ms. Chisholm is concerned that this bill could delay treatment or limit access to treatment for individuals actively seeking help.
- Ms. Chisholm expressed concern about the administrative burden that this bill could create. She emphasized that as written, this bill could put municipal employees who are not trained in assessment of substance use disorder in a position where they would need to make those assessments.
- Ms. Chisholm also expressed concern about the type of information being collected and potential conflicts with federal confidentiality laws. If municipalities are tracking protected information under this law, there needs to be a knowledge base and systems to handle that information.
- Senator Avard asked if Ms. Chisholm has any ideas on a solution to this problem.
- Ms. Chisholm emphasized that her comments focused on individuals actively seeking treatment and being transported to a point of care. She emphasized that people being randomly dropped off can be an issue. She noted that national data shows people end up in communities that they have connections to. She emphasized that it is challenging with regional hubs having more resources than other areas.
- Senator Long confirmed that if an MOU was for an individual with substance use disorder it would need to be confidential.
- Ms. Chisholm emphasized that the confidentiality laws are complex, so we need to ensure that municipalities know whether the information they are handling falls under those laws.

Steve Tower, New Hampshire Legal Assistance

- Mr. Tower expressed concern about the MOU requirement and how it can affect the local welfare process throughout the state.
- Mr. Tower referenced Chief Marr's testimony about individuals being randomly dropped off at a 7/11 and agreed that it is concerning, while noting this bill may not be the best solution to the issue. He explained that this bill would not address this scenario as written.
- Mr. Tower explained that there is no requirement for a receiving municipality to enter into an MOU, but rather only for the sending municipality to obtain an MOU.
- Under RSA 165, town welfare administrators have a duty to relieve and maintain people who are poor and unable to support themselves. Mr. Tower emphasized that many municipalities throughout the state do not have access to shelters, transitional housing, or affordable workforce housing. To comply with statutory obligations, towns are required to provide shelter through resources in other municipalities.
- Under existing law in RSA 165, the individual being sent to receive shelter or housing in another municipality retains residency of the town that sent them until they have self-supported themselves and paid for their own needs for 30 days. Under this RSA, the sending municipality maintains the financial burden of meeting costs until the individual becomes self-sufficient.
- Mr. Tower noted there is some frustration with sending municipalities sometimes not cooperating with the receiving municipality to continue paying for services if they feel they are not required to do so under the law. There is a gap in how this problem gets resolved.
- Mr. Tower has had conversations with the Local Welfare Administrators' Association about how to address this issue, so that receiving municipalities would not be getting stuck with the bill.
- Mr. Tower referenced the fines posed in the bill for any town representative that transports an individual for shelter without getting an MOU and said it could make it impossible for towns that do not have resources to meet their local welfare obligations.
- Resolving the financial burden of the transported individual under the existing law with a small change would be a better way of addressing the local welfare aspect of this bill.
- Mr. Tower referenced Chief Marr's testimony and said it sounds like there are instances in which police departments are transporting individuals who did not apply for local welfare, which would be a separate situation. He suggested that limiting the MOU to police departments that act without a local welfare action may be a way to address that.

- Senator Avard referenced his earlier comment about fees for service and noted that he was not aware of the 30-day obligation. He asked if it would be in line with Mr. Tower's comments to have sending municipalities pay a fee to transport individuals to another municipality.
- Mr. Tower explained that under the current law, an individual would apply for local welfare in their municipality. That municipality can have the individual placed in a shelter in another municipality if there are no resources available. Until the individual is self-supporting without assistance from the shelter or the municipality for 30 days, they are the sending municipality's financial responsibility. Their residency also does not change until they get to this point.
- The current gap in the law is when there is a dispute about where residency initially exists. The process for resolving that is voluntary mediation or lawsuit.
- The solution Mr. Tower has is to create a fair hearing process and allow two towns disagreeing about residency to have a phone call with an impartial third town local welfare administrator to decide where residency is. This would ensure that a town is not getting stuck with costs for residents of other towns.
- Senator Avard confirmed that if an individual was dropped off at a 7/11 it would be illegal.
- Mr. Tower explained that if a local welfare administrator were to send an individual with no shelter plan in place, they would not be relieving and maintaining that person under state law.
- Senator Avard asked what the recourse would be if a Manchester police officer saw a police officer of another municipality drop someone off and leave.
- Mr. Tower explained if this is being done without a local welfare application, requiring an MOU between police departments acting without a local welfare determination may be a reasonable solution for that situation.
- Senator Long asked if the governing body would approve the MOU, and Mr. Tower said he does not think the bill explicitly states whether it would be the governing body or not. He noted with the DHHS rulemaking, the Department may establish how the MOU would be worked out. He also noted that a governing body could likely delegate that responsibility as well.
- Mr. Tower emphasized that his main concern is that he thinks it would be inappropriate for this to apply to local welfare cases.

Todd Marsh, New Hampshire Local Welfare Administrators' Association

- Mr. Marsh said it is clear that this bill was drafted with good intentions, but there are significant unintended consequences.
- Mr. Marsh explained that no municipal welfare administrator reports the transport of cost issues that this bill seeks to counter. Existing law already dictates that placement in shelters, substance use disorder centers, correctional facilities, and hospitals does not constitute residency.

- Mr. Marsh explained that the fiscal note indicates a new position at DHHS, fines for municipalities, and language suggesting MOUs include payment for some or all treatment or service costs.
- He explained that substance use disorder programs are typically non-profit, receiving a mix of federal, state, and private funding. He emphasized that they are not operated by municipalities.
- Mr. Marsh emphasized that dropping individuals off and leaving them with no resources is unacceptable.
- This will have an impact on routine public transit. Under this bill, giving a public bus ticket to someone seeking their own placement could be interpreted as arranging transportation, thus necessitating an MOU and a substance use disorder assessment.
- There is also a risk of delayed services, since determining symptoms of addiction or incapacitation through assessment is not always feasible for municipal employees.

SB 456 - AS INTRODUCED

2026 SESSION

26-2227

12/09

SENATE BILL **456**

AN ACT establishing the commission for children's futures.

SPONSORS: Sen. Sullivan, Dist 18; Sen. McGough, Dist 11; Sen. Pearl, Dist 17; Rep. Rice, Hills. 38; Rep. Nelson, Rock. 13; Rep. Notter, Hills. 12

COMMITTEE: Health and Human Services

ANALYSIS

This bill establishes a commission to study issues related to the public health and safety of children in the state.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT establishing the commission for children's futures.

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

1 1 New Subdivision; Study Commission for Children's Futures. Amend RSA 200 by inserting
2 after section 63 the following new subdivision:

3 Study Commission for Children's Futures

4 200:64 Commission Established. There is a commission established to study the health and
5 well-being of children in the state and to identify the gaps in mental and physical health services
6 provided to children.

7 I. Notwithstanding RSA 14:49, the members of the commission shall be as follows:

8 (a) Two members of the house of representatives, appointed by the speaker of the house
9 of representatives.

10 (b) One member of the senate from the democratic party and one member of the senate
11 from the republican party, appointed by the president of the senate.

12 (c) Seventeen members appointed by the governor, including but not limited to the
13 following groups:

14 (1) Health care professionals licensed in the state;

15 (2) Medical practitioners licensed in the state specializing in either traditional or
16 holistic medicine;

17 (3) Child psychologists licensed in the state;

18 (4) Mental health care providers;

19 (5) Teachers certified by the department of education;

20 (6) Dietitians, as defined in RSA 326-H:3;

21 (7) Members of state or local law enforcement;

22 (8) State legislators; and

23 (9) Parents of children residing in the state.

24 II. Legislative members of the commission shall receive mileage at the legislative rate when
25 attending to the duties of the commission.

26 III. The commission shall study:

27 (a) The usage of individualized education programs (IEPs) in schools and trends within
28 IEPs over time;

29 (b) The child usage rate of pharmaceuticals with psychoactive effects;

30 (c) Reports of diagnosed mental health issues in youth;

SB 456 - AS INTRODUCED

- Page 2 -

(d) The proportion of students that know of someone who has experienced a mental health crisis;

(e) Changes in the prevalence of childhood cancer and long-term diseases;

(f) Changes in autism spectrum disorder and attention deficit disorder diagnoses;

(g) The amount of mental health services provided to minors and associated trends with such services;

(h) The prevalence of criminal street gangs, as defined in RSA 651:6, I-a(c) in New Hampshire;

(i) The number of incidents of violence in public schools and the impact such incidents have on students;

(j) Truancy and attendance rates in public schools;

(k) The prevalence of adverse childhood experiences and the effect such experiences have on children;

(l) Childhood exposure to pornographic content; and

(m) Youth homelessness rates.

IV. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eleven members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library annually on November 1 of each year.

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

Amendment to SB 456

1 Amend the introductory paragraph of RSA 200:64 as inserted by section 1 of the bill by replacing it
2 with the following:

3
4 200:64 Commission Established. There is a commission established to study the health and
5 well-being of children in the state and to identify the gaps in mental and physical health services
6 provided to children. The commission shall be administratively attached to the department of
7 education.
8

9 Amend RSA 200:64, I(c) as inserted by section 1 of the bill by replacing it with the following:

10
11 (c) Seventeen members appointed by the governor, including but not limited to the
12 following groups:

- 13 (1) Health care professionals licensed in the state;
14 (2) Medical practitioners licensed in the state specializing in either traditional or
15 holistic medicine;
16 (3) Child psychologists licensed in the state;
17 (4) Mental health care providers;
18 (5) Teachers certified by the department of education, one of whom is certified in
19 special education;
20 (6) Dietitians, as defined in RSA 326-H:3;
21 (7) Members of state or local law enforcement; and
22 (8) Parents of children residing in the state.

Docket of SB456		
11/21/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
03/04/2026	S	Hearing: 03/11/2026, Room 100, SH, 09:45 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1226s, 03/26/2026, Vote 5-0; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 456, establishing the commission for children's futures.

Hearing Date: March 11, 2026

Time Opened: 10:36 a.m.

Time Closed: 10:51 a.m.

Members of the Committee Present: Senators Rochefort, Prentiss and Long

Members of the Committee Absent: Senators Avard and Birdsell

Bill Analysis: This bill establishes a commission to study issues related to the public health and safety of children in the state.

Sponsors:

Sen. Sullivan
Rep. Rice

Sen. McGough
Rep. Nelson

Sen. Pearl
Rep. Notter

Who supports the bill: Sen. Sullivan, Sen. Pearl, Cory Stone, and Melissa Brogle.

Who opposes the bill: Elaine French, Priscilla Dube, and Tami Lanzillo Zeimet.

Who is neutral on the bill: Jenny O'Higgins & Abby Rogers (DHHS) and Ashley Krivosh.

Summary of testimony presented:

Senator Victoria Sullivan, Senate District 18

- Senator Sullivan explained that this bill came forward as a result of constituents bringing a number of issues to her attention.
- Senator Sullivan wants to bring these issues together to be examined by stakeholders to identify trends and ways to make this is a better state for our children.
- Senator Sullivan reviewed the subject areas that will be covered by the Commission.
- The Commission will review trends on individualized education plans (IEPs) and what other appropriate supports may be provided to children in school.
- The Commission will review the use of pharmaceuticals with psychoactive effects and reports of diagnosed mental health issues in youth.
- The Commission will review the proportion of students who know of someone who has experienced a mental health crisis.

- The Commission will review changes in the prevalence of childhood cancer, long-term disease, autism spectrum disorder, and attention deficit disorder.
- The Commission will review the amount of mental health services provided to minors and associated trends with such services. Senator Sullivan emphasized that these are generational issues that will carry on if they are not addressed.
- The Commission will review the prevalence of criminal street gangs as defined in RSA 651:6, as well as the amount and impact of incidents in public schools. Senator Sullivan noted that there were 1,100 incidents of violence last year in Manchester schools and emphasized that while these issues are not being discussed, we need to ensure public schools remain a safe place for students.
- The Commission will review truancy and attendance rates in public schools, as well as the possible predictors of mental health truancy.
- The Commission will review childhood exposure to pornographic content. Senator Sullivan emphasized that this topic is also not discussed currently.
- The Commission will assess youth homeless rates and examine how mental health crises can both contribute to and be caused by youth homelessness.
- The goal of this Commission is to analyze different data sets, identify patterns and trends, discover how certain factors may be impacting or causing others, and appropriately address these factors.
- By assessing these issues collectively, we have the best chance of finding the most optimal path forward to a long-term positive change for the health and mental health of children.
- Senator Rochefort asked if the Commission would need membership from state departments to receive data. He noted that some of this information would likely be housed in the Department of Health and Human Services, the Insurance Department, and the Department of Education.
- Senator Sullivan explained that the Oversight Commission for Children's Services requests departments to come in and present their data, which is what she was envisioning for this Commission.
- Senator Rochefort confirmed that Senator Sullivan feels like the Commission has enough authority to get the information they need, and she confirmed. She explained that while some of this data will have to be found, there is a lot that we already have. This is how we can bring these data sets together and see if the state is doing what is best for children.
- Senator Long used the Manchester school district as an example and asked if Senator Sullivan is confident that the Commission can get data from them without having membership in the Commission.
- Senator Sullivan confirmed and explained that school data is already reported to the state. She said the Commission would be able to invite different people to

present data and have a conversation, noting that law enforcement has come in to present to the Oversight Commission for Children's Services.

Jenny O'Higgins & Abby Rogers, Department of Health and Human Services

- Ms. O'Higgins stated that the Department shares Senator Sullivan's goal and passion to preserve children's health and safety.
- There are already established commissions that could collaborate with this work.
- The Oversight Commission on Children's Services serves as a multi-stakeholder oversight body focused on the coordination and improvement of children's services across state agencies. The Commission's key responsibilities include reviewing and promoting accountability across child serving systems, evaluating programs, and promoting best practices.
- The Children's Systems of Care Advisory Commission is aimed to improve outcomes for children and families through multi-sector membership. Key focus areas include advising the Department of Health and Human Services and the Department of Education on the system of care implementation.
- Ms. Rogers noted that this bill includes looking at childhood cancer.
- The Department works with a variety of commissions, partners, and advocates to ensure everyone has updated data. A lot of this data is reviewed and used by the New Hampshire State Health Assessment and State Health Improvement Plan Advisory Council.
- Ms. Rogers noted that there are also commissions reviewing environmentally triggered chronic illness and the public health impacts of PFAS that the Department works with to provide information.
- These active commissions have the statutory ability to establish subcommittees to address emerging issues or additional subject areas. Ms. O'Higgins noted this could be one path to ensure legislative efforts are collaborative and not duplicative.
- Ms. O'Higgins noted that the Department is happy to provide data and expertise to the proposed Commission, although they are not named as a member.
- Senator Rochefort noted that it seems like there is a variety of people working on these issues, but not necessarily talking to each other about it. He thinks the goal of this legislation is to pool resources and data to go more in-depth in regard to children specifically.
- Ms. O'Higgins emphasized that the Department wants to ensure efforts are not being duplicated and that they would be happy to work with Senator Sullivan.

SB 476 - AS INTRODUCED

2026 SESSION

26-2035

05/08

SENATE BILL **476**

AN ACT relative to consumer health care cost transparency.

SPONSORS: Sen. McGough, Dist 11; Sen. Gannon, Dist 23; Sen. Rosenwald, Dist 13; Sen. Birdsell, Dist 19; Sen. Innis, Dist 7; Sen. Pearl, Dist 17; Rep. Miles, Hills. 12; Rep. W. MacDonald, Rock. 16; Rep. Ammon, Hills. 42; Rep. Kuttub, Rock. 17

COMMITTEE: Health and Human Services

ANALYSIS

This bill:

I. Aligns state hospital transparency obligations with federal requirements and provides a good-faith estimate safe harbor.

II. Requires health insurers to provide member-specific, pre-service out-of-pocket estimates through their existing federal Transparency in Coverage tools and secure APIs that can be accessed through the state's HealthCost portal or enrollee-authorized applications.

III. Expands authorized uses and governance of the comprehensive health care information system (CHIS/APCD), clarifies voluntary ERISA plan participation, and directs the insurance department to use existing infrastructure without building new state IT systems.

IV. Directs the department of health and human services and insurance department to adopt administrative rules regarding implementation and provides for a cure period before enforcement.

.....

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-Six

AN ACT relative to consumer health care cost transparency.

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

1 1 New Section; Hospitals; Price Transparency; Alignment and Safe Harbor. Amend RSA 151 by
2 inserting after section 12-c the following new section:

3 151:12-d Hospital Price Transparency; Alignment and Safe Harbor.

4 I. Each hospital shall maintain public transparency files and a patient-friendly shoppable
5 services estimator in accordance with federal hospital price transparency requirements.

6 II. A hospital that is in good-standing compliance with federal hospital price transparency
7 requirements and that provides a patient-facing estimator, whether operated by the hospital or its
8 vendor, is deemed to satisfy state transparency obligations under this section.

9 III. Hospitals may, at their option, expose read-only endpoints or deep links enabling the
10 state's consumer portal to direct patients to hospital estimators for shoppable services.

11 IV. A hospital or ambulatory surgical center that provides an estimate in good faith shall
12 not be subject to damages or penalties for a variance between the estimate and the final bill where
13 the variance results from:

14 (a) Clinically necessary changes in scope;

15 (b) Factors outside the facility's control; or

16 (c) Changes in the patient's benefits or accumulators after the estimate is issued.

17 V. The safe harbor provided for a good faith estimate under paragraph IV shall not apply to
18 willful misrepresentation or deceptive practices.

19 2 New Paragraph; Hospital Price Transparency; Compliance Reporting. Amend RSA 151:12-d
20 by inserting after paragraph V the following new paragraph:

21 VI. The department of health and human services shall publish an annual public dashboard
22 summarizing hospital compliance with this section and federal hospital price transparency
23 requirements.

24 3 New Paragraphs; Comprehensive Health Care Information System; Enhancements. Amend
25 RSA 420-G:11-a by inserting after paragraph II the following new paragraphs:

26 III. The commissioner shall maintain and promote a standardized opt-in mechanism for self-
27 funded ERISA plans to contribute data through their third-party administrators.

28 IV. In addition to existing uses, APCD data may be used to:

29 (a) Power the state's consumer portal by linking to carrier estimators;

30 (b) Display de-identified allowed-amount benchmark ranges for the uninsured and for
31 out-of-network, non-emergency care; and

SB 476 - AS INTRODUCED
- Page 2 -

1 (c) Support public reporting on price and quality variation, using risk-adjusted, de-
2 identified data.

3 V. Data submitters subject to administrative rules adopted under RSA 420-G shall continue
4 monthly submissions using the state's current data layouts. The commissioner may align technical
5 specifications with the most current APCD common data layout to reduce burden and improve
6 interoperability.

7 VI. The APCD advisory group established by the commissioner shall include at least one
8 representative each of: hospitals, carriers, self-funded employers, physicians, consumer advocates,
9 and small businesses. The group shall advise on consumer display standards, API performance, and
10 safeguards to minimize duplicative reporting.

11 4 New Sections; Insurance; Comprehensive Health Care Information System; Definitions;
12 HealthCost Consumer Portal; Use of Existing Infrastructure; Rulemaking. Amend RSA 420-G by
13 inserting after section 11-a the following new sections:

14 420-G:11-b Definitions for Price Transparency and Consumer Estimates. In this chapter:

15 I. "All-payer claims database" or "APCD" means the comprehensive health care information
16 system operated by or for the insurance department in collaboration with the department of health
17 and human services pursuant to RSA 420-G:11 and RSA 420-G:11-a.

18 II. "Carrier" has the meaning set forth in RSA 420-G:2.

19 III. "Consumer price estimate" means a member-specific estimate of allowed charges, plan
20 liability, and the member's expected cost-sharing for a shoppable item or service, based on the
21 member's benefits and accumulators as of the time the estimate is produced.

22 IV. "Hospital" means any entity licensed under RSA 151.

23 V. "Shoppable service" means a health care service that can be scheduled in advance and for
24 which federal rules require public, member-specific estimates.

25 VI. "Transparency in Coverage (TiC) APIs" means machine-readable files and price-
26 comparison interfaces required of carriers under federal law.

27 VII. "Hospital price transparency requirements" means federal requirements for hospital
28 machine-readable files and patient-friendly shoppable service displays.

29 420-G:11-c HealthCost Consumer Portal; Use of Existing Infrastructure.

30 I. The insurance department shall utilize the existing HealthCost public website to:

31 (a) Explain consumers' rights;

32 (b) Route members directly to their carriers' price-comparison tools;

33 (c) Display non-member-specific benchmark ranges for uninsured consumers derived
34 from the APCD; and

35 (d) Host a directory of hospital estimators.

36 II. The department shall not build or procure new state-hosted information technology
37 systems for estimate calculation or price-comparison functions.

SB 476 - AS INTRODUCED
- Page 3 -

1 III. Costs, if any, associated with vendor configuration, portal content updates, or API
2 routing shall be paid by carriers and third-party administrators subject to RSA 420-J and hospitals
3 licensed under RSA 151 through vendor-direct contracts or in-kind integration work. No general
4 fund appropriation or expenditure is authorized by this section.

5 IV. The commissioner may accept non-state grants or gifts to support consumer education
6 under this section, which may be expended without state match and without creating ongoing
7 obligations.

8 420-G:11-d Rulemaking. The insurance commissioner shall adopt rules under RSA 541-A to
9 implement the requirements of RSA 420-G:11-a through 420-G:11-c, limited to harmonizing with
10 federal formats, setting API access and security standards, specifying consumer-facing disclosures,
11 and coordinating enforcement to avoid duplication. Rulemaking under this section shall not require
12 the departments to build new information technology systems.

13 5 New Section; Health Insurance; Member Price Estimates Through Existing Tools. Amend
14 RSA 420-J by inserting after section 7-e the following new section:

15 420-J:7-f Member Price Estimates Through Existing Tools.

16 I. Each carrier shall ensure that an enrollee can obtain, without charge, a consumer price
17 estimate for any shoppable service:

18 (a) Through the carrier's existing self-service internet tool; and

19 (b) Via secure, standards-based application programming interfaces (APIs) made
20 available to the state's consumer portal and to third-party consumer applications authorized by the
21 enrollee.

22 II. Each estimate shall include:

23 (a) The provider's billing NPI and service location;

24 (b) The carrier's allowed amount;

25 (c) The plan's expected payment;

26 (d) The enrollee's expected out-of-pocket amount reflecting deductibles, copayments, and
27 coinsurance accumulators as of the time of the request; and

28 (e) A notice that estimates are subject to change if clinical circumstances or benefit
29 accumulators change.

30 III. Nothing in this section requires the insurance department to build or host new
31 technology infrastructure. The commissioner shall leverage the existing HealthCost public portal to
32 route consumers to carrier tools and APIs and to display plain-language guidance.

33 IV. Compliance with federal transparency in coverage requirements for machine-readable
34 files and price-comparison tools constitutes prima facie compliance with paragraphs I and II if the
35 carrier enables API access for the state portal and enrollee-authorized tools and responds to API
36 queries within commercially reasonable timeframes.

1 V. The commissioner shall adopt rules, under RSA 541-A, to specify API access, privacy,
2 security, and response-time standards that are consistent with federal requirements and do not
3 impose duplicative formats or submissions.

4 6 New Sections; Health Insurance; Consumer Protections for Estimates. Amend RSA 420-J by
5 inserting after section 7-f the following new sections:

6 420-J:7-g Consumer Protections for Estimates.

7 I. Every estimate delivered under RSA 420-J:7-f shall include plain-language disclosures on
8 potential variance, network status, prior authorization, and facility versus professional billing.

9 II. Upon a patient's request for a scheduled, non-emergency service, a provider shall offer
10 the CPT/HCPSC codes and service description used for the estimate to facilitate comparison.

11 III. State and federal balance billing and surprise medical billing protections remain in full
12 force and are unaffected by this chapter.

13 420-J:7-h Enforcement; Cure First.

14 I. For carriers, the insurance commissioner may enforce RSA 420-J:7-f and RSA 420-J:7-g
15 under RSA 400-A and RSA 420-J. Prior to any administrative penalty, the department shall provide
16 notice and a 60-day cure period for first-time or technical violations.

17 II. The department shall publish an annual public dashboard of carrier compliance with
18 RSA 420-J:7-f through RSA 420-J:7-h.

19 7 Effective Date.

20 I. Sections 2, 5, and 6 of this act shall take effect 12 months after its passage.

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

Docket of SB476		
11/21/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
01/12/2026	S	Hearing: 01/21/2026, Room 100, SH, 01:15 pm; SC 2
02/12/2026	S	Committee Report: Referred to Interim Study, 02/19/2026; Vote 5-0; CC; SC 6
02/19/2026	S	SB 476 was Removed from the Consent Calendar; 02/19/2026; SJ 4
02/19/2026	S	Special Order to the Next Session, Without Objection, MA; 02/19/2026; SJ 4
02/19/2026	S	Committee Report: Referred to Interim Study, 03/05/2026, Vote 5-0; SC 8
03/05/2026	S	Special Order to 03/19/2026, Without Objection, MA; 03/05/2026 SJ 5
03/05/2026	S	Committee Report: Referred to Interim Study, 03/19/2026, Vote 5-0; SC 10
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Referred to Interim Study, 03/26/2026, Vote 5-0; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 476, relative to consumer health care cost transparency.

Hearing Date: January 21, 2026

Time Opened: 1:21 p.m.

Time Closed: 1:50 p.m.

Members of the Committee Present: Senators Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: Senator Rochefort

Bill Analysis: This bill:

I. Aligns state hospital transparency obligations with federal requirements and provides a good-faith estimate safe harbor.

II. Requires health insurers to provide member-specific, pre-service out-of-pocket estimates through their existing federal Transparency in Coverage tools and secure APIs that can be accessed through the state's HealthCost portal or enrollee-authorized applications.

III. Expands authorized uses and governance of the comprehensive health care information system (CHIS/APCD), clarifies voluntary ERISA plan participation, and directs the insurance department to use existing infrastructure without building new state IT systems.

IV. Directs the department of health and human services and insurance department to adopt administrative rules regarding implementation and provides for a cure period before enforcement.

Sponsors:

Sen. McGough

Sen. Gannon

Sen. Rosenwald

Sen. Birdsell

Sen. Innis

Sen. Pearl

Rep. Miles

Rep. W. MacDonald

Rep. Ammon

Rep. Kuttub

Who supports the bill: Sen. McGough, Sen. Innis, Sen. Rosenwald, Sen. Pearl, Rep. Julie Miles, Sam Burgess (New Futures), Francis Hayes, Valerie Danielson, and Nancy Husarik.

Who opposes the bill: Sabrina Dunlap (Anthem), Ben Bradley (NH Hospital Association), and Peter Bragdon (Harvard-Pilgrim).

Who is neutral on the bill: Michelle Heaton and Dr. Jason Aziz (NHID) and Henry Lipman (DHHS).

Summary of testimony presented:

Senator Tim McGough, Senate District 11

- Senator McGough explained that this bill directly builds on the foundation to deliver consumer-facing, practical benefits to help consumers understand the true costs of health care.
- New Hampshire was on the forefront of building an all-payer claims database, New Hampshire HealthCost, years ago. It is a portal that allows consumers to see what things generally cost in health care.
- The numbers consumers currently see are not always the actual bill amount. They are median prices based on past claims and are often bundled with multiple items in one estimate.
- Without building new IT infrastructure, this bill asks for some more precision.
- Senator McGough cited diagnostic mammograms as an example, explaining that the portal found two different clusters of prices with a large difference in price. Thus, the portal could not predict what price a patient would be facing.
- With the implementation of this bill and access to the Application Programming Interface (API), patients will be able to personalize their actual costs and shop around if they choose to do so.
- Senator McGough described this as the same front door to access the portal, but with a different hallway. The portal would remain the state's site, but it would route each member to their health plan's federally required estimator to retrieve member-specific, pre-service out-of-pocket costs. This is simply connecting the tools that carriers and hospitals already run under federal rules.
- Individuals who choose to pay without insurance will also be able to get a higher level of accountability.
- Senator Birdsell asked if hospitals already must comply with price transparency and how this would affect the bill.
- Senator McGough explained that they do to an extent, as there is federal price transparency. The issue is the individualization based on a given member's changing deductible and out-of-pocket maximum. This is marrying the two data sets.
- Senator Avard asked if there are any fees for this, and Senator McGough said there is not.

Representative Julie Miles, Hillsborough – District 12

- Representative Miles stated that she is speaking in support of the bill as a cosponsor and critical care nurse.
- Every day she meets families trying to balance care with costs.
- Without accurate, timely claims data and clear reporting, we cannot design fair benefits and protect the vulnerable patients on employer plans. These are the people who depend on predictable coverage for cancer care, cardiac interventions, and lifesaving medications.
- This bill is a practical step that improves access, affordability, and outcomes by turning our HealthCost website into a single front door connecting patients to their own plan's pre-service out-of-pocket estimates.
- Transparency is the foundation of good clinical decisions and good plan design. When patients know their costs, they do not delay care. When sponsors and insurers see accurate costs and standardized data, they can structure benefits in a way that rewards quality and keeps premiums stable.
- This bill honors the work of the Insurance Department, reduces duplication for hospitals, and gives granite staters a menu with a price before they subscribe.

Sam Burgess, New Futures

- Mr. Burgess addressed Senator Birdsell's question about hospitals already being subject to federal requirements and explained this goes back to the Federal Hospital Price Transparency Rule.
- While there is a rule that exists, the National Institute of Health has published a study reporting that many hospitals have failed to meet CMS requirements. It found that in a random sample of 100 of the 6,000 highest revenue hospitals, 83 were found noncompliant with at least 1 of the major CMS requirements. This reflects a compliance rate of approximately 27%.
- This study also found that the enforcement mechanisms of CMS are weak, with a maximum punishment for noncompliance of \$300 per day.
- Mr. Burgess explained that the Patient Rights Advocates organization found in a November 2024 report that 7 New Hampshire hospitals were non-compliant with at least one category of CMS requirements.
- Senator Avard asked to what degree the New Hampshire hospitals were found non-compliant and what specific areas of non-compliance were found.
- Mr. Burgess referenced written testimony submitted to the Committee that provided an explanation for why each hospital was found to be non-compliant. He noted that it is also available on the Patient Rights Advocates website.

Henry Lipman, Department of Health and Human Services

- Mr. Lipman stated that the Department of Health and Human Services (DHHS) supports transparency initiatives.
- He hopes there will be opportunity to work out some issues with the bill.

- He referenced page 1 line 6 of the bill and explained that the Department would like more clarity on what it means for a hospital to be in good standing.
- He referenced page 1 line 21 and said the Department would like more clarity on what the dashboard will entail.
- He referenced page 3 lines 1-4 and explained that the administrative costs for creating APIs would need to be recognized in capitation rates.
- The effective date may also need to be changed, given the work requirements needed to implement this bill.
- Mr. Lipman noted that the Department would need adequate staffing for compliance assessments.
- Senator Avard inquired about the fiscal note, and Mr. Lipman said the Department is working on it. They need more information to adequately complete it.

Ben Bradley, New Hampshire Hospital Association

- Mr. Bradley stated that the Hospital Association has concerns about this bill and requests that an amendment be adopted to address those concerns.
- This bill acknowledges that hospitals are already required to comply with federal price transparency regulations.
- All hospitals in New Hampshire are compliant with these regulations. Mr. Bradley said the Patient Rights Advocacy organization has no credibility for determining a hospital's compliance with CMS transparency regulations.
- The federal No Surprises Act requires hospitals to provide patients with a good faith estimate of expected charges prior to a scheduled service.
- CMS holds hospitals accountable for their compliance with each of the transparency regulations. Therefore, reporting compliance to DHHS as written on page 1 section 2 of the bill is unnecessary.
- Mr. Bradley said the bill does not contain a fiscal note for the Department to collect this information because the cost is passed on to hospitals.
- Mr. Bradley noted that the Insurance Department holds the aforementioned HealthCost website portal.
- Given the existing federal requirements, the Insurance Department's resources for price estimates, and the unnecessary cost burden on hospitals that will result from this bill, the Hospital Association asks that it be amended to remove hospitals from the underlying bill or that the Committee not support the bill.
- Senator Avard asked if Mr. Bradley has worked with the prime sponsor on the amendment, and Mr. Bradley said he did not.

Peter Bragdon, Harvard-Pilgrim

- Mr. Bragdon explained that there are a few areas of concern within the bill.

- Harvard-Pilgrim has a cost estimator tool available on their website, which takes cost-sharing, deductibles, and other relevant factors into account.
- Mr. Bragdon said he is not sure what will be gained by making carriers create a new software program to interface with the Insurance Department.
- Mr. Bragdon noted that complying with recent federal transparency laws and changes on the state level is quite costly. He emphasized that costs come out in increased premiums.
- Mr. Bragdon noted the costs associated with vendor configuration referenced on page 3 of the bill and explained that while there are many unknowns, it seems like it costs a lot of money.
- Mr. Bragdon referenced section 5 of the bill and emphasized that carriers are being asked to develop software programs when they have existing tools. He explained that security concerns also need to be taken into account when developing such programs.

Michelle Heaton & Dr. Jason Aziz, New Hampshire Insurance Department

- The Insurance Department is supportive of transparency.
- There are some technical issues with this bill, but the Department is happy to work with stakeholder to correct them.
- Ms. Heaton explained that the Department had 2 bills last session that got retained and just recently passed. If those bills are enacted, there are some provisions within this bill that could conflict with them.
- Dr. Aziz stated that there is a specificity gap between these two sets of data. The transparency and coverage data covered by this bill are self-reported from entities, such as hospitals and insurers. The New Hampshire HealthCost portal currently uses an empirical approach with claims data.
- Dr. Aziz emphasized that these data types are different and explained that this represents an opportunity for oversight, compliance, and improved precision and pricing for the entire health care market.
- Ms. Heaton noted that there are changes in law currently in place requiring that both insured and uninsured patients be able to request advanced cost estimates. For insured patients, that includes what the cost-sharing would be for the scheduled service. The Department also has additional provisions in rulemaking to build off that.
- Senator Avard asked if the Department would be willing to work with stakeholders on this bill, and Ms. Heaton confirmed.

SB 647 - AS INTRODUCED

2026 SESSION

26-2092

05/06

SENATE BILL **647**

AN ACT authorizing the department of insurance to participate in a cooperative procurement group via an intergovernmental agreement for a prescription drug discount program.

SPONSORS: Sen. Rochefort, Dist 1; Sen. Rosenwald, Dist 13; Sen. Birdsell, Dist 19; Sen. Avar, Dist 12; Sen. Prentiss, Dist 5; Sen. Reardon, Dist 15

COMMITTEE: Health and Human Services

ANALYSIS

This bill authorizes the department of insurance to participate in a cooperative procurement group via an intergovernmental agreement for a prescription drug discount program.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT authorizing the department of insurance to participate in a cooperative procurement group via an intergovernmental agreement for a prescription drug discount program.

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

- 1 1 Department of Insurance; Authorization. The department of insurance is authorized to
2 participate in a cooperative procurement group via an intergovernmental agreement for a
3 prescription drug discount program. Such agreement shall be subject to the approval of the
4 governor and the executive council.
5 2 Effective Date. This act shall take effect July 1, 2026.

Docket of SB647		
11/25/2025	S	Introduced 01/07/2026 and Referred to Health and Human Services; SJ 1
03/04/2026	S	Hearing: 03/11/2026, Room 100, SH, 09:15 am; SC 9
03/18/2026	S	Committee Report: Ought to Pass, 03/26/2026, Vote 5-0; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 647, authorizing the department of insurance to participate in a cooperative procurement group via an intergovernmental agreement for a prescription drug discount program.

Hearing Date: March 11, 2026

Time Opened: 9:57 a.m.

Time Closed: 10:27 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill authorizes the department of insurance to participate in a cooperative procurement group via an intergovernmental agreement for a prescription drug discount program.

Sponsors:

Sen. Rochefort

Sen. Rosenwald

Sen. Birdsell

Sen. Avard

Sen. Prentiss

Sen. Reardon

Who supports the bill: 86 people signed in support of the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who opposes the bill: 1 person signed in opposition to the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Who is neutral on the bill: 1 person signed in neutral on the bill. Full sign in sheets are available upon request by contacting the Legislative Aide, Sophie Walsh (sophie.walsh@gc.nh.gov).

Summary of testimony presented:

Senator David Rochefort, Senate District 1

- Senator Rochefort introduced Senate Bill 647 and explained that this bill focuses on prescription drug pricing.
- Many prescription drug discount cards capture consumers' personal information and transmits it to third parties to later be sold.

- However, there are new prescription discount cards that often offer bigger discounts while not selling consumers' personal data.
- These new programs are state sponsored, which raises the question of which department will be responsible. Senator Rochefort contacted both the Department of Health and Human Services and the Department of Administrative Services, both of whom expressed that they were not the most appropriate fit. As a result, this currently lies with the Insurance Department.
- Regardless of which department is the best place for this program, Senator Rochefort thinks it is important to adopt these discount plans because they are pro-consumer, pro-state, and protect individuals' privacy.

Michelle Heaton, New Hampshire Insurance Department

- Ms. Heaton explained that the Insurance Department has concerns with the bill as drafted because it is essentially saying the Department can't enter into a cooperative procurement group via an intergovernmental agreement.
- Ms. Heaton described the broadness of the language as confusing in regard to what the Department is specifically being directed to do and noted that the Department may have misinterpreted the bill.
- The Department does regulate discount medical plans. While some of these prescription drug programs do not fall within the statutory definition of a discount medical plan, there are opportunities to regulate certain types of discount programs like the one this bill focuses on.
- Ms. Heaton explained that the Department is happy to work with the Committee on this and noted that the upcoming deadline may be too quick.
- Senator Rochefort said he will instruct New Futures to reach out to the Department and work on a committee amendment or potential floor amendment.

Samuel Burgess, New Futures & Stephanie Krieg, ArrayRx

- Mr. Burgess stated that New Futures is in strong support of the bill.
- Ms. Krieg stated that ArrayRx is a multi-state collaborative that works on pharmacy solutions to help improve medication access and affordability. One of the tools they utilize to achieve this goal is prescription drug discount card programs.
- Anyone who lives or works in a participating state is eligible for the ArrayRx discount program. Consumers can look up prices ahead of time and compare costs to find the best available price.
- This program brings savings both in front and behind the counter, as anything with a national drug code is eligible for some sort of discount.
- The ArrayRx program operates entirely outside of the insurance system in Connecticut where Ms. Krieg works. When an individual uses a discount card,

they are able to pay the ArrayRx price at the counter without running the transaction through insurance. This structure is important, as it does not interfere with insurance plans or premiums.

- Consumers pay a small administrative fee built directly into the transaction price that supports the operation of the program.
- Senator Birdsell asked how this program has been marketed in other states, emphasizing that she wants to ensure the word gets out to those who need it most.
- Ms. Krieg explained that in Connecticut, a large group of stakeholders was brought together to get the word out. There was also direct communication, education, and training with municipal officials and departments, so that they could directly connect with their constituents.
- Over 26,000 people have registered in the program. Members are seeing an average savings of over \$200 on medications and a collective savings of over \$2 million since the program's inception.
- Senator Avard asked for clarification on how pharmacies see discounts in real time.
- Ms. Krieg explained that pharmacies are seeing real time costs, including consumer costs and what the pharmacy will be reimbursed for. With many for-profit discount cards, there is a fee for pharmacies to see what the discounted medication will be. There are also sometimes retroactive fees or claw backs that cost pharmacies more money than it would be worth to dispense the medication at the discounted price. ArrayRx differs from these programs because there are no fees associated with pharmacies being able to see these costs.
- Senator Avard asked how this program is funded, and Ms. Krieg explained that it is funded by a small administrative fee paid by the consumer at the point of sale. The discount card is not for-profit, so the fee simply maintains the program.
- Senator Avard asked how the Insurance Department would get involved with this.
- Ms. Krieg explained that the Insurance Department is not involved with this program in Connecticut, as the program is housed in the Office of the State Comptroller.
- Senator Long asked if this program has been changed from its inception, or if it is essentially the same program.
- Ms. Krieg confirmed that it is operationally the same program as it was on day one.
- Senator Rochefort said he sees the value in this program and emphasized that the struggle is finding a department to house it in. He acknowledged the short timeline and said he would like to see if something would be possible to address this session.

- Mr. Burgess emphasized that this discount program will bring in a new source of revenue to the state with no associated cost while providing privacy protections to constituents.
- He explained that non-profits in this space could do outreach and promotion to get the word out on this program.
- All of the states that have implemented this program have seen savings of up to 80% on prescriptions. An analysis from the Department of Health and Human Services found that almost every pharmacy in the state is already a member of this program, which would allow for statewide pharmacy access to this program.

Anne LaForce & Mary Roberge, AARP New Hampshire

- Ms. LaForce stated that she is speaking in support of the bill.
- Affordable prescription drugs are critical to keep people healthy and independent. Many New Hampshire citizens struggle to afford their medications, which may cause them to stretch or skip doses and lead to dangerous consequences.
- No one should have to choose between affording their medications and paying for basic necessities.
- This bill could provide significant savings to granite staters and protect consumers.
- Ms. Roberge shared a personal story about being a caretaker for her mother, noting that one of her mother's medications cost about half of her monthly social security benefits. This left very little room for her to pay for other necessities like rent and groceries.
- Ms. Roberge emphasized that this is a cost saving measure.

SB 665-FN - AS INTRODUCED

2026 SESSION

26-3266

07/09

SENATE BILL

665-FN

AN ACT requiring pharmacies to charge consumers the lowest available price for prescription drugs.

SPONSORS: Sen. Ricciardi, Dist 9; Sen. Long, Dist 20; Sen. Watters, Dist 4; Sen. Rosenwald, Dist 13; Sen. Fenton, Dist 10; Sen. Gannon, Dist 23; Sen. Reardon, Dist 15; Sen. McConkey, Dist 3; Sen. Rochefort, Dist 1; Sen. Pearl, Dist 17; Sen. Carson, Dist 14; Sen. Birdsell, Dist 19; Sen. Perkins Kwoka, Dist 21; Rep. Kuttub, Rock. 17; Rep. W. MacDonald, Rock. 16; Rep. Rombeau, Hills. 2; Rep. L. Foxx, Hills. 2

COMMITTEE: Health and Human Services

ANALYSIS

 This bill requires pharmacies to charge consumers the lowest available price for prescription drugs.

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.

In the Year of Our Lord Two Thousand Twenty-Six

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

III. No insurer, pharmacy benefit manager, or third-party payer shall restrict, prohibit, or penalize a pharmacist for disclosing or charging the lowest available price to a consumer.

SB 665-FN - AS INTRODUCED

- Page 2 -

1 IV. If a consumer elects to use insurance, despite a lower cash or discount price, the
2 pharmacy shall document the consumer's election at the point of sale.

3 318:47-p Enforcement and Penalties.

4 I. A violation of this subdivision shall constitute unprofessional conduct under RSA 318 and
5 shall subject the licensee to disciplinary action by the board of pharmacy.

6 II. The board may impose a civil administrative penalty not to exceed \$1,000 for each
7 violation.

8 III. Consumers shall not be liable for any amount exceeding the lowest available price at the
9 time of sale.

10 318:47-q Rulemaking. The board of pharmacy shall adopt rules under RSA 541-A as necessary
11 to implement the provisions of this subdivision, including procedures for verifying compliance,
12 consumer complaints, and enforcement actions.

13 3 Effective Date. This act shall take effect January 1, 2027.

**SB 665-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring pharmacies to charge consumers the lowest available price for prescription drugs.

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 and Insurance Department

Amendment to SB 665-FN

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

2
3 AN ACT relative to pharmacy benefits managers and managed care laws.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 Pharmacy Benefits Managers; Definitions. Amend RSA 402-N:1, VIII to read as follows:

8 VIII.(a) "Pharmacy benefits manager" means a person, business, or other entity, including a
9 wholly or partially owned or controlled subsidiary of a pharmacy benefits manager **or licensed**
10 **health insurer**, that, pursuant to a contract with a health carrier, manages the prescription drug
11 coverage provided by the health carrier **for health coverage as defined in RSA 420-G:2, IX**,
12 including, but not limited to, providing claims processing services for prescription drugs, performing
13 drug utilization review, processing drug prior authorization requests, adjudication of grievances or
14 appeals related to prescription drug coverage, contracting with network pharmacies, and controlling
15 the cost of covered prescription drugs.

16 (b) "Pharmacy benefits manager" shall not include any:

17 (1) Health care facility licensed in this state;

18 (2) Health care professional licensed in this state;

19 (3) Consultant who only provides advice as to the selection or performance of a
20 pharmacy benefits manager; **or**

21 (4) Service provided to the Centers for Medicare and Medicaid Services[~~-or~~].

22 [~~(5) Health insurer licensed in this state if the health insurer or its subsidiary is~~
23 ~~providing pharmacy benefits management services exclusively to its own insureds.]~~

24 2 Pharmacy Benefits Managers; Registration to do Business; Rulemaking; Penalties. Amend
25 RSA 402-N:2, III to read as follows:

26 III. If the commissioner finds after notice and hearing that any person has violated any
27 provision of this chapter, or [rules adopted pursuant to this chapter] **insurance laws of this state**,
28 the commissioner may order:

29 (a) [~~For each separate violation, a penalty in the amount of \$2,500~~] **An administrative**
30 **fine not to exceed \$10,000 per violation. Each day of non-compliance shall be considered a**
31 **separate violation.**

32 (b) Revocation or suspension of the pharmacy benefits manager registration.

Amendment to SB 665-FN
- Page 2 -

1 3 New Section; Written Agreements. Amend RSA 402-N by inserting after section 2 the
2 following new section:

3 402-N:2-a. Written Agreement.

4 I. No pharmacy benefits manager shall act as such without a written agreement between
5 the pharmacy benefits manager and the health carrier. The written agreement shall be retained as
6 part of the official records of both the health carrier and the pharmacy benefits manager for the
7 duration of the agreement and for 5 years thereafter. The agreement shall contain all provisions
8 required by this chapter, except insofar as those requirements do not apply to the functions
9 performed by the pharmacy benefits manager.

10 II. The written agreement shall include the following:

11 (a) A statement of duties that the pharmacy benefits manager is expected to perform on
12 behalf of the health carrier.

13 (b) A statement that the pharmacy benefits manager has a fiduciary duty to health
14 carrier.

15 (c) A statement that the pharmacy benefits manager shall maintain and make available
16 to the health carrier complete books and records of all transactions performed on behalf of the health
17 carrier.

18 (d) The instructions for how the pharmacy benefits manager will undertake the duties
19 delegated by the health carrier.

20 III. In cases in which pharmacy benefits manager administers benefits for more than 100
21 covered lives in New Hampshire on behalf of the health carrier, the health carrier shall, at least
22 semi-annually, conduct an on-site or virtual audit of the operations of the pharmacy benefits
23 manager.

24 4 Pharmacy Benefits Manager Reporting. RSA 402-N:6 is repealed and reenacted to read as
25 follows:

26 402-N:6 Pharmacy Benefits Manager Reporting.

27 I. Each pharmacy benefits manager shall submit to the commissioner semi-annually a
28 report containing a list of health benefit plans it administered and the rebates it collected from
29 pharmaceutical manufacturers that were attributable to patient utilization in the state of New
30 Hampshire during the prior calendar year. The report submitted to the commissioner shall, at a
31 minimum, include the following information:

32 (a) The aggregate dollar amount spent on drugs prior to rebates;

33 (b) The aggregate dollar amount of all rebates that pharmacy benefit manager received
34 from all pharmaceutical manufacturers;

35 (c) The aggregate dollar amount of all administrative fees that the pharmacy benefit
36 manager received;

Amendment to SB 665-FN
- Page 3 -

1 (d) The aggregate dollar amount of all health carrier administrative service fees that the
2 pharmacy benefit manager received;

3 (e) The aggregate dollar amount of all rebates that the pharmacy benefit manager
4 received from all pharmaceutical manufacturers and did not pass through to health plans or health
5 carriers;

6 (f) The aggregate dollar amount of all administrative fees that the pharmacy benefit
7 manager received from all pharmaceutical manufacturers and did not pass through to health plans
8 or health carriers;

9 (g) The aggregate retained rebate percentage; and

10 (h) Across all of the pharmacy benefit manager's contractual or other relationships with
11 all health plans or health carriers, the highest aggregate retained rebate percentage, the lowest
12 aggregate retained rebate percentage, and the mean aggregate retained rebate percentage.

13 II. Information reported to the commissioner pursuant to this section shall be confidential
14 and protected from disclosure under the commissioner's examination authority and shall not be
15 considered a public record subject to disclosure under RSA 91-A. Based on this reporting, the
16 commissioner shall make public aggregated data on the overall amount of rebates collected on behalf
17 of covered persons in the state, but shall not release data that identifies a specific health carrier or
18 pharmacy benefit manager.

19 III. The commissioner shall prescribe the format of the report and procedure for filing the
20 report. Any forms, templates, or guidance regarding the report required by the section shall be
21 exempt from the requirements of RSA 541-A.

22 IV. This section shall not apply to data related to Medicaid, the Medicaid Care Management
23 program, the Ryan White HIV/AIDS program administered by the department of health and human
24 services, self-funded plans, the state employee health benefit plan, or any other plan outside the
25 jurisdiction of the commissioner.

26 5 Pharmacy Benefits Managers; Authority to Examine and Directly Bill Pharmacy Benefits
27 Managers for Examinations. RSA 402-N:7 is repealed and reenacted to read as follows:

28 402-N:7 Authority to Examine and Directly Bill Pharmacy Benefits Managers for Examinations.

29 I. The acts of the pharmacy benefits manager shall be considered the acts of the health
30 carrier on whose behalf it is acting. A pharmacy benefits manager may be examined as if it were the
31 health carrier pursuant to RSA 400-A:37 and the commissioner may directly bill a pharmacy benefits
32 manager for the costs of any examination.

33 II. The commissioner may investigate the acts of a pharmacy benefits manager pursuant to
34 RSA 400-A:16.

35 III. The pharmacy benefits manager shall make all records and books of account available to
36 the examiners or consultants and shall otherwise facilitate the performance of the examination or
37 investigation.

Amendment to SB 665-FN

- Page 4 -

6 New Section; Pharmacy Benefits Manager; Legislative Intent. Amend RSA 402-N by inserting after section 1 the following new section:

402-N:1-a Legislative Intent. This chapter is enacted for the purpose of regulating insurance and pharmacy benefits manager practices within the state to the maximum extent permitted by federal law, consistent with prevailing United States Supreme Court precedent.

7 Managed Care Law; Provider Contract Standards. Amend RSA 420-J:8, XV to read as follows:

XV.(a) All contracts between a carrier or pharmacy benefit manager and a contracted pharmacy shall include:

(1) The sources used by the pharmacy benefit manager to calculate the drug product reimbursement paid for covered drugs available under the pharmacy health benefit plan administered by the carrier or pharmacy benefit manager.

(2) A process to appeal, investigate, and resolve disputes regarding the maximum allowable cost pricing. The process shall include the following provisions:

(A) A provision granting the contracted pharmacy or pharmacist at least 30 business days following the initial claim to file an appeal;

(B) A provision requiring the carrier or pharmacy benefit manager to investigate and resolve the appeal within 30 business days;

(C) A provision requiring that, if the appeal is denied, the carrier or pharmacy benefit manager shall:

(i) Provide the reason for the denial; and

(ii) Identify the national drug code of a drug product that may be purchased by contracted pharmacies at a price at or below the maximum allowable cost; and

(D) A provision requiring that, if an appeal is granted, the carrier or pharmacy benefits manager shall within 30 business days after granting the appeal:

(i) Make the change in the maximum allowable cost; and

(ii) Permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question.

(3) All claims adjudications, appeals, and utilization review processes shall comply with the requirements of RSA 420-J and rules promulgated thereunder.

(b) For every drug for which the **health carrier or** pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, the **health carrier or** pharmacy benefit manager shall:

(1) Include in the contract with the pharmacy information identifying the national drug pricing compendia or sources used to obtain the drug price data.

(2) Make available to a contracted pharmacy the actual maximum allowable cost for each drug.

Amendment to SB 665-FN
- Page 5 -

(3) Review and make necessary adjustments to the maximum allowable cost for every drug for which the price has changed at least every 14 days.

(c) [Repealed.]

(d) [Repealed.]

(e) Grant at least 7 days' advance notice of the initial on-site audit for each audit cycle. A pharmacy that requests an additional 7 days prior to the commencement of an audit shall be granted 7 additional days.

8 Managed Care Law; Prescription Drugs. Amend RSA 420-J:7-b, III-IV to read as follows:

III. Every health plan that provides prescription drug benefits shall provide written notice in a conspicuous font and size to covered persons affected by deletions to the plan list or plan formulary, provide an explanation of the exception process by which a covered person can access nonformulary medically necessary prescription drugs, and provide a toll-free telephone number through which a covered person can request additional information. For purposes of this paragraph, covered persons affected by deletions to the plan list or plan formulary shall include those covered persons for whom the health plan has provided coverage for the deleted prescription drugs during the 12-month period immediately prior to the deletion. Upon notification to covered persons, the health benefit plan shall allow at least [45] **60** days before implementation of any formulary deletions; provided, however, that advance notice shall not be required if the federal Food and Drug Administration has determined that a prescription drug on the health benefit plan's formulary is unsafe. For purposes of this section, "conspicuous font and size" shall mean a font that is at least [12] **14** point in size and in an easily legible font. If a covered person avails himself or herself of the exception process as outlined in 420-J:7-b, II, the medication shall be covered by the health plan until there is a resolution of the exception process. ***Any denial of an exceptions request shall be considered an adverse determination.***

IV. Every health benefit plan that provides prescription drug benefits shall maintain, as part of its records, all of the following information, which shall be made available to the commissioner upon request:

(a) [the] The complete drug formulary or formularies of the plan, if the plan maintains a formulary, including a list of the prescription drugs on the formulary of the plan by major therapeutic category with an indication of whether any drugs are preferred over the other drugs.

(b) Documentation regarding any changes to the formulary including the date the formulary was changed and the reason for the change.

(c) The complete maximum allowable cost list for each pharmacy subject to the maximum allowable cost list.

(d) Documentation regarding any changes to the maximum allowable cost list including, but not limited to, the date the maximum allowable cost list was changed and when impacted pharmacies were notified of the change.

Amendment to SB 665-FN
- Page 6 -

1 9 Managed Care Law; Retroactive Denials Prohibited; Exceptions. Amend RSA 420-J:8-b, III to
2 read as follows:

3 III. A health carrier shall notify a health care provider at least 15 days in advance of the
4 imposition of any retroactive denials of previously paid claims. The health care provider shall have 6
5 months from the date of notification under this paragraph to determine whether the insured has
6 other appropriate insurance, which was in effect on the date of service. Notwithstanding the
7 contractual terms between the health carrier and provider, the health carrier shall allow for the
8 submission of a claim that was previously denied by another insurer due to the insured's transfer or
9 termination of coverage. ***If the health care provider files an appeal within 15 days of the date***
10 ***of the notice by the health carrier, the recoupment of the previously paid claim shall occur***
11 ***only after the appeal and external review process has concluded.***

12 10 New Subparagraphs; Standards for Accident and Health Insurance; Establishing Excess Cost
13 Sharing. Amend RSA 415-A:7, I by inserting after subparagraph (b) the following new
14 subparagraphs:

15 (c) "Pharmacy benefits manager" means "pharmacy benefits manager" as defined in RSA
16 402-N:1, VIII.

17 (d) "Spread pricing" means the model of drug pricing in which the pharmacy benefit
18 manager charges a health benefit plan a contracted price for drugs, and the contracted price for the
19 drugs differs from the amount the pharmacy benefit manager directly or indirectly pays the
20 pharmacist or pharmacy for the drugs, pharmacist services, or drug and dispensing fees.

21 11 Standards for Accident and Health Insurance; Establishing Excess Cost Sharing. Amend
22 RSA 415-A:7, IV(b) to read as follows:

23 (b) A civil fine not to exceed [~~\$2,500~~] ***\$10,000*** may be imposed for each violation.
24 Repeated ***or continuing*** violations of the same provision shall constitute separate civil offenses.

25 12 New Paragraphs; Standards for Accident and Health Insurance; Establishing Excess Cost
26 Sharing. Amend RSA 415-A:7 by inserting after paragraph V the following new paragraphs:

27 VI. An insurer providing health coverage as defined in RSA 420-G:2, IX to a group shall
28 disclose at the time the plan is sold how rebates will be treated in accordance with this section and,
29 if a pharmacy benefits manager is used to administer the prescription drug benefit, whether spread
30 pricing is used to compensate the pharmacy benefits manager.

31 VII. Nothing in this section shall prohibit the use of spread pricing.

32 13 Effective Date. This act shall take effect January 1, 2027.

Amendment to SB 665-FN
- Page 7 -

2026-1047s

AMENDED ANALYSIS

This bill:

I. Requires written agreement to be formed between pharmacy benefits managers and health carriers before benefits managers can operate.

II. Amends pharmacy benefits manager reporting and examination requirements.

III. Raises the value of the maximum administrative fine that can be levied for violations of the state's pharmacy benefits manger laws.

Docket of SB665		
02/04/2026	S	Introduced 01/29/2026 and Referred to Health and Human Services; SJ 3
02/11/2026	S	Hearing: 02/18/2026, Room 100, SH, 09:45 am; SC 6
03/05/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1047s, 03/12/2026; Vote 5-0; CC; SC 9
03/12/2026	S	SB 665 was Removed from the Consent Calendar; 03/12/2026; SJ 6
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1047s, 03/26/2026, Vote 5-0; SC 11

Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 665-FN, requiring pharmacies to charge consumers the lowest available price for prescription drugs.

Hearing Date: February 18, 2026

Time Opened: 11:48 a.m.

Time Closed: 11:56 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill requires pharmacies to charge consumers the lowest available price for prescription drugs.

Sponsors:

Sen. Ricciardi	Sen. Long	Sen. Watters
Sen. Rosenwald	Sen. Fenton	Sen. Gannon
Sen. Reardon	Sen. McConkey	Sen. Rochefort
Sen. Pearl	Sen. Carson	Sen. Birdsell
Sen. Perkins Kwoka	Rep. Kuttub	Rep. W. MacDonald
Rep. Rombeau	Rep. L. Foxx	

Who supports the bill: Sen. Ricciardi, Sen. Pearl, Sen. Fenton, Sen. Rosenwald, Jebb Curelop, Cory Stone, Corinne Gordon, Andrew Redlund, Jennifer Favreau, Daniel Richardson, Melanie Kasparian, Mary Gerrish, Samuel Burgess (New Futures), and David Gintz.

Who opposes the bill: Kevin Daigle (NH Grocers Association).

Who is neutral on the bill: Jason Aziz (NHID).

Summary of testimony presented:

Senator Denise Ricciardi, Senate District 9

- This bill will help drive down health care costs by requiring disclosure of the lowest available price for prescription drugs to consumers at the point of sale.
- Senator Ricciardi explained that the idea of this came from concerns raised by constituents about pharmacy benefit managers (PBMs) failing to disclose lower cost drug options. While PBMs are often aware of these options, they are not required to disclose them to consumers. Furthermore, many customers are not

aware that they can ask for such options. This allows PBMs to profit from retained rebates, spread pricing, administrative fees, and steering consumers to PBM-owned pharmacies.

- Consumers can receive lower prices by utilizing coupons, buying from the pharmacy directly, choosing therapeutically equivalent alternatives, and not utilizing co-pays.
- The current environment of acquiring prescription drugs promotes ambiguity and shifts unnecessary costs to customers.
- Rather than asking lawmakers to dictate drug prices, this bill allows for fair competition by ensuring transparency for consumers. For an effective market to function, consumers must have the proper information to make decisions.
- Senator Ricciardi provided an example of this issue from a constituent. She was charged \$275 for 9 pills, but if she had known to ask for rebates or coupons, she could have gotten 12 pills for \$25.

Jebb Curelop

- Mr. Curelop stated that he is speaking in support of the bill.
- This bill is about transparency, full disclosure, and driving down health care costs. It will ensure that consumers are informed of existing rebates, discounts, and coupons.
- Pharmacies are currently only required to provide these savings opportunities if asked by a customer. Yet, many consumers are not aware of these options.
- Mr. Curelop explained that he was able to reduce the cost of his medication from \$95.49 to \$35.69 because he knew to ask for these savings opportunities. He emphasized that other granite staters are missing out on these savings due to a lack of transparency.
- This bill instills honesty in the system and gives consumers the right to access existing rebates and discounts.

SB 459 - AS INTRODUCED

2026 SESSION

26-2222

12/09

SENATE BILL **459**

AN ACT relative to biological sex in student athletics and prisons.

SPONSORS: Sen. Gannon, Dist 23; Sen. Sullivan, Dist 18; Sen. Pearl, Dist 17; Sen. Abbas, Dist 22; Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Rep. Bernardy, Rock. 36; Rep. Litchfield, Rock. 32; Rep. M. Pearson, Rock. 34; Rep. L. Walsh, Rock. 15

COMMITTEE: Judiciary

ANALYSIS

This bill requires school athletics and the associated use of locker rooms be designated based on a participant's biological sex as assigned at birth. The bill also requires that inmates in New Hampshire state prisons be housed separately on the basis of inmates' biological sex.

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-Six

AN ACT relative to biological sex in student athletics and prisons.

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

1 1 New Chapter; School Athletics. Amend RSA by inserting after chapter 193-K the following
2 new chapter:

3 CHAPTER 193-L

4 SCHOOL ATHLETICS

5 193-L:1 School Athletics Designated by Biological Sex.

6 I. Any interscholastic, intercollegiate, athletic team, sport, or athletic event that is
7 sponsored or sanctioned by a school, school district, or organization under the control of the state
8 board of education, or an institution of higher education under either the university system or the
9 community college system shall be designated as one of the following, based on the biological sex at
10 birth of the participating athletes:

11 (a) Females, women, or girls;

12 (b) Males, men, or boys; or

13 (c) Coeducational, mixed, or unified.

14 II. This chapter shall not apply to grades K-5.

15 III. This chapter shall not apply to intramural or club sports.

16 IV. For purposes of this section, biological sex is either female or male as described by the
17 sex listed on the athlete's official birth certificate issued at or near the time of the athlete's birth.

18 V. Any team, sport, or athletic event designated for females, women, or girls shall only be
19 open to students of the female sex.

20 VI. Any team, sport, or athletic event designated for males, men, or boys shall be open to
21 students of either sex.

22 VII. Any school, school district, activities association, or organization under the control of
23 the state board of education, or an institution of higher education under either the university system
24 or the community college system that provides locker room facilities in connection with an athletic
25 event shall provide separate facilities for male and female participants based on the biological sex.

26 193-L:2 Use of Locker Rooms Designated by Biological Sex.

27 I. Notwithstanding any other provision of law, athletes participating in school athletics
28 pursuant to this chapter shall in the course of such participation only use locker rooms based on
29 their biological sex as defined by 193-L:1, IV.

30 II. Locker rooms shall include any area designed for usage by multiple athletes at the same
31 time including for the purpose of changing clothing relative to participation in school athletics.

Locker rooms shall include facilities designed for usage by multiple athletes even if such facilities have individual urinals, stalls, or similar apparatuses.

193-L:3 Cause of Action for Affected Athlete.

I. Any athlete who suffers direct or indirect harm as a result of a violation of RSA 193-L:1 or RSA 193-L:2, shall have a private cause of action for injunctive relief and any other equitable relief available under law, against the school, school district, activities association or organization, or institution of higher education that caused the harm.

II. Any athlete who is subjected to retaliation or other adverse action by a school, school district, activities association or organization, or institution of higher education as a result of reporting a violation of RSA 193-L:1 or RSA 193-L:2 to an employee or representative of the school, school district, activities association or organization, institution of higher education, or to a state or federal governmental entity having oversight authority, shall have a private cause of action for injunctive relief and any other equitable relief available under law, against the school, school district, activities association or organization, or institution of higher education.

III. Any party prevailing on a claim brought under this section shall be entitled to reasonable attorney's fees and costs.

193-L:4 Limitations Upon Actions; Attorney's Fees. No governmental entity, school, school district, or institution of higher education shall be liable to any athlete for its compliance with RSA 193-L:1.

2 New Section; Inmates Designated by Biological Sex. Amend RSA 622 by inserting after section 10 the following new section:

622:10-a Inmates Designated by Biological Sex. Notwithstanding any other provision of law, inmates shall be housed based on the individual inmate's biological sex.

I. For the purposes of this section:

(a) "Inmate" shall mean a person committed by law to the custody of the commissioner of the department of corrections, a person in pretrial confinement, any person incarcerated in a local detention facility operated by a county department of corrections, or a person in detention at a police department.

(b) "Biological sex" shall mean either female or male as described by the sex listed on the inmate's official birth certificate issued at or near the time of the inmate's birth.

II. This section shall apply to all correctional and detention facilities established and operated pursuant to RSA 21-H and RSA 30-B.

3 Effective Date. This act shall take effect January 1, 2027.

Amendment to SB 459

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

2
3 AN ACT exempting classification of individuals based on biological sex from the definition of
4 an unlawful discriminatory practice in certain limited circumstances.
5

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

7
8 1 State Commission for Human Rights; Law Against Discrimination; Purpose and Scope.
9 Amend RSA 354-A:1 to read as follows:

10 354-A:1 Title and Purposes of Chapter.

11 ***I.*** This chapter shall be known as the "Law Against Discrimination." It shall be deemed an
12 exercise of the police power of the state for the protection of the public welfare, health and peace of
13 the people of this state, and in fulfillment of the provisions of the constitution of this state
14 concerning civil rights. The general court hereby finds and declares that practices of discrimination
15 against any of its inhabitants because of age, sex, gender identity, race, creed, color, marital status,
16 familial status, physical or mental disability, or national origin are a matter of state concern, that
17 such discrimination not only threatens the rights and proper privileges of its inhabitants, but
18 menaces the institutions and foundation of a free democratic state and threatens the peace, order,
19 health, safety and general welfare of the state and its inhabitants. A state agency is hereby created
20 with power to eliminate and prevent discrimination in employment, in places of public
21 accommodation and in housing accommodations because of age, sex, gender identity, race, creed,
22 color, marital status, familial status, physical or mental disability, or national origin as herein
23 provided; and the commission established hereunder is hereby given general jurisdiction and power
24 for such purposes. In addition, the agencies and councils so created shall exercise their authority to
25 assure that no person be discriminated against on account of sexual orientation.

26 ***II.*** ***The general court finds that there are circumstances in which classification of***
27 ***persons based on biological sex serves the compelling state interests of protecting the***
28 ***privacy rights and physical safety of others. The legislature finds that permitting the***
29 ***narrowly tailored classification of persons based upon biological sex serves this compelling***
30 ***state interest in the circumstances described in RSA 354-A:2, XV-a.***

31 2 State Commission for Human Rights; Definitions; Unlawful Discriminatory Practice;
32 Exclusions. Amend RSA 354-A:2, XV to read as follows:

Amendment to SB 459
- Page 2 -

1 XV.**(a)** "Unlawful discriminatory practice" includes:
2 ~~[(a)]~~ **(1)** Practices prohibited by RSA 354-A;
3 ~~[(b)]~~ **(2)** Practices prohibited by the federal Civil Rights Act of 1964, as amended (PL
4 88-352);
5 ~~[(c)]~~ **(3)** Practices prohibited by Title VIII of the Civil Rights Act of 1968, as amended
6 (42 U.S.C. §§ 3601-3619);
7 ~~[(d)]~~ **(4)** Aiding, abetting, inciting, compelling or coercing another or attempting to
8 aid, abet, incite, compel or coerce another to commit an unlawful discriminatory practice or
9 obstructing or preventing any person from complying with this chapter or any order issued under the
10 authority of this chapter.

11 ***(b) "Unlawful discriminatory practice" shall not include classification of***
12 ***persons based on biological sex:***

13 ***(1) In athletic or sporting events or competitions in a sport or similar***
14 ***activity in which physical strength, speed, or endurance is generally recognized to give an***
15 ***advantage to biological males.***

16 ***(2) In the operation, maintenance, and use of facilities designed for usage***
17 ***as prisons, houses of correction, juvenile detention or commitment centers, mental health***
18 ***hospitals or treatment centers and like facilities to which persons may be committed***
19 ***involuntarily.***

20 **XVI. "Biological sex" means the male and female biological sexes.**

21 3 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 459
- Page 3 -

2026-1217s

AMENDED ANALYSIS

This bill provides a definition for biological sex and exempts classification by biological sex in athletic competitions and in facilities where persons may be committed involuntarily from the definition of an unlawful discriminatory practice.

Docket of SB459		
11/21/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
02/05/2026	S	Hearing: 02/11/2026, Room 103, SH, 01:20 pm; SC 5
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1217s, 03/26/2026, Vote 3-1; SC 11

Senate Judiciary Committee

Declan Donahue 271-3324

SB 459, relative to biological sex in student athletics and prisons.

Hearing Date: February 11, 2026

Time Opened: 3:06 p.m.

Time Closed: 4:06 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill requires school athletics and the associated use of locker rooms be designated based on a participant's biological sex as assigned at birth. The bill also requires that inmates in New Hampshire state prisons be housed separately on the basis of inmates' biological sex.

Sponsors:

Sen. Gannon

Sen. Sullivan

Sen. Pearl

Sen. Abbas

Sen. McGough

Sen. Murphy

Sen. Innis

Rep. Bernardy

Rep. Litchfield

Rep. M. Pearson

Rep. L. Walsh

Who supports the bill: 16 people signed up in support of this bill. Please reach out to Brendan Bunnell (brendan.bunnell@gc.nh.gov) for a comprehensive list.

Who opposes the bill: 660 people signed up in opposition to this bill. Please reach out to Brendan Bunnell (brendan.bunnell@gc.nh.gov) for a comprehensive list.

Summary of testimony presented in support:

Senator Bill Gannon, Senate District 23

- Senator Gannon introduced the bill, describing it as a feminist measure that would address Governor Ayotte's concerns, particularly regarding sports and locker room policies.
- He acknowledged potential enforcement challenges and cited an example of a person who had played on a boys' soccer team, noting that the individual was stronger and faster, which he believed created a physical advantage.

- He pointed out that some athletic fields and leagues do not allow both sexes to compete together and shared that his daughter had developed physically before high school.
- Sen. Gannon shared a story about his daughter, saying he would not want his daughter excluded from a sports team, and emphasized her focus on identifying unintended consequences in sports-related issues.
- He said many people know one another's gender, expressed concern about discomfort in locker rooms, and indicated he would pursue the matter further if women continued to raise concerns, questioning why it could not be addressed as a matter of common sense.
- **Sen. Altschiller** asked if he believes trans girls are girls?
 - **Sen. Gannon** said he doesn't think it is relevant what he thinks. He said there is a difference between the sexes. He said he thinks it's a fundamental right. I see it more as a privacy issue.
- **Sen. Altschiller** asked about line 9 of the bill, she mentioned biological sex.
 - **Sen. Gannon** introduced amendment #2026-0003s.
- **Sen. Altschiller** said there are intersex people and asked why there is an insistence on a very strict binary standard.
 - **Sen. Gannon** answered that they would see this as a black and white issue and that is why he didn't put the bathroom portion in. When they are on a sports team, it would be in history. If we limit it to sports fields and locker rooms. I read the veto messages. This amendment would comply and would stand with the messages.
- **Sen. Altschiller** said she is not talking about bathrooms. The main subject of this bill is getting to sports. You talked about fairness with your daughters. A question of fairness to his daughters. To achieve fairness wouldn't it be based on physical ability rather than appearance. What about inherent unfairness to people who are gifted? There are reasons that people excel outside of gender identity or biological sex.
 - **Sen. Gannon** stated this is about fairness for women and girls.

- **Sen. Altschiller** asked if the goal is to achieve fairness in the way Senator Gannon described it, shouldn't it be based on physical ability? Is it unfair that someone got on a team? Is there inherent unfairness? Some people have a bigger heart. There are some reasons that some people excel that have nothing to do with their gender identity. If we are going to judge on fairness.
 - **Sen. Gannon** said that most men are 40-50 percent stronger on the top body. This is about scholarships and opportunities for young women. He asked what about a boy who would take that role? That was title 9 is about - it is about giving girls more opportunities to compete.
- **Sen. Altschiller** asked Senator Gannon again if trans girls are girls and if trans boys, boys? She clarified it is about fairness for everybody.
 - **Sen. Gannon** replied that if we did it based on someone's ability in the way she described, it would take away from cis females.

Rep. Katherine Prudhomme O'Brien, Rockingham 6th District

- Rep. Prudhomme O'Brien emphasized safety concerns, arguing that women are generally not as strong as men and are therefore more vulnerable.
- She shared a personal story and discussed her view of feminism, stating that women should only compete against other women.
- She shared what she described as a shocking case in which a girl competed against a transgender athlete.
- She said the girl later told her mother she had been sexually assaulted during the match.

Summary of testimony presented in opposition:

Aimee Terravechia, 603 Equality

- **Ms. Terravechia** spoke about her experience in sports.
- She argued that physical ability is not tied to someone's gender.
- **Sen. Altschiller** asked if there is a concern that trans women will take away scholarships and opportunities for furthering their athletic careers. Are you aware of any trans athletes that have gotten scholarships.

- **Ms. Terravechia** said she was not aware of any.
- **Sen. Altschiller** mentioned the previous bill. She asked if measured against other athletes, should that team approve?
 - **Ms. Terravechia** said no. A lot of different things can happen that affect a win or a loss. She said there are a lot of different variables. With being able to build those skills, these young athletes should not be deprived of those opportunities

Pasha Roberts 603 Equality

- Ms. Roberts explained that the governor had previously vetoed similar bills and raised concerns about how biological sex was being defined and enforced.
- Drawing on her experience working in the intersex community and her own history of undergoing two surgeries as a child, she said human biology varies widely and is not determined solely by X or Y chromosomes, noting that both men and women have elements of each.
- She warned that such legislation could worsen enforcement problems, citing an example of a soccer team accusing a player of being transgender, which she said created harm and division within the community.
- She argued that government should not intrude into individuals' private lives and cautioned that the bill could encourage invasive scrutiny and unjust outcomes.
- **Sen. Altschiller** asked with respect to the student, she was in contact with, does she think the effect of a bill like this would make it not welcoming to trans athletes?
 - **Ms. Roberts** agreed it would and mentioned that she's experienced bullying.

Nancy Brennan

- Ms. Brennan reiterated previous testimony offered to send the studies she has found alongside her provided testimony.
- She lamented that no one is talking to trans kids, including her trans child.
- Ms. Brennan gave statistics to further her argument: 14-29% of children experience sexual abuse, 18% face retaliation after the experienced, and 93% of those who experience misconduct will stay silent.

- She asserted this bill doesn't protect anyone, it just tells her child her participation is a threat.

Amanda Azad, ACLU New Hampshire

- Ms. Azad referenced vetoes for similar bills.
- She stated all women deserve protection and that trans women experience a lot of harassment.
- She asserted that there have been a plethora of discriminatory bills on this topic, and all of these bills are affecting vulnerable people in these situations.
- She stated gender dysphoria is a real thing and deserves compassion and kindness.
- She asked why we would invite assault, abuse, and discrimination at such high levels.
- She interviewed several trans women incarcerated with drug convictions, finding it had to do with their trauma.
- She stated that these are people, these are someone's children, and this is why we have federal laws.
- She urged the committee to vote that this bill is Inexpedient to Legislate.

Representative David Trumble

- Rep Trumble opposed this bill.
- He asserted that trans girls are girls, that intersex people are real, and that holding on to an idea that there are only two possibilities in gender is predicated in science fiction.
- He mentioned multiple scientific studies.
- He stated this bill would double punish people because they trans.

- **Sen. Gannon** asked about assault statistics.
 - **Rep. Trumble** said when we lock someone up and take away their liberty, we know that there are alternatives. He coached youth sports for many years, and thinks the decision should be the principle on the implementation of a solitary ban. That would allow for a child to transition before they get to puberty and then take puberty blockers to play, because she would never have gone through puberty and gain a size advantage. He then pointed to an Australian study in his literature review. He emphasized that we are talking about young children, and there has never been an example of someone losing a scholarship because of this.
- **Senator Abbas** asked if for a young athlete in the process of transitioning, after a year or more of hormonal therapy, if there's not an athletic difference, and if the scientific community agrees on those findings.
 - **Rep. Trumble** responded that trans athletes are afraid to participate in studies, so we need more research and need to make it safe for people to want to participate. It is just our consensus that we need more evidence, and that we're going too far with too little effort.
- **Senator Abbas** asked if without a consensus in the science community, Rep. Trumble asking us to wait first, if there is some degree of advantage.
 - **Rep. Trumble** stated they should let sports organizations work it out.

April Landry

- Ms. Landry stated this bill harms both transgender girls and cisgender girls.

Devan Quinn, New Hampshire Women's Foundation

- Ms. Quinn mentioned she was bullied and treated differently, forcing her out of sports.
- She highlighted suicide rates among trans folks, and that when in doubt, she always tries to air on the side of kindness.

DDD

Date Hearing Report completed: February 13, 2026

SB 464-FN - AS INTRODUCED

2026 SESSION

26-2245

09/06

SENATE BILL ***464-FN***

AN ACT relative to civil rights enforcement.

SPONSORS: Sen. Abbas, Dist 22; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Sullivan, Dist 18; Sen. Gannon, Dist 23; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Innis, Dist 7; Rep. Ammon, Hills. 42

COMMITTEE: Judiciary

ANALYSIS

This bill changes the standard for civil rights enforcement by requiring that prohibited conduct be substantially motivated by hostility toward the victim's protected characteristics.

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-Six

AN ACT relative to civil rights enforcement.

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

1 1 Civil Rights Act; Civil Rights Enforcement. Amend RSA 354-B:1, I to read as follows:

2 I. All persons have the right to engage in lawful activities and to exercise and enjoy the
3 rights secured by the United States and New Hampshire Constitutions and the laws of the United
4 States and New Hampshire without being subject to actual or threatened physical force or violence
5 against them or any other person or by actual or threatened damage to or trespass on property when
6 such actual or threatened conduct is **substantially** motivated by **hostility towards the victim's**
7 race, color, religion, national origin, ancestry, sexual orientation, sex, gender identity, or disability.
8 "Threatened physical force" and "threatened damage to or trespass on property" is a communication,
9 by physical conduct or by declaration, of an intent to inflict harm on a person or a person's property
10 by some unlawful act with a purpose to terrorize or coerce.

11 2 Effective Date. This act shall take effect January 1, 2027.

**SB 464-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to civil rights enforcement.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

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

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association

Docket of SB464		
11/21/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
02/05/2026	S	Hearing: 02/12/2026, Room 100, SH, 01:00 pm; SC 5
03/04/2026	S	Committee Report: Referred to Interim Study, 03/12/2026; Vote 5-0; CC; SC 9
03/12/2026	S	SB 464 was Removed from the Consent Calendar; 03/12/2026; SJ 6
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Referred to Interim Study, 03/26/2026, Vote 5-0; SC 11

Senate Judiciary Committee

Sonja Caldwell 271-2117

SB 464-FN, relative to civil rights enforcement.

Hearing Date: February 12, 2026

Members of the Committee Present: Senators Gannon, Abbas, Carson, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill changes the standard for civil rights enforcement by requiring that prohibited conduct be substantially motivated by hostility toward the victim's protected characteristics.

Sponsors:

Sen. Abbas
Sen. Sullivan
Sen. Birdsell

Sen. Murphy
Sen. Gannon
Sen. Innis

Sen. Pearl
Sen. Avard
Rep. Ammon

Who supports the bill: 5 people signed in support of the bill.

**Full sign in sheets available upon request*

Who opposes the bill: 636 people signed in opposition to the bill

**Full sign in sheets available upon request*

Who is neutral on the bill: no one

Summary of testimony presented in support:

Sen. Abbas

- Sen. Abbas said this bill makes a minor change to the existing law that he believes will better reflect the original intent behind that law.
- The current law takes into consideration whether the conduct itself is motivated by a protected class, such as race, religion, sex, or sexual orientation, but it doesn't factor in whether there was any hostility toward the alleged victim.
- He provided an example of how the current law could be applied, explaining that if there was a sign on a wall that had a hate message and someone took it down because they felt insulted, an argument could be made that they violated the law as written. This puts the prosecutor and the Attorney General's Office in a position where they have to pick and choose what is appropriate.

- He believes that the intent or goal of the law was to capture situations where the person's conduct was hostile toward the victim because of their protected class.
- This bill provides additional clarity that will eliminate potentially inadvertent violations of the law. He explained that this bill tightens up what the original intent was.

Sen. Gannon asked him how much "substantially" was.

Sen. Abbas stated he did not believe it was appropriate to assign an exact percentage. He clarified that it has to be something that is driving the conduct. He said if one were to accidentally run over someone's sign, their conduct would not be substantially motivated by hostility toward a protected class.

Sen. Gannon asked if he thought that was vague and would result in problems.

Sen. Abbas responded that he did not. He said that language is commonly used in other statutory contexts.

Sen. Reardon asked about the word "hostility." She asked a hypothetical question, asking if she were to block someone's access to someplace they were entitled to be, because of their protected class, but she did it in a nice way, if that would mean that she couldn't be charged under this statute based on this bill.

Sen. Abbas said hostility doesn't have to do with how polite one is while going about their business. Hostility refers to the conduct toward that individual as a result of their protected class. The protected category has to be the primary thing motivating the person.

Sen. Reardon asked if he agreed that hostility in actions was fairly easy to prove and hostility toward someone's thoughts about their intent was much more difficult to prove in court.

Sen. Abbas said it depended and that you need a specific fact pattern. He again cited the example of someone ripping down an insulting poster with a racial slur on it. One might be motivated by what it says but they are not motivated by the race of the person who hung it up. The act of tearing it down might be considered a hostile act, but you're not reacting to them because of their race.

Sen. Reardon asked if there has been a lot of trouble in legal cases charging under this statute that brought this bill about. She asked if prosecutors asked him to file this bill.

Sen. Abbas said no, prosecutors did not ask him to file this bill. The legislature discussed this topic when the original law was passed, and the idea was to capture situations where the bad actor was acting adverse to an individual and motivated by that individual's protected class. The intent was that the protected class was driving their behavior. He thinks this bill better captures what was originally discussed. He does not think someone should be in violation of this statute because they saw something offensive toward their protected class and reacted.

Sen. Reardon read the existing language in statute and asked why it wasn't adequate.

Sen. Abbas said he doesn't want a person on the receiving end of a hate message to fall under this because of their reaction.

Sen. Reardon noted that it would be up to a prosecutor, a judge, or a jury to make that determination.

Sen. Abbas said the judge and jury are the fact-finding decision makers, but it would be the prosecutorial discretion of the county attorney or attorney general's office to decide whether to prosecute such a case. He does not want this law to result in selective prosecution. His bill tightens up a good law and makes clearer the original intent.

Sen. Altschiller expressed concern that adding in the word "substantially" motivated by hostility toward the victim's protected class creates a window where you can threaten violence or damage to someone and say you didn't really mean it. She asked what the bar is and how we would get from a threat against someone based on the protected class to what is a "substantial" threat.

Sen. Abbas brought up that he is of middle eastern descent and gave an example of someone yelling a rude comment at him, saying he is not a good senator, and said that would not fall under this statute; however, if someone used a racial slur toward him, it would be clear what that person was doing when they said that because of the meaning of what they said.

**Summary of testimony presented in opposition:
Steve Boczenowski**

- He is an active member of the Congregational Church of Amherst. He said he has been an active Christian for his entire life.
- He spoke about his church's openness and inclusiveness. He read their welcome statement, which mentioned accepting everyone as they are, and noted how important that is to their church.
- They work hard to make it known that they welcome those who have felt unwelcome in other churches.
- They recently got a new sign for the front of their church. The sign includes a rainbow and the words "welcoming to all."
- They have heard of other churches being attacked for similar messages of inclusion.
- They feel somewhat protected by the current NH law, however if SB464 is passed and the current law is weakened, he feels their church will be more vulnerable to the criminal element fueled by hate.

Sen. Altschiller asked if it is the opinion of his church that this bill weakens current law. She also asked if his church had experiences where there have been attacks on their signs or displays.

Mr. Boczenowski said his church does feel that this bill weakens the law and makes them more vulnerable. They haven't had such an experience yet, but other churches have. Believing that might eventually happen to them, they are considering adding cameras to the front of the church.

Sean Locke - Senior Assistant Attorney General

- The NH Dept. of Justice is opposed to the bill.
- The department is concerned that SB464 takes NH in the wrong direction by reducing the protections afforded to the public to protect their civil rights from hate or biased-motivated violence, property damage, threats, and trespass.
- He said we should be looking for ways to expand or modernize the civil rights laws to better protect those who have experienced unlawful acts motivated by hate or bias.
- Of the three changes that this bill makes, the word "hostility" is the least concerning to them.
- The Attorney General's Office is the only office in the state that can bring these actions and when looking at them, they look for that evidence of hostility or animus even though it's not written in the statute.
- If the language were included, he would share some of the concerns that were expressed by Sen. Reardon about hostility. When looking at similar laws in other states, not all of them have the hostility requirement. Many of them use similar language to what the Civil Rights Act does, such as "motivated by" or "because of."
- Civil laws are generally broader. 28 states have civil laws.
- With regard to the word "substantially," he said it creates a risk of vagueness. He said there is a real example of when this became the linchpin of a case. There was a same sex couple walking down the street in Manchester, and they were followed by a group making slurs at them. They turned around to ask the group to leave them alone and they were assaulted. This went to a bench trial, and the judge acquitted the individuals of a hate crime because of that "substantially" language. The judge did not know what quantum of motivation needed to be present to secure a conviction.
- He said the substantial language is relatively unique. It is not common to say "substantially" in other hate crime laws in other states. Most use language such as "motivated by" or "in whole or in part by." Some might use discriminatory victim selection in the criminal laws. In the civil laws, those are generally lacking, and that is the concern with including "substantially" in this bill. It

creates the question of what quantum of evidence needs to be present, which could create disparities across different courts.

- He said the most significant change is that the statute creates a through line between the unlawful act and the victim and their protected characteristics.
- The two laws in NH that govern bias motivated acts are RSA354B and RSA651:6. RSA 651:5 says that the person was substantially motivated to commit the crime because of hostility toward the victim's protected characteristics. The Civil Rights Act, on the other hand, has three elements: interference with the rights and lawful activities of another, using certain specific unlawful acts, that are motivated by protected characteristics; it is not necessarily tied to the victim of the unlawful act. Many states that have civil components to their hate law lack that through line.
- He gave the example of the civil rights movement when many white people advocated for the rights of people of color. They were victims of threats and violence and some were killed because of hostility toward the race of black people. The way this law is written now, without that nexus between the victim and the motivation, it would protect victims from that race motivated violence and allow for a restraining order to protect them from that harm. That has played out in NH with the Laconia state school property which was abandoned and individuals affiliated with hate groups spray painted swastikas and caused fear in the community. It wasn't, however, targeting a specific person. It was causing fear through property damage. He questioned whether the property owner has to be Jewish. He gave another example of how this could play out if a person flies a pride flag at their house and someone wanting to instill fear in them vandalizes the home across street, so they see it. They are the indirect target of this act of property damage. His concern is that there are other ways that people's civil rights can be violated than being the immediate victim of the act.
- This statute looks to restrain future unlawful activity. No one goes to prison for violating the Civil Rights Act. They get a restraining order that says don't engage in other hate motivated conduct again and don't have contact with the victims of your act to protect the public from future harm. Some of the rigidity and specificity needed in criminal law is not as necessary in civil statutes.
- He looked at states that have similar civil laws. Seventeen of them lack that victim, act or protected characteristic nexus. Ten do require it, but three of them include targeting someone because of their association with people of certain protected classes in their list of protected characteristics. That still allows you to capture someone being targeted indirectly for supporting or advocating on behalf of certain groups.
- These are their concerns with adding some of these terms.

- The hostility piece is the lowest of their concerns, the nexus is the highest of their concerns, and “substantially” is somewhere in the middle.
- In terms of enhancing our civil rights law, there are tools and recommendations from certain organizations like the Anti-Defamation League, such as creating a hate crimes commission that could look at our laws and see what enhancements or changes are needed. NH is one of seven states that doesn’t have a law that specifically protects religious institutions.
- The most common complaint they receive is harassment, or people receiving communications because of who they are. Harassment is not included in the Civil Rights Act, so they have no ability to take up those cases. Including something like that would enhance their ability to protect those individuals.

Sen. Abbas noted that Attorney Locke said that when these cases are taken up by his office they are generally looking for hostility so he asked why including “hostility” in the statute is a concern.

Attorney Locke reiterated that it is the least of their concerns but the word itself creates a certain definition in people’s minds and could create disparity in how these cases get litigated or in outcomes. If that becomes an element that has to be proven, the issue becomes what that actually has to look like.

Sen. Abbas said if for some reason someone is upset with another man and they hit the wrong man, but their conduct is motivated by that person’s sex, they would fall under this statute, not because of any hostility or prejudice they have toward the person. He is trying to remedy situations like that with this bill.

Attorney Locke said he would be happy to help Sen. Abbas work on the language.

Sen. Abbas asked why not put this principle into the law. He doesn’t think this will change the type of cases the AG’s office prosecutes.

Attorney Locke said they want to make sure we don’t use language that is over or underinclusive in making that determination.

Sen. Abbas agreed he did not want to under include. He asked for an example of a situation where someone might be under included.

Attorney Lock gave the example of someone blocking someone’s access to a house of worship but may not be making derogatory comments or doing things in a way that would suggest overt hostility even though they have that motivation to prevent that person from exercising their civil rights. Using the word hostility requires or creates an expectation that someone has to be shouting slurs or doing something overt.

Sen. Altschiller referred to one of his examples of targeting a house across the street from an LGBTQ couple as an indirect way of getting a message across and asked if this bill creates plausible deniability.

Attorney Locke said that is always something that could exist regardless of this law. A real example was a couple who put up a pride flag, and someone tore it down because

they didn't want children walking to school to see it. They were a same sex couple, but the person who tore down the flag didn't know that. If they have to prove a link, that makes it more challenging to bring those cases forward.

Neutral Information Presented:

Senate Legal Counsel Rick Lehmann said the language in this bill is the same as what is found in the criminal hate crimes statute in NH. This bill modifies the civil statute using an existing standard.

^{SC}

Date Hearing Report completed: February 13, 2026

SB 468 - AS INTRODUCED

2026 SESSION

26-2244

05/09

SENATE BILL **468**

AN ACT relative to enabling alternative treatment centers to operate a greenhouse cultivation location.

SPONSORS: Sen. Pearl, Dist 17; Sen. Fenton, Dist 10; Sen. Innis, Dist 7; Sen. Reardon, Dist 15; Rep. Polozov, Merr. 10; Rep. Weber, Ches. 5; Rep. McLean, Hills. 15; Rep. Ebel, Merr. 7

COMMITTEE: Judiciary

ANALYSIS

This bill enables alternative treatment centers to operate a greenhouse cultivation location.

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-Six

AN ACT relative to enabling alternative treatment centers to operate a greenhouse cultivation location.

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 Greenhouse Cultivation. Amend RSA 126-X:7 by inserting after paragraph X the following new
3 paragraph:

4 XI. Each alternative treatment center registered under this section may request
5 authorization to operate a greenhouse cultivation location, at the same or at a different location than
6 its existing cultivation location, in order to reduce energy costs and provide lower prices for
7 registered qualifying patients.

8 (a) The department shall adopt rules, pursuant to RSA 541-A, which:

9 (1) Allow alternative treatment centers to apply for authorization to conduct
10 greenhouse cultivation; and

11 (2) Are necessary to regulate the operation of greenhouse cultivation, including rules
12 regarding location and security.

13 (b) An alternative treatment center requesting authorization to operate a greenhouse
14 cultivation location shall submit a detailed proposal to the department, pursuant to rules adopted
15 under this section and RSA 541-A, which shall include the alternative treatment center's plan to
16 reduce energy costs and provide lower prices for registered qualifying patients.

17 (c) A greenhouse cultivation location shall also be subject to rules adopted by the
18 department under RSA 126-X:6, III, and all applicable provisions of this chapter, including, but not
19 limited to, compliance with local zoning laws.

20 (d) The department shall, in conjunction with the local governing body of the town or
21 city where the greenhouse cultivation location would be located, solicit input from qualifying
22 patients, designated caregivers, and residents of the town or city in which the greenhouse cultivation
23 location would be located.

24 (e) Any alternative treatment center which operates a greenhouse shall include in its
25 annual report to the department, required by RSA 126-X:8, XII, the impacts of greenhouse
26 cultivation on energy costs and product prices. The department shall include this information in its
27 annual report required under RSA 126-X:10, V.

28 2 Effective Date. This act shall take effect upon passage.

Docket of SB468		
11/21/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 2
01/13/2026	S	Hearing: 01/22/2026, Room 100, SH, 01:10 pm; SC 2
03/18/2026	S	Committee Report: Referred to Interim Study, 03/26/2026, Vote 3-1; SC 11

Senate Judiciary Committee

Matthew Schelzi 271-3266

SB 468, relative to enabling alternative treatment centers to operate a greenhouse cultivation location.

Hearing Date: January 22, 2026

Time Opened: 1:33 p.m.

Time Closed: 1:52 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill enables alternative treatment centers to operate a greenhouse cultivation location.

Sponsors:

Sen. Pearl
Sen. Reardon
Rep. McLean

Sen. Fenton
Rep. Polozov
Rep. Ebel

Sen. Innis
Rep. Weber

Who supports the bill: Kennan Blum (Granite Leaf Cannabis), Sen. Howard Pearl (SD-17), Rep. Heath Howard (Strafford-Dist. 4), Nathaniel Gurein (NH Cannabis), Bob Rimol (Rimol Greenhouses), Hon. Jerry Knirk, Sen. Daniel Innis (SD-7), David Jenkins, Sen. Donovan Fenton (SD-10), Melanie Kasparian, Katie McLaughlin, Shaelagh Thurston, Sarah Robinson, Ericka Haddad, Kerri Perusse, Dana Dahl, Sheila Varden-Straffin, Dennis Straffin, Jennifer Beaudoin, Margaret Breton, James Riddle, Nicholas Nelson, Susan Bennett and Alicia Bennett.

Who opposes the bill: Sue Homola (SAM-NH), Catherine Lemay, and Daniel Richardson.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Pearl said SB 468 would allow each Alternative Treatment Center to operate one greenhouse, subject to strict regulations and restrictions. The goal of the bill is to reduce the ATCs energy cost and make therapeutic cannabis more affordable. He said this is important as the program currently serves more than 17,000 registered patients and the number one complaint expressed by patients is affordability. He noted therapeutic cannabis is not covered by insurance and many patients have to pay for it

out of pocket. He said if patients cannot obtain their cannabis from New Hampshire ATCs, they are more likely to obtain it from unregulated sources. He said currently New Hampshire ATCs are only allowed to cultivate cannabis indoors and this puts them at a significant disadvantage. He said if this bill becomes law, ATCs will be able to utilize natural sunlight enabling them to produce some of their products more efficiently. He said this bill includes safeguards that the rules will be written to include location and security for the greenhouses. SB 468 would require ATCs to provide detailed plans on lowering energy costs before approval.

Bob Rimol, President of Rimol Greenhouse Systems, said one of his markets he sells to is the cannabis industry. He said a greenhouse is a controlled environment where you harness the sun's energy to grow a plant and the greenhouses he has seen around the country are very secure. He said, right now, New Hampshire dispensaries have an unsustainable business model.

Dr. Jerry Knirk, Chair of the Therapeutic Cannabis Medical Oversight Board, said the board voted to support SB 468. He said the bill will reduce energy costs and provide lower prices to patients. He said indoor cultivation drives up energy prices, and a large-scale greenhouse production of crops is financially beneficial. He said this bill is explicit in clarifying the rulemaking for placement and operation of greenhouses. He said security would still be strict and enforced.

Senator Altschiller asked if he had listening sessions with providers and patients.

Dr. Knirk said they talked to qualified therapeutic cannabis patients.

Keenan Blum, President and CEO of Grantie Leaf Cannabis, said SB 468 is important to his business as he is trying to make therapeutic cannabis as affordable as possible for patients who rely on it. He said indoor growth is the most expensive way to grow cannabis or any plant because of the lighting cost and temperature to control. It would be beneficial to grow cannabis using natural sunlight in a secure and well-regulated greenhouse. He said all ATC cultivation locations are subject to stringent detailed security requirements, such as video cameras in every space where cannabis is being produced and handled.

Senator Reardon asked if someone could visit their facility.

Mr. Blum said other than ATC agents or necessary contractors, they cannot let anyone in without approval from the Department of Health and Human Services.

Senator Reardon asked if that would also apply to the greenhouse.

Mr. Blum said yes, no one will be able to tour without prior authorization.

Senator Reardon asked who their electrical provider is.

Mr. Blum said Eversource and noted, for perspective, their electrical bill is \$25,000 a month.

Summary of testimony presented in opposition:

Sue Homola, SAM-NH, said she opposed SB 468. She said this bill was vetoed previously for security concerns. She said there are no security requirements for the greenhouses in the bill. She said in the language, towns must solicit input from qualifying patients, caregivers and residents of the town or city. However, nowhere in the language is there a requirement for input from law enforcement, doctors, or addiction specialists.

Neutral Information Presented: None.

mjs

Date Hearing Report completed: January 27, 2026

SB 512-FN - AS INTRODUCED

2026 SESSION

26-2108

09/05

SENATE BILL ***512-FN***

AN ACT relative to fees to annul criminal records related to charges that do not result in conviction.

SPONSORS: Sen. Murphy, Dist 16; Sen. Lang, Dist 2; Sen. Innis, Dist 7; Sen. Ward, Dist 8; Sen. Pearl, Dist 17; Sen. Watters, Dist 4; Sen. Sullivan, Dist 18; Sen. Gannon, Dist 23; Sen. Avard, Dist 12; Sen. McGough, Dist 11

COMMITTEE: Judiciary

ANALYSIS

This bill requires a court to waive the filing fee for a petitioner that demonstrates that he or she has been found not guilty or that the case has been dismissed or not prosecuted.

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-Six

AN ACT relative to fees to annul criminal records related to charges that do not result in conviction.

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

1 1 Annulment of Criminal Records; Waiver of Fee. Amend RSA 651:5, I to read as follows:

2 I. Except as provided in paragraphs V-VIII, the record of arrest, conviction and sentence of
3 any person may be annulled by the sentencing court at any time in response to a petition for
4 annulment which is timely brought in accordance with the provisions of this section if in the opinion
5 of the court, the annulment will assist in the petitioner's rehabilitation and will be consistent with
6 the public welfare. The court may grant or deny an annulment without a hearing, unless a hearing
7 is requested by the petitioner. ***The court shall waive the filing fee for a petitioner that***
8 ***demonstrates that he or she has been found not guilty or that the case has been dismissed***
9 ***or not prosecuted in accordance with paragraph II or II-a.***

10 2 Effective Date. This act shall take effect January 1, 2027.

**SB 512-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to fees to annul criminal records related to charges that do not result in conviction.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Decrease \$10,000 to \$100,000	Indeterminable Decrease \$10,000 to \$100,000	Indeterminable Decrease \$10,000 to \$100,000
<i>Revenue Fund(s)</i>	General Fund			
Expenditures*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill requires a court to waive the \$125 filing fee for annulments involving criminal charges where a petitioner demonstrates that he or she has been found not guilty or that the case has been dismissed or not prosecuted.

The Judicial Branch states in calendar year 2024, the Branch collected \$221,425 in annulment filing fees. Based on an assumption that between 10% and 40% of annulment petitions involve such charges, the Branch estimates a reduction in filing fee revenue of more than \$10,000 but less than \$100,000 per fiscal year. The Branch is unable to provide a more precise estimate as annulled case information is expunged from its case management system and cannot be reliably tracked.

AGENCIES CONTACTED:

Judicial Branch

Docket of SB512		
11/21/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
01/21/2026	S	Hearing: 01/27/2026, Room 100, SH, 01:10 pm; SC 3
02/17/2026	S	Committee Report: Referred to Interim Study, 03/05/2026, Vote 3-2; SC 8
03/05/2026	S	Special Order to 03/12/2026, Without Objection, MA; 03/05/2026 SJ 5
03/05/2026	S	Committee Report: Referred to Interim Study, 03/12/2026, Vote 3-2; SC 9
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Referred to Interim Study, 03/26/2026, Vote 3-2; SC 11

Senate Judiciary Committee

Declan Donahue 271-3324

SB 512-FN, relative to fees to annul criminal records related to charges that do not result in conviction.

Hearing Date: January 27, 2026

Time Opened: 1:13 a.m.

Time Closed: 11:16 a.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill requires a court to waive the filing fee for a petitioner that demonstrates that he or she has been found not guilty or that the case has been dismissed or not prosecuted.

Sponsors:

Sen. Murphy
Sen. Ward
Sen. Sullivan
Sen. McGough

Sen. Lang
Sen. Pearl
Sen. Gannon

Sen. Innis
Sen. Watters
Sen. Avar

Who supports the bill: Senator Keith Murphy (District 16), Senator Daniel Innis (District 7), Senator Tim McGough (District 11), Jesse Medeiros, Timothy Finney, Lisa Ayer, James Gardner, Curtis Howland, Pamela Harders

Summary of testimony presented in support:

Senator Keith Murphy (Senator, District 16)

- This is a personal bill for Senator Murphy, having been charged for a crime of which he is completely innocent.
- The effects of a trial like this can be life-altering: the cost for a legal defense, time spent in jail, the mugshot and articles being spread across the internet, among others.
- After being found not guilty, you then have to pay \$100 to annul a criminal arrest even though there was no conviction, adding insult to injury.
- In his case, the money is gone, but it shouldn't happen to anyone else.
- This bill says the court shall not charge any fee to file a petition where there has not been any conviction.

DD

Date Hearing Report completed: January 28, 2026

SB 558 - AS INTRODUCED

2026 SESSION

26-2145

05/09

SENATE BILL **558**

AN ACT relative to the appointment of the youth development center claims administrator.

SPONSORS: Sen. Altschiller, Dist 24; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Long, Dist 20; Sen. Perkins Kwoka, Dist 21; Rep. Ebel, Merr. 7

COMMITTEE: Judiciary

ANALYSIS

This bill transfers the position of YDC claims administrator from the executive branch to the judicial branch. The bill also removes changes to the claims process made in 2025, 141 (HB 2) relative to payment of attorney's fees in settlements involving periodic payments, the time period for acceptance of the administrator's decision, and reporting requirements.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the appointment of the youth development center claims administrator.

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

1
2 1 Youth Development Center Claims Administrator. Amend RSA 21-M:11-a, III to read as
3 follows:

4 III. There is further established in the ~~[executive]~~ **judicial** branch a temporary full-time or
5 part-time position known as the youth development center claims administrator, to be appointed by
6 the ~~[governor with the consent of the executive council]~~ **supreme court**. A part-time administrator
7 may maintain a private, unrelated mediation or legal practice apart from the duties as administrator
8 notwithstanding any other provision of rule or law to the contrary. The ~~[governor, with the consent~~
9 ~~of the executive council]~~ **supreme court** shall appoint an administrator agreed to by the attorney
10 general and counsel for claimants. If the attorney general and counsel for claimants are unable to
11 agree upon an administrator, the ~~[governor, with the consent of the executive council]~~ **supreme**
12 **court** shall select the administrator from the candidates submitted to the court by the attorney
13 general and counsel for claimants, not later than 30 days following the court's receipt of the
14 candidates. The attorney general and counsel for claimants shall each submit two candidates, not
15 later than 30 days following the joint fiscal committee's approval of the claim process and guidelines
16 as provided in paragraph IV. The administrator shall receive compensation at no more than the rate
17 of salary of an active superior court justice and shall, if working full-time, receive the same benefits
18 as other ~~[executive branch employees]~~ **nonjudicial employees of the judicial branch**. If working
19 part-time, the administrator shall receive compensation at no more than the equivalent per diem
20 rate of an active superior court justice, provided that in any calendar year, the administrator shall
21 not receive more in total compensation than that received by an active superior court justice. The
22 ~~[executive]~~ **judicial** branch shall provide the administrator and any necessary support staff with
23 office space. The salary, benefits, and expenses of the administrator, and any necessary support
24 staff, shall be paid from the fund. The administrator shall report to ~~[the governor or the governor's~~
25 ~~designee for employment-related purposes, but the governor]~~ **the chief justice of the supreme**
26 **court or the chief justice's designee for employment-related purposes, but the supreme court**
27 shall have no authority to review the administrator's decisions. At such time as the administrator's
28 duties are concluded, or at such time as full-time service by the administrator is no longer needed to
29 carry out the administrator's duties, the ~~[governor]~~ **supreme court** shall either eliminate the
30 administrator's position or reduce it from a full-time to a part-time position as may be appropriate.
31 The ~~[governor]~~ **supreme court** may remove the administrator ~~[at any time, as the administrator~~
32 ~~serves at the pleasure of the governor]~~ **if, after a request for removal received from the attorney**

general or claimants' counsel, or upon the court's own motion, the court determines that good cause for removal exists. Once appointed, the administrator shall process claims as provided herein and may settle claims at such amounts as may be agreed upon between the AG designee and each claimant, or at amounts which are determined by the administrator, giving due consideration to the guidelines adopted by the joint fiscal committee as provided in paragraph IV.

2 Youth Development Center Claims Administration and Settlement Fund; Attorney's Fees; Periodic Payment. Amend RSA 21-M:11-a, XV to read as follows:

XV. The administrator may approve all fees and costs of attorneys who represent claimants in proceedings before the administrator. The administrator shall not approve any request of an attorney for fees or costs which are not reasonable. The administrator shall not approve an attorney's fee in excess of 33.33 percent of the amount of the award. All costs and attorney's fees paid to a claimant's attorney shall be paid from the amount awarded to the claimant. ~~[Whenever the administrator determines that a claim shall be paid in periodic payments pursuant to subparagraph XII(a), the administrator shall require that any attorney's fee approved under this paragraph be paid in equal installments and over the same number of years as the periodic payment schedule that is applicable to the amount awarded to the claimant. The administrator shall add an interest assessment of 5 percent of the remaining unpaid amount of the fee per annum for each year of repayment, which shall be compounded annually.]~~

3 Youth Development Center Claims Administration and Settlement Fund; Time Period for Acceptance of Administrator's Decision. Amend RSA 21-M:11-a, IX(e) to read as follows:

(e) Except in extraordinary cases, the administrator shall declare the resolution process closed within 30 days of the resolution proceeding, during which the AG designee may file any written submission related to the claim. The administrator shall issue a written decision to the parties within 14 days of the conclusion of the resolution process. The administrator's decision regarding the claim shall be final and non-appealable, and the provisions of RSA 542:8, RSA 542:9, and RSA 542:10 shall not apply, provided, however, that either the claimant or the AG designee may request the administrator to reconsider a decision on grounds that it contains mathematical mistakes, miscalculations, or a scrivener's error. Such a request to reconsider a decision must be made within 10 days of the issuance of the administrator's decision. ~~[Upon the expiration of the reconsideration period, the AG designee and the claimant shall have 30 days to accept or decline the administrator's decision regarding the claim. If the AG designee and claimant do not both affirmatively accept the administrator's decision within 30 days after the expiration of the reconsideration period, then the claim shall be deemed withdrawn, and the claimant shall retain the right to pursue their claim in a judicial or other forum.]~~

4 Youth Development Center Claims Administration and Settlement Fund; Reporting Requirements. Amend RSA 21-M:11-a, XVI to read as follows:

XVI. The administrator, in consultation with the attorney general, shall submit ~~[an itemized]~~ **a quarterly** report ~~[each month]~~ to the speaker of the house of representatives, the president of the senate, the joint fiscal committee and the governor providing information as to the number and nature of claims made and settled, the amounts requested and paid in settlement to date, the claim amounts pending, an estimate of the likely amounts which will be approved and paid, the administrative costs which have been paid, and an estimate of future administrative costs to be paid. The report shall be structured to protect the privacy and anonymity of the claimants. The attorney general shall also post the report on the department of justice's public website. ~~[The joint fiscal committee may require the administrator to submit additional reports, with such additional information that the committee may determine to be necessary, at the committee's discretion, provided that such additional reports shall be structured to protect the privacy and anonymity of the claimants.]~~

5 Effective Date. This act shall take effect July 1, 2026.

Docket of SB558		
11/24/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
02/05/2026	S	Hearing: 02/12/2026, Room 100, SH, 01:20 pm; SC 5
03/18/2026	S	Committee Report: Inexpedient to Legislate, 03/26/2026, Vote 3-1; SC 11

Senate Judiciary Committee

Sonja Caldwell 271-2117

SB 558, relative to the appointment of the youth development center claims administrator.

Hearing Date: February 12, 2026

Members of the Committee Present: Senators Gannon, Abbas, Carson, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill transfers the position of YDC claims administrator from the executive branch to the judicial branch. The bill also removes changes to the claims process made in 2025, 141 (HB 2) relative to payment of attorney's fees in settlements involving periodic payments, the time period for acceptance of the administrator's decision, and reporting requirements.

Sponsors:

Sen. Altschiller
Sen. Long

Sen. Rosenwald
Sen. Perkins Kwoka

Sen. Watters
Rep. Ebel

Who supports the bill: Mark Knights (Nixon Peabody), Joelle Wiggin (Nixon Peabody), Johnnie Plaisted, Chuck Miles, Jeff Merrill, Cindy Nickerson, David Dokken, Anna Goulet Zimmerman, Michaila Oliveira, Samanth Heuring, David, Sen. Rosenwald, Timothy Doyon

Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented in support:

Sen. Altschiller

- Sen. Altschiller stated that this bill addresses a profound injustice that occurred last year during the budget process.
- She said this is not a partisan issue; this is about NH keeping a promise to the most vulnerable people our state has ever harmed.
- In 2022, faced with hundreds of lawsuits from survivors of horrific abuse at the Youth Development Center (YDC), the legislature created a confidential, trauma informed, administrative claims process. This system protected both the state and the survivors.

- For the state, it avoided years of expensive trials and the risk of enormous jury verdicts, like the \$38 million David Meehan won.
- For survivors, it created a safe alternative to public trials.
- The cornerstone of this process was an independent administrator appointed by the Supreme Court and removable only for good cause. This person was supposed to be someone who worked for neither side, and someone survivors could trust.
- Last June, in an 11th hour amendment passed without a hearing or notice to survivors, the legislature changed the system. The independent administrator appointed by the Supreme Court was eliminated and changed to a political appointee serving at the pleasure of the Governor. Additionally, the Attorney General, representing the defendant, the state, was given veto power over any award. This means that the state that committed these crimes now gets to choose, judge, and reject any verdict it doesn't like.
- Former Chief Justice John Broderick served as the administrator for two years. He listened to more than 1,000 survivors describe what happened to them and he wrote about how the change made last year was unjust. He asked in what world the defendant gets to choose the judge in their case and gets to reject any jury verdict with which it disagrees.
- This is a betrayal. Nearly 1,000 survivors migrated their cases from superior court to the administrative process based on the promise of neutrality and independence. They trusted the system the legislature had created. After they abandoned their right to a jury trial, the rules were changed.
- Under the current system, survivors have three options: they can go before a political appointee knowing the AG can veto any award; they can reject inadequate offers and go to trial but then they face years of delay and public trauma; or they can give up entirely, which many will. The state knows this and benefits from that choice.
- David Meehan was strong enough to endure a public trial, and a jury awarded him \$38 million, which a judge reduced to \$475,000 based on the state liability cap. Sen. Altschiller questioned what chance other survivors have in the politicized system we have created.
- Last year while zeroing out funding for abuse survivors, the legislature approved tens of millions of dollars for a pension plan for group two retirees.
- The LBA conducted an audit and found the fund was operating in compliance. Average payouts were \$543,000. These are not frivolous claims. The abuse was described as sadistic and perverse.
- This bill restores the system as it was designed. It returns the administrator position back to the judicial branch. It requires the Supreme Court appointment with input from both sides. It removes the Governor's ability to fire the

administrator at will. It eliminates the AG's veto power over awards. It restores good cause as the standard for removal. It undoes the changes made last June and returns to the bipartisan compromise that protected both the state and survivors.

Mark Knights

- Mr. Knights said he was a partner from the law firm of Nixon Peabody and together with his cocounsel Rus Rilee, they represent the majority of abuse survivors of YDC.
- They support the bill. He echoed Sen. Altschiller's observation that this is not a partisan issue.
- The concerns addressed by the bill involve structural neutrality, independence of decision making, and claimant confidence in the settlement fund. Those matters are fundamental to any credible dispute resolution network.
- He stated he is not here to advocate for larger awards or to change the guidelines of the settlement fund. He said he was here on behalf of clients. Many are not here because they want to preserve their anonymity. They are ashamed, embarrassed, and traumatized.
- The core issue that this bill addresses is claimant confidence. Administrative claims resolution systems like the settlement fund rise or fall based on whether participants can be confident in the outcomes. Claimants have to believe the decisions are made by neutral decision makers.
- The settlement fund was created in 2022 as an alternative dispute resolution mechanism to help resolve the hundreds of superior court cases that had been filed. This depended on a trustworthy framework.
- He participated collaboratively with the AG's office to create a settlement fund that survivors would find credible and trustworthy.
- Key features of the fund were that the administrator would be an independent individual who resided in the judicial branch and was appointed by the Supreme Court, who could only be removed for good cause, and that the administrator's decisions would be final.
- Survivors elected to participate, putting their court cases on hold, because they found that structure trustworthy. The process was later modified. Those changes undermined the stability and perceived neutrality that was essential to the success of the settlement fund.
- Administrative claims resolution systems derive legitimacy from the independence of the decision maker. A kangaroo court is a court that is not fair because the decision maker is someone who has a stake in the outcome. When decisions are subject to discretionary rejection by the defendant, participants

understand that the process itself is an empty promise. That perception affects claimant confidence and participation.

- In the months since the change to the settlement fund structure, a number of survivors have left the fund and returned to court because they couldn't have confidence that determinations would be made by a neutral fact finder and would carry finality.
- Jury members are truly neutral with no stake in the outcome. To be effective, the settlement fund has to replicate that kind of neutrality.
- Additional withdrawals are likely.
- He is not aware of any comparable frameworks where the decision maker is appointed by the defendant and can reject that decision.
- The prevailing structure in all similar funds is that the decisions are made by an administrator whose independence and decision-making finality are insulated from the defendant. Those are features of the fund that the AG's office originally proposed. Those were the features of this fund up until the changes that were made last year.
- This bill restores those features that define adjudicative legitimacy: structural independence of the decision maker, and finality of the administrator's decisions. Those two changes will promote predictability, confidence, and participation in the fund.
- The bill also contains provisions on attorney fees, and he said they take no position on that aspect of the bill. He added that if that provision were removed from the bill entirely, they would still support the bill.
- The neutrality and independence of the decision maker present a distinct structural issue that affects claimants directly and that is their concern.
- Neutral administration, administrative independence, and finality of decisions are institutional principles. They are not partisan principles, and they should not be political principles.
- Confidence in neutral decision-making is fundamental to the legitimacy and effectiveness of the settlement fund.

Sen. Abbas brought up the language regarding attorneys' fees on page two, line 18. He said his understanding was that prior to the change in the law last year, the attorney could receive their fees all up front while the victim's award might have been structured installments over five years. Sen. Abbas asked if Attorney Knights said that he would not be opposed to the committee amending that language out of the bill and leaving it as it currently is where the attorney would take their fees over time if the victim's award is also structured payments over a certain time period.

Mr. Knights said that was correct. If it were removed, they still support the bill.

Sen. Abbas asked him in how many of those structured settlement payments were the legal fees paid up front, prior to the change in law, in his experience.

Mr. Knights said he could not speak on behalf of other firms, but they agreed to take their fees over time. Initially some were paying upfront but then Administrator Broderick approached them and asked if they would take their fees over time and they agreed. He was not certain of the exact percentage of awards where that was the case. He reiterated that he was fine with the law as it currently stands with respect to attorneys' fees.

Joelle Wiggin

- Ms. Wiggin spoke in support of the bill and said she has been a victim specialist for twenty years. For the last several years she has worked with victims of abuse at YDC and other state-run facilities.
- These were vulnerable children when abused. She has provided support to them as they worked through this civil process.
- Entering this civil process was often the first time the victim dared to share details of what they suffered. Disclosure is a process for these individuals. These are experiences they buried for decades.
- The settlement fund created a meaningful, trauma-informed, victim-centered alternative to trial. Survivors were given a structured, respectful forum to be heard. Survivors were given time to fully tell their stories. They were not minimized or challenged. For many victims, this was the first time someone in authority believed them. The process provided predictability and victims understood the steps.
- Predictability is critically important to victims whose abuse stemmed from chaos, betrayal, and a loss of control. It reduced the traumatization and revictimization. The environment was far less adversarial than traditional litigation. Victims did not have to endure cross examinations.
- Many were able to resolve cases far sooner than if they went to trial.
- Healing can't fully begin when stuck in prolonged uncertainty.
- Survivors felt heard, validated and respected. They had a sense that the state finally recognized what happened to them.
- Since the amendment last year, she has witnessed apprehension, frustration, and fear. For many survivors this change that happened without consulting them felt like another betrayal. They felt misled. They fear they will no longer receive a fair and neutral resolution. Trust has been damaged.
- She urged the committee to restore the settlement fund as it was originally structured by placing the administrator under the judicial branch and restoring the trauma-informed process that was working. The previous structure did more than resolve claims, it created accountability and fostered healing.

Sen. Abbas asked about the legal fees provision in the bill and asked if she would still support the bill if that piece was removed.

Ms. Wiggin said she would defer to Mr. Knights' comments as she doesn't get legal fees. She's a victim specialist.

Johnnie Plaisted

- Mr. Plaisted spoke in support of the bill.
- He told the committee he was 13 when he got placed into YDC. He said he was abused by people who were supposed to protect him.
- He said it was so bad that he escaped and was AWOL for three years. He couldn't go to school or do things other normal children did.
- He described the change to the settlement process as a slap in the face and feels like people are lying.
- He said he grew up in the town he ran to, got his driver's license and a job and paid taxes. The state tried to make him look like a bad person. The state destroyed him. He witnessed others being abused.
- The settlement fund was going in the right direction. He wasn't going to have to speak out in public against the people who did this to him. He filed his claim and told his story. He said two of the people mentioned in his statement are in jail now for a crime committed against another child.
- He said he shouldn't have to be here fighting for his and others' rights because someone had the power to change the settlement fund structure.
- He felt not believed as a child and now feels the same as an adult. He said the committee has the power to change this back.
- No amount of money is going to pay the debt of what the state did to him.
- He told the committee that he bought a house at 19, has paid it off, and raised his family there.
- He has watched certain YDC staff members say on television that this abuse didn't happen. He said they are lying about it now.
- By speaking out publicly now, his children will know the trauma he went through and how much of an affect it had on him.
- He concluded by saying that he is a survivor and will survive no matter what the outcome of this bill is, however, the victims deserve what is right.

Chuck Miles

- Mr. Miles said that speaking about the abuse that he endured for eight years, starting when he was in the fifth grade, was very difficult, overwhelming, and

painful. The abuse only ended when he aged out of the system and was thrown out into society.

- He said he was told he was going to be accountable and that there were consequences for his actions. He asked where the consequence was for the State of NH for what was done.
- When choosing to participate in settlement fund, he was hesitant and skeptical.
- He described the physical and mental abuse he suffered at the Anna Philbrick Center, being bounced from one group home to another, and the isolation and restrictions he faced whenever he was allowed to return to regular schools.
- Mr. Miles said he is a successful businessman who traveled to NH from Florida to testify today.
- With regard to the changes made to the settlement fund structure, he asked how a victim could trust a system where the defendant, the State of NH, is the decider, in light of the abuse they endured.
- He noted that Attorney General Formella was instrumental in designing the settlement fund process. Audits showed that the settlement fund was working as it should.
- He said the fund stopped working when the State of NH defunded it in a late hour decision.
- Victims weren't consulted about the change.
- All of these cases, if litigated in court, would implode the state of NH.
- He thought John Broderick was the perfect person for the administrator position and could parse out those who might have been in it for money. The fund was set up as a fair, neutral process. John Broderick had no stake in the process other than providing closure for victims. John Broderick understood the impact that abuse endured as a child had on a victim and that they carry it through adulthood. John Broderick was a beacon of hope to him and others. He had the knowledge and experience for the position.
- He asked if the committee thought it was fair to let the defendant control the fund with the authority to veto cases. He thinks this change made to the settlement fund structure is a stall tactic and, in the meantime, victims are benched with little or no hope. The state's actions are unfair to all of the victims.
- He said the State of NH is a beautiful state, but this incident is a mar on the state. The state should make right the wrongs that were done. He said he is asking for the state to be accountable for its actions; he is not looking to bankrupt the state with a large claim.

Anna Goulet Zimmerman

- Ms. Zimmerman said she was an attorney in Manchester, NH and her law firm also represents some of the victims who have claims through the YDC fund.
- She said she hears a lot of the things said by the two gentlemen who spoke prior to her from her clients. She said it is hard to know these victims and not be moved by their stories.
- Most of her clients elected to go through the settlement fund because of privacy, and because of what it offered in terms of security and dignity.
- She spoke of one of her first clients who went through the settlement fund. It was one of the early cases and when it resolved, it gave that person great closure. She said that claim was resolved with just the Attorney General. They didn't need the administrator. They only needed the administrator to approve the resolution. She said she was bringing up this case because that individual has since died of cancer. It makes her think of her current clients who are in limbo and don't know what will happen to them. They are stuck. They would have to withdraw from the fund before they could file claims in court. These people don't know what is happening with the fund. They don't know if they should withdraw and move to the courts knowing they will be at the back of the line. They entered the fund relying on the process that was put in place by this legislature.
- She said her main reason for testifying is because nothing is happening and she doesn't know how to fix that under the current system. She noted that no one is being appointed. There is no fund administrator. She feels like she is revictimizing them because she can't give them any information about what is happening. They feel abandoned. After doing their part, now they are stuck. It is not fair.
- She asked the committee to fix this.
- She told Sen. Abbas that she has no problem having the attorney fee provision stay as it is over time. They agreed in the beginning to have their fees over time. She said she understands why there is some resistance to that from those who may be retired before the end of a payout done over time. If leaving the fees as they currently are allows the process to get back on track, they are fine with that.

Sen. Abbas asked if their fees were taken over time or with an upfront lump payment with the cases where the award was in the form of structured payments over time.

Ms. Zimmerman said if the client's settlement was paid over years then their fees were paid over years. She said there were a few cases in the beginning where the award payments were not structured out over time so in those cases they got paid their full fees up front.

Sen. Altschiler asked if hiring an administrator who would come from the executive branch vs. the judicial branch that could involve itself in the process and veto any award would cause hesitation from her clients to continue with this process.

Ms. Zimmerman stated that it raises a lot of anxiety and concern about if the person will be fair, neutral and impartial.

Samantha Heuring

- Ms. Heuring is an attorney representing claimants before the YDC fund and is speaking in support of the bill.
- Like others, she wants to get the process moving for her clients who are struggling with the trauma associated with the lack of action after coming forward.
- She echoed the concerns that we need an impartial, fair, and neutral administrator so the process can resume functioning.
- With respect to the provision in the bill regarding attorney fees, she said she would be perfectly fine with taking her fees over the same duration as her clients if that part of the law were to stand as it is now.

Sen. Carson asked if she or any other attorneys had reached out to the Governor asking when she is going to nominate an administrator. She noted that a nominee would go through a public hearing in front of the Executive Council.

Ms. Heuring said he had not reached out herself but could not speak for other attorneys. She did say that the Attorney General's Office and claimants' counsel have a meeting scheduled for next week to discuss names that would then be submitted to the governor.

Sen. Abbas asked if her legal fees were paid up front or over the course of a structured settlement for settlements that were structured over time.

Ms. Heuring said initially, when she worked for Shaheen and Gordon, there were some cases where settlements were paid over a duration and attorneys' fees were paid up front. She said they realized around the same time that Administrator Broderick did, that that would be a real problem for the amount of money in the fund. Shaheen and Gordon offered to start taking fees over time to try to alleviate that burden. She also noted that she is now a solo practitioner.

Sen. Abbas asked if any of her colleagues were opposed to taking their fees over time. He explained that he was asking these questions because he understood that one of the major problems of the fund was that there were structured settlements over the course of a time period and legal fees were being paid up front though it was the intent that they be taken over the same structured time period as the settlement.

Ms. Heuring said some others were resistant to taking the fees over time. She added that for four to six months prior to the legislative amendment that passed, all firms that she was aware of were taking fees over time.

Sen. Altschiller said the crux of this bill was about where the administrator comes from. She asked if that was why she was present today to advocate for an impartial administrator and not a political appointee.

Ms. Heuring said yes. She said the administrator needs to be someone who is impartial, fair, and neutral, with final, binding decision-making authority. The decision needs to be final and binding and not subject to a veto by the party who is, effectively, the defendant.

David

- David brought up that an agreement was made when the settlement fund was established. He asked if the committee members would want someone who was unbiased and neutral if they had a dispute with someone.
- He spoke about how this change has affected trust and asked committee to do the right thing.
- He said his only objective is to heal from the trauma of what happened.
- He talked about how the original agreement was reached after extensive discussion and public hearings. It went through the legislative process. He questioned how the state could change this agreement.
- He feels as though the YDC victims aren't afforded the same standards that other assault victims are, and it feels like they were thrown away.
- He told the committee that its decision effects thousands of people.
- He acknowledged that no one knows if all of the claimants are telling the truth, but we need a fair way to determine these claims.
- He said it is common sense that someone without any vested interest is necessary to resolve disputes.
- The way the settlement currently stands will not work. Impartiality and neutrality are essential.

Jeff Merrill

- Mr. Merrill said he started out in the Philbrick Center.
- When what happened at YDC first came about, a friend of his reached out to him and mentioned the letters he used to write to that friend when he was in the YDC system. The friend had saved the letters and suggested that he come forward regarding his past and the abuse he endured.
- He initially did not want to do that; he wanted to bury it.

- Eventually, he reached out to attorney Rus Rilee and told him his story and for the first time he found someone who cared.
- He said he also went AWOL from the Anna Philbrick Center. He described the treatment he endured as inhumane. He said it was not from every staff member, however there were certain ones who were physically and mentally abusive.
- The state should be accountable for what happened.
- He ended up there because he had no family, not because he had committed a crime.
- When he first came forward there was no settlement fund. He didn't want to ever have to speak publicly about this. When the settlement fund was created it allowed an option to avoid court.
- The change that has been made is unfair, doesn't make sense, and should be illegal.
- He asked the committee to do the right thing.

SC

Date Hearing Report completed: February 16, 2026

SB 648 - AS INTRODUCED

2026 SESSION

26-2082

05/09

SENATE BILL **648**

AN ACT requiring age verification to allow access to certain material harmful to minors.

SPONSORS: Sen. Reardon, Dist 15

COMMITTEE: Judiciary

ANALYSIS

This bill requires a person that owns, operates, or controls a website or application for commercial purposes and publishes or distributes a substantial portion of material that is harmful to minors to implement age verification procedures. The bill establishes a private right of action for noncompliance and provides for enforcement by the attorney general.

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-Six

AN ACT requiring age verification to allow access to certain material harmful to minors.

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

1 1 New Chapter; Restriction on Access to Material Harmful to Minors. Amend RSA by inserting
2 after chapter 507-I the following new chapter:

3 CHAPTER 507-J

4 RESTRICTION ON ACCESS TO MATERIAL HARMFUL TO MINORS

5 507-J:1 Definitions. In this chapter:

6 I. "Material harmful to minors" means any material that:

- 7 (a) The average person applying contemporary community standards would find, taken
8 as a whole, appeals to the prurient interest;
9 (b) Depicts or describes sexual conduct in a patently offensive way; and
10 (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value for
11 minors.

12 II. "Commercial entity" means any person or business that:

- 13 (a) Owns, operates, or controls a website or application for commercial purposes; and
14 (b) Publishes or distributes a substantial portion of material that is harmful to minors.

15 III. "Substantial portion" means content in which more than one-third of a website's total
16 content, measured by volume or number of images and videos, is harmful to minors.

17 IV. "Reasonable age verification method" means:

- 18 (a) A government-issued identification card check conducted by a third-party verification
19 service; or
20 (b) Any other method that reasonably verifies that the user is at least 18 years of age,
21 consistent with industry best practices and with no retention of identifying personal data.

22 507-J:2 Age Verification Requirement.

23 I. A commercial entity that knowingly and intentionally publishes or distributes material
24 harmful to minors on the internet shall:

- 25 (a) Require all users attempting to access such material to verify their age using a
26 reasonable age verification method;
27 (b) Not retain any personal identifying information used during the verification process;
28 and

29 (c) Post a clear warning message on the landing page that age verification is required.

30 507-J:3 Liability and Enforcement.

1 I. Any parent or legal guardian of a minor who accesses material harmful to minors due to a
2 commercial entity's failure to verify age as required by this chapter shall have a cause of action
3 against the entity for damages, including statutory damages of up to \$10,000 per violation, court
4 costs, and reasonable attorney's fees.

5 II. A commercial entity shall not claim Section 230 immunity under the federal
6 Communications Decency Act as a defense in any civil action arising from a violation of this chapter.

7 507-J:4 State Enforcement. The attorney general may bring an action for injunctive relief and
8 civil penalties of up to \$25,000 per violation against any commercial entity in violation of this
9 chapter.

10 507-J:5 Data Privacy.

11 I. No commercial entity or third-party age verification provider shall retain, store, or sell
12 any personal information used to verify age under this chapter.

13 II. A knowing violation of this section shall be a separate civil violation subject to a penalty
14 of \$50,000 per incident.

15 507-J:6 Exemptions. This chapter shall not apply to:

16 I. News organizations.

17 II. Libraries.

18 III. Museums.

19 IV. Institutions of higher education when the material is distributed in good faith for
20 legitimate educational or scientific purposes.

21 2 Effective Date. This act shall take effect January 1, 2027.

Docket of SB648		
11/25/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
12/15/2025	S	Hearing: 01/08/2026, Room 100, SH, 01:30 pm; SC 47
03/18/2026	S	Committee Report: Referred to Interim Study, 03/26/2026, Vote 3-1; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 648, requiring age verification to allow access to certain material harmful to minors.

Hearing Date: January 8, 2026

Time Opened: 1:07 p.m.

Time Closed: 1:31 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Carson, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill requires a person that owns, operates, or controls a website or application for commercial purposes and publishes or distributes a substantial portion of material that is harmful to minors to implement age verification procedures. The bill establishes a private right of action for noncompliance and provides for enforcement by the attorney general.

Sponsors:
Sen. Reardon

Who supports the bill: Senator Reardon (SD-15), Steve Duprey, and Bob Dunn

Who opposes the bill: Curtis Howland, Cynthia Williams, James Williams, Martha Draper, Claude Draper, and Angela Ferrari

Who is neutral on the bill: Maura Weston (NECTA), Jamie Burnett (Google), Nancy Biederman, and Michael Herrmann

Summary of testimony presented

Senator Reardon (SD-15), explained that Senate Bill 648 required age verification for access to online material harmful to minors and that the bill applied to companies that owned, operated, or controlled a website or application for commercial purposes where more than one-third of the content was harmful to minors. Stated that such sites would be required to verify that users were at least 18 years old.

- Noted that many stakeholders had requested exemptions and that pre-hearing discussions had resulted in a proposed amendment. Explained that the amendment removed the private right of action found in RSA 507-J:3, thereby eliminating the ability for private individuals to bring lawsuits and instead

leaving enforcement solely with the attorney general, renumbered the remaining sections, and reinstated the ability to use Section 230 of the Communications Decency Act as a defense.

- Senator Gannon asked a technical question about whether the bill applied to applications as well as websites, noting the large number of applications in existence and asking for clarification on how applications were defined under the bill.
 - Senator Reardon responded that the question about applications had been raised by others and acknowledged that the bill language needed further review to clearly resolve how applications were treated. Deferred to Steve Duprey for additional explanation.

Steve Duprey, a resident of Concord New Hampshire, explained that the idea for the bill originated from a former law school classmate and judge who observed a sharp increase in domestic and sexual violence cases involving young people. Stated that research linked this increase to the pervasive access minors had to explicit online material, contrasting modern internet exposure with limited exposure in prior generations.

- Noted that national data showed children being exposed to explicit content as early as age 11. Explained that the bill targeted commercial pornography content providers, not platforms like Meta, Google, or Apple acting as transmission services. Described the bill as requiring government-ID-based age verification while including privacy protections that prevented data retention, sale, or misuse.
- Emphasized that adults retained the right to access content while minors would be restricted. Explained that concerns about privacy and private lawsuits led to removing the private right of action and limiting enforcement to the Attorney General through civil penalties. Identified key bill features as strict age verification, strong data privacy protections, Attorney General enforcement, and a content-threshold trigger.
- Stated that similar laws in other states had reduced minor access and noted that the Texas law had recently been upheld by the U.S. Supreme Court. Acknowledged potential need for further amendments but argued the bill was a necessary first step to address widespread underage access..
- Senator Altschiller asked for clarification on the distinction between applications and websites and questioned why platforms like Meta would not fall under the bill's requirements.
 - Steve Duprey responded that platforms like Meta were viewed as transmission lines rather than content providers and explained that the bill attempted to distinguish between content hosts and conduits. Described applications as app-based content delivery rather than simple

websites and stated that the definitions mirrored those used in other states.

- o Senator Altschiller followed up by questioning why platforms such as Instagram would not be included and asked whether the bill was intended to target pornography specifically.
- o Steve Duprey clarified that the bill's purpose was not to ban pornography but to prevent access by minors. Reiterated that adults could access content freely while underage access was the issue being addressed.
- o Senator Altschiller expressed concern that harmful content was accessible through side channels on mainstream platforms and questioned how the bill addressed those pathways.
- o Steve Duprey acknowledged technical complexity and stated that platforms providing harmful content should be capable of implementing similar safeguards. Noted that existing platforms already restricted certain content for minors.
- Senator Carson requested that committee staff provide copies of the Texas statute and the U.S. Supreme Court decision so members could review what had already been upheld. Stated that using existing models could avoid reinventing the wheel.
 - o Steve Duprey suggested that Arkansas and Utah laws were also relevant examples that had been tested and could be reviewed.
- Senator Carson raised concerns about online exploitation where minors were coerced into sharing explicit images that were later used for blackmail and asked whether the bill addressed that issue.
 - o Steve Duprey responded that the issue described was a different problem and was not addressed by the bill.

Maura Weston, representing the New England Connectivity and Telecommunications Association. Expressed support for the goal of protecting children online but stated that the bill was ambiguous regarding the role of internet service providers. Explained that ISPs generally could not see or control the content users accessed. Requested clarification and an explicit exemption for ISPs when solely providing access or connectivity. Noted that similar exemptions existed in more than 20 states. Thanked Senator Reardon for removing the private right of action.

Bob Dunn, the director of public policy for the Roman Catholic Diocese of Manchester, expressed support for SB 648. Referenced a statement by the U.S. Conference of Catholic Bishops recommending age-verification laws. Noted that many states had enacted similar laws and referenced the *Free Speech Coalition v. Paxton* decision.

Emphasized that the bill was both pro-child and pro-parent by assisting parents struggling to protect children from pervasive online content.

Nancy Biederman, a concerned parent, stated she was neutral but supportive of the concept with reservations. Questioned who would determine contemporary community standards for harmful material, citing her experience challenging pornographic content in school libraries.

- Argued that civil penalties were too low to deter large companies. Described real-world examples of AI-generated sexual images of minors and incidents involving middle-school students using apps to create fake nude images. Criticized gaps in law enforcement understanding and enforcement.
- Warned about online exploitation groups targeting minors for blackmail. Opposed exemptions for libraries and argued that government entities should meet the same standards as commercial entities.

Michael Herrmann, owner of Gibson's Bookstore in Concord, stated he was neutral and supported the goal of protecting children but warned of unintended consequences. Explained concerns about frivolous lawsuits and censorship, especially involving literary works that could be challenged as pornography. Stated that removing the private right of action alleviated most concerns but urged reconsideration of the bill or, at minimum, retention of the amendment.

BMB

Date Hearing Report completed: January 12, 2026

SB 650 - AS INTRODUCED

2026 SESSION

26-2089

05/09

SENATE BILL

650

AN ACT relative to use of cannabis products for therapeutic purposes by alternative treatment centers.

SPONSORS: Sen. Rochefort, Dist 1; Sen. Innis, Dist 7; Sen. McGough, Dist 11; Sen. Sullivan, Dist 18; Sen. Murphy, Dist 16; Rep. Polozov, Merr. 10; Rep. Weber, Ches. 5; Rep. C. McGuire, Merr. 27; Rep. Ebel, Merr. 7

COMMITTEE: Judiciary

ANALYSIS

 This bill permits alternative treatment centers to use certain cannabis products for therapeutic purposes.

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-Six

AN ACT relative to use of cannabis products for therapeutic purposes by alternative treatment centers.

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

1 1 Use of Cannabis for Therapeutic Purposes; Definitions; Cannabis. Amend RSA 126-X:1, III to
2 read as follows:

3 III. "Cannabis" means all parts of any plant of the Cannabis genus of plants, whether
4 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
5 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall
6 not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from
7 the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
8 mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such
9 plants which are incapable of germination. In this chapter, cannabis shall not include hemp grown,
10 processed, marketed, or sold under RSA 439-A, ***except as provided in RSA 126-X:8, XIX.***

11 2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers;
12 Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new
13 paragraph:

14 XIX.(a) An alternative treatment center may acquire and may use in the manufacture of
15 cannabis concentrate and cannabis-infused products, CBD, and other hemp-derived nonintoxicating
16 cannabinoids not produced by an alternative treatment center in New Hampshire. All such non-
17 intoxicating cannabinoids, and all cannabis concentrate and cannabis-infused products
18 manufactured from such non-intoxicating cannabinoids, shall be tested for contaminants and
19 cannabinoid profile in accordance with this chapter and department rules.

20 (b) An alternative treatment center shall not use products that are derived from hemp
21 which contain natural tetrahydrocannabinol (THC) greater than 0.3 percent on a dry weight basis,
22 which appear in any formulation, including delta-8 THC, delta-9 THC, or any other THC isomer
23 variant, or which contain synthetic THC in any formulation and in any amount.

24 3 Effective Date. This act shall take effect 60 days after its passage.

Docket of SB650		
01/07/2026	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 2
02/05/2026	S	Hearing: 02/10/2026, Room 100, SH, 01:50 pm; SC 5A
03/18/2026	S	Committee Report: Referred to Interim Study, 03/26/2026, Vote 3-1; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 650, relative to use of cannabis products for therapeutic purposes by alternative treatment centers.

Hearing Date: February 10, 2026

Time Opened: 2:28 p.m.

Time Closed: 2:43 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Reardon and Altschiller

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill permits alternative treatment centers to use certain cannabis products for therapeutic purposes.

Sponsors:

Sen. Rochefort

Sen. Innis

Sen. McGough

Sen. Sullivan

Sen. Murphy

Rep. Polozov

Rep. Weber

Rep. C. McGuire

Rep. Ebel

Who supports the bill: Senator David Rochefort (Senate District 1), Senator Tim McGough (Senate District 11), Senator Daniel Innis (Senate District 7), Daryl Eames (NH Cannabis Association), Matt Simon (Granite Leaf Cannabis), Alicia Bennett (Granite Leaf Cannabis), Honorable Jerry Knirk (TCMOB), Katie McLaughlin, Billy Galipeault, Rebecca Cook, Dawn McAviney, Eric McAviney, James Riddle, Jennifer Beaudoin, Tadeausz Zedon, Sandra DeHut, James Moore, Susan Moore, Kristen Kinsey, Beth Edwards, and Barbara Langworthy.

Who opposes the bill: Daniel Richardson.

Who is neutral on the bill: None.

Summary of testimony presented:

Trisha Melillo, Senate Majority Caucus Director, introduced the bill on behalf of Senator Rochefort. She explained that the bill would allow medical cannabis treatment centers to expand product offerings to non-intoxicating federally legal hemp.

- Explained that, currently, ATCs in New Hampshire are required to produce all of the cannabinoids that they sell. This is costly and impractical and makes little

sense given that CBD and other non-intoxicating cannabinoids are widely available at relatively low cost from federally legal sources.

- Stated that the bill would require ATCs to have any hemp-sourced cannabinoids tested by an independent lab before using them to make products.

Matt Simon, a representative of Granite Leaf Cannabis, spoke in support of SB 650. He explained that a similar bill had been introduced last year, HB 51, but that bill had included language which removed seeds from the definition of cannabis, a potential gray area which may have been created by recent federal changes to the definition of hemp.

- Identified another key change to the bill in lines 20-23 where the concern was raised that the ATCs would be able to buy synthetic THC, and where the language has been altered to make clear that ATCs can only buy natural THC.
- Stated that this bill has been requested by various medical practitioners seeking to offer a wider range of products, particularly those that are non-intoxicating.
- Explained that Granite Leaf Cannabis offers some of these products, but are forced to grow the CBD indoors under high intensity lighting when they could be buying it from other sources for “pennies on the dollar” from a hemp company.
- Senator Abbas asked whether the language of THCA should be added to lines 20-23.
 - Matt Simon said that he saw no harm in such an addition, and that his company has always treated THCA as a form of THC regardless.

Alicia Bennett, the Education and Outreach Coordinator of Granite Leaf Cannabis, spoke in support of the bill. She explained that the goal of therapeutic cannabis is to find the most optimal dose of the most beneficial combination of compounds in cannabis, and how this legislation could pursue that goal.

- Explained that CBD and CBG are well known for their benefits to anxiety, depression and insomnia. She stated that CBN is another popular cannabinoid used for insomnia, often with THC.
- Alicia Bennett explained that as a patient on the company’s program she has personally experienced the benefits of all three of the non-intoxicating cannabinoids mentioned prior.
- Stated that currently, it is simply not profitable for ATCs in New Hampshire to produce these positive non-intoxicating cannabinoids, despite the positive benefits that they could have for their patients.

- Senator Gannon asked if Ms. Bennett had a background in medicine or pharmaceuticals.
- Alicia Bennett responded that she had a background in horticulture.

The Honorable Jerry Knirk, the Chair of the Therapeutic Cannabis Medical Oversight Board, stated that his organization supported the bill. He explained that intoxication was not the goal of therapeutic cannabis, but a troubling side effect.

- Stated that a hypothetical patient using medical cannabis to treat pain is potentially at risk because of the intoxicating effects, necessitating non-intoxicating cannabinoids with similar effects.
- Explained that ATCs are not allowed to possess a federal hemp license, leading to difficulty acquiring enough non-intoxicating cannabinoids to make their products. This leads to the ATCs being able to deliver the low-cost high-quality products that any establishment in a free marketplace seeks to provide.
- Stated that this bill would allow ATCs to purchase sufficient non-intoxicating cannabinoids to meet the requirements to sell these products. He explained that these purchased materials would be subject to the necessary scrutiny by third parties to ensure their legitimacy.
- Expressed that there was not much need to bring THCA into this bill, as the therapeutic cannabis market is highly regulated unlike the hemp market where a specific distinction may have more value. He added that any amount of THCA would be included on the label, and that this bill is concerned with specific non-intoxicating cannabinoids.
- Senator Abbas asked if it was the Honorable Jerry Knirk's understanding that the language on lines 14 to 19 would only apply to CBD and non-intoxicating cannabinoids.
 - The Honorable Jerry Knirk responded that it was, and that they would be limited to this specific set of concentrates and materials from specific manufacturers.
- Senator Abbas asked for clarification on the use of "concentrate."
 - The Honorable Jerry Knirk clarified that any cannabinoid could be used as a concentrate in a pure form, and that it could be any one of the 70 possible types.

SB 657-FN - AS INTRODUCED

2026 SESSION

26-3270

07/09

SENATE BILL ***657-FN***

AN ACT relative to the oversight of artificial intelligence.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Prentiss, Dist 5; Sen. Long, Dist 20; Sen. Watters, Dist 4; Rep. Simpson, Rock. 33; Rep. Telerski, Hills. 11

COMMITTEE: Judiciary

ANALYSIS

This bill:

- I. Establishes an artificial intelligence oversight position with the department of justice.
- II. Creates a civil right of action for certain uses of artificial intelligence.
- III. Creates a study commission to oversee the use of artificial intelligence in the state.

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

In the Year of Our Lord Two Thousand Twenty-Six

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

III. The attorney general may adopt policies and procedures, pursuant to RSA 541-A, as necessary to carry out the duties of this position.

SB 657-FN - AS INTRODUCED
- Page 2 -

1 21-M:21 Annual Appropriation. There is hereby appropriated annually the sum of \$150,000 to
2 the department of justice for the purpose of funding the artificial intelligence analyst position
3 established under RSA 21-M:20. The governor is authorized to draw a warrant for said sum out of
4 any money in the treasury not otherwise appropriated.

5 21-M:22 Artificial Intelligence Oversight Commission.

6 I. There is established a commission to study the broader commercial and political effects of
7 artificial intelligence (AI) in New Hampshire.

8 II. Notwithstanding RSA 14:49, II(c), the members of the commission shall be as follows:

9 (a) Two members of the senate, appointed by the president of the senate.

10 (b) Two members of the house of representatives, appointed by the speaker of the house
11 of representatives.

12 (c) The attorney general, or designee.

13 (d) The secretary of state, or designee.

14 (e) The commissioner of the department of labor, or designee.

15 (f) The commissioner of the department of education, or designee.

16 (g) The commissioner of the department of health and human services, or designee.

17 (h) One member appointed by the governor, who shall have expertise in technology or

18 AI.

19 (i) One member of the general public, appointed by the governor.

20 III. Legislative members of the commission shall receive mileage at the legislative rate when
21 attending to the duties of the commission.

22 IV. The commission shall:

23 (a) Study how AI development and implementation affects:

24 (1) Workforce composition and employment patterns;

25 (2) Wages and compensation;

26 (3) Education, training, and skill requirements;

27 (4) Health care delivery and patient outcomes;

28 (5) Consumer protections, including fairness, privacy, and transparency; and

29 (6) Political and campaign communications, including advertisements, messaging,
30 and microtargeting using AI, and the potential for misleading or manipulative content.

31 (b) Make recommendations regarding policies, regulations, or legislation to mitigate the
32 negative impacts and maximize the public benefits of AI.

33 V. The members of the study commission shall elect a chairperson from among the
34 members. The first meeting of the commission shall be called by the first-named senate member.
35 The first meeting of the commission shall be held within 45 days of the effective date of this section.
36 Six members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before the first of each November.

4 New Subdivision; Civil Action for Deceptive Use of Artificial Intelligence. Amend RSA 507 by inserting after section 8-k the following new subdivision:

Civil Action for Deceptive Use of Artificial Intelligence

507:8-l Definitions. As used in this subdivision:

I. "Artificial intelligence system" means any machine-based system that, for explicit or implicit objectives, infers from inputs to generate outputs, such as content, predictions, recommendations, or decisions, that influence physical or virtual environments.

II. "Deceptive use of artificial intelligence" means the use of an artificial intelligence system in a manner that:

(a) Knowingly or recklessly misrepresents the identity, intent, or authority of a natural person or entity;

(b) Knowingly creates, alters, or disseminates synthetic content that a reasonable person would believe to be authentic, where such belief is material to a transaction, decision, or reputational assessment; or

(c) Omits disclosure of the use of artificial intelligence where such omission renders the communication or conduct materially misleading under the circumstances.

III. "Synthetic content" means audio, visual, audiovisual, or textual content generated or materially altered by artificial intelligence so as to appear to be created by a natural person.

IV. "Materially misleading" means likely to affect a reasonable person's conduct, decision-making, or understanding of a material fact.

507:8-m Prohibited Conduct.

I. No person shall engage in the deceptive use of artificial intelligence in commerce, employment, political advocacy, legal proceedings, or any transaction or interaction where reliance by another person is reasonably foreseeable.

II. This subdivision shall apply regardless of whether the artificial intelligence system is deployed directly by the person or through an agent, contractor, or third-party platform.

507:8-n Causes of Action.

I. Any person injured by a violation of this subdivision may bring a civil action in the circuit court district division.

II. A plaintiff shall not be required to prove actual reliance if the deceptive use of artificial intelligence was material and reasonably likely to mislead.

III. Each distinct dissemination or deployment of deceptive synthetic content shall constitute a separate violation.

507:8-o Damages and Remedies.

SB 657-FN - AS INTRODUCED
- Page 4 -

- 1 I. A plaintiff prevailing under this subdivision may recover:
- 2 (a) Actual damages, including economic loss, emotional distress, and reputational harm;
- 3 or
- 4 (b) Statutory damages of not less than \$1,000 and not more than \$10,000 per violation,
- 5 whichever is greater.
- 6 II. If the court finds that the violation was knowing, willful, or reckless, it may award:
- 7 (a) Treble damages, or
- 8 (b) Statutory damages of up to \$25,000 per violation, whichever is greater.
- 9 III. The court may also award:
- 10 (a) Reasonable attorney's fees and costs;
- 11 (b) Injunctive or declaratory relief; and
- 12 (c) An order requiring disclosure, correction, or removal of deceptive synthetic content.
- 13 507:8-p Affirmative Defenses.
- 14 I. It shall be an affirmative defense to an action pursued under this subdivision that:
- 15 (a) The synthetic content was clearly and conspicuously disclosed as AI-generated at the
- 16 time of dissemination;
- 17 (b) The use constituted parody, satire, or commentary protected by the First
- 18 Amendment, and a reasonable person would not believe the content to be actual; or
- 19 (c) The defendant reasonably relied on representations from a third-party AI provider
- 20 regarding compliance with this subdivision.
- 21 II. This subdivision shall not apply to:
- 22 (a) Internal research or testing not intended for public dissemination;
- 23 (b) Law enforcement or judicial uses authorized by law;
- 24 (c) Uses solely for accessibility or translation purposes, where no deception is intended
- 25 or reasonably foreseeable;
- 26 (d) The provider or developer of any technology used in the creation of synthetic content;
- 27 and
- 28 (e) Any information service, system, or access software provider that provides or enables
- 29 computer access by multiple users to a computer server, including specifically a service or system
- 30 that provides access to the Internet and such systems operated or services offered by libraries or
- 31 educational institutions.
- 32 507:8-q Preemption.
- 33 I. The remedies provided by this subdivision shall be cumulative and shall not preempt or
- 34 limit any other remedy available under law, including RSA 358-A.
- 35 II. Nothing in this subdivision shall be construed to limit constitutionally protected speech.
- 36 5 Effective Date. This act shall take effect 60 days after its passage.

SB 657-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the oversight of artificial intelligence.

FISCAL IMPACT: The appropriation included in the bill does not fully fund the bill and not all positions requested are authorized.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$400,000 to \$900,000	Indeterminable Increase \$400,000 to \$900,000	Indeterminable Increase \$400,000 to \$900,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$150,000	\$150,000	\$150,000
<i>Funding Source(s)</i>	General Fund			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill establishes an artificial intelligence oversight framework within the Department of Justice by creating a full time artificial intelligence analyst position and makes an annual appropriation of \$150,000 from the General Fund to fund the position. Additionally, this bill establishes a study commission on the impacts of artificial intelligence, and creates a new civil cause of action for the deceptive use of artificial intelligence.

The Department of Justice states this bill establishes one full time artificial intelligence analyst position within the Attorney General's Office and includes an annual appropriation of \$150,000 to fund salary, benefits, and associated operating costs. The Department assumes the position would be classified as a Data Scientist, SOC 15-2050, beginning at step 2, with total salary, benefit, and operating costs estimated at approximately \$125,000 in FY 2027, \$127,000 in FY 2028, and \$133,000 in FY 2029, which can be supported within the annual appropriation provided by the bill. Additionally, this bill also establishes an artificial intelligence oversight commission. The Department notes that participation on the commission can be absorbed within existing resources and does not result in additional expenditures.

The Judicial Branch states this bill creates a new civil cause of action for the deceptive use of artificial intelligence in the Circuit Court District Division. The Branch indicates this would establish a new and potentially complex case type on the District Division docket and would require additional administrative resources to develop and maintain forms, guidance materials, and training resources for judges and court staff. Because the volume of filings and the complexity of such cases cannot be predicted, the Judicial Branch states the fiscal impact is indeterminable. However, the Branch anticipates the need for at least one additional full time equivalent position to administer the program and provide ongoing training to judges and staff, as well as additional judicial and court staff resources to address the increased caseload. The Judicial Branch estimates the fiscal impact to be between \$250,000 and \$750,000 per fiscal year beginning in FY 2027, funded from the General Fund.

This bill does not fund nor does it authorize Judicial Branch positions.

AGENCIES CONTACTED:

Department of Justice and Judicial Branch

Amendment to SB 657-FN

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

2
3 AN ACT creating a study commission to oversee the use of artificial intelligence in the state.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 New Subdivision; Artificial Intelligence Analysis. Amend RSA 21-M by inserting after section
8 19 the following new subdivision:

9 Artificial Intelligence Oversight

10 21-M:20 Artificial Intelligence Oversight Commission.

11 I. There is established a commission to study the broader commercial and political effects of
12 artificial intelligence (AI) in New Hampshire.

13 II. Notwithstanding RSA 14:49, II(c), the members of the commission shall be as follows:

14 (a) Two members of the senate, appointed by the president of the senate.

15 (b) Two members of the house of representatives, appointed by the speaker of the house
16 of representatives.

17 (c) The attorney general, or designee.

18 (d) The secretary of state, or designee.

19 (e) The commissioner of the department of labor, or designee.

20 (f) The commissioner of the department of education, or designee.

21 (g) The commissioner of the department of health and human services, or designee.

22 (h) One member appointed by the governor, who shall have expertise in technology or
23 AI.

24 (i) One member of the general public, appointed by the governor.

25 III. Legislative members of the commission shall receive mileage at the legislative rate when
26 attending to the duties of the commission.

27 IV. The commission shall:

28 (a) Study how AI development and implementation affects:

29 (1) Workforce composition and employment patterns;

30 (2) Wages and compensation;

31 (3) Education, training, and skill requirements;

32 (4) Health care delivery and patient outcomes;

Amendment to SB 657-FN

- Page 2 -

1 (5) Consumer protections, including fairness, privacy, and transparency; and

2 (6) Political and campaign communications, including advertisements, messaging,
3 and microtargeting using AI, and the potential for misleading or manipulative content.

4 (b) Make recommendations regarding policies, regulations, or legislation to mitigate the
5 negative impacts and maximize the public benefits of AI.

6 V. The members of the study commission shall elect a chairperson from among the
7 members. The first meeting of the commission shall be called by the first-named senate member.
8 The first meeting of the commission shall be held within 45 days of the effective date of this section.
9 Six members of the commission shall constitute a quorum.

10 VI. The commission shall report its findings and any recommendations for proposed
11 legislation to the president of the senate, the speaker of the house of representatives, the senate
12 clerk, the house clerk, the governor, and the state library on or before the first of each November.

13 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 657-FN
- Page 3 -

2026-1060s

AMENDED ANALYSIS

This bill creates a study commission to oversee the use of artificial intelligence in the state.

Docket of SB657		
02/04/2026	S	Introduced 01/29/2026 and Referred to Judiciary; SJ 3
02/12/2026	S	Hearing: 02/17/2026, Room 100, SH, 01:50 pm; SC 6
03/09/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1060s, 03/12/2026, Vote 3-1; SC 9
03/12/2026	S	Special Order to 03/26/2026, Without Objection, MA; 03/12/2026 SJ 6
03/12/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1060s, 03/26/2026, Vote 3-1; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 657-FN, relative to the oversight of artificial intelligence.

Hearing Date: February 17, 2026

Time Opened: 2:21 p.m.

Time Closed: 2:51 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill:

I. Establishes an artificial intelligence oversight position with the department of justice.

II. Creates a civil right of action for certain uses of artificial intelligence.

III. Creates a study commission to oversee the use of artificial intelligence in the state.

Sponsors:

Sen. Perkins Kwoka

Sen. Rosenwald

Sen. Prentiss

Sen. Long

Sen. Watters

Rep. Simpson

Rep. Telerski

Who supports the bill: 85 individuals signed in support of this bill. For a complete list of those who signed in support please email Brendan.Bunnell@gc.nh.gov.

Who opposes the bill: 6 individuals signed in opposition of this bill. For a complete list of those who signed in opposition please email Brendan.Bunnell@gc.nh.gov.

Who is neutral on the bill: None.

Summary of the testimony presented:

Senator Rebecca Perkins Kwoka (SD-21), introduced the bill, explaining that it was meant to begin the dialogue on AI regulation in New Hampshire. The bill was intended to protect New Hampshire residents from the potential consequences of

Artificial Intelligence while serving as a stop-gap preceding future legislative efforts and studies.

- Explained that AI has been integrated into numerous facets of everyday life and shows no potential of slowing down. While she acknowledged that AI can have some productive uses, it can also create many troubles for consumers, businesses, and potential voters.
- Explained that the bill also encouraged the creation of a study commission on the effects of AI, to facilitate future legislative efforts.
- Welcomed the comments and additions of other legislators and of the tech alliance to modify the bill.
- Senator Altschiller asked if it was the intention of this legislation to penalize the use of AI when not disclosed for product or content images.
 - Senator Perkins Kwoka answered that this was correct and that the intention was not to limit the use of AI in all circumstances but to protect businesses from impersonation.
 - The senator also explained that the bill would create a study commission to investigate the use of AI online to influence elections.
- Senator Reardon proposed that the bill include the Department of Employment Security, as that organization is responsible for tracking job openings, job losses, employment, and underemployment. She stated that their Labor Market Relations Bureau might be a better person to have at the table than the Department of Labor, which is currently included in the bill.
- Senator Abbas asked if there might be First Amendment issues present in the bill, focusing on lines 13 through 17 and regarding incorrect publications that might use AI to some degree.
 - Senator Perkins Kwoka said that there were not intended to be any First Amendment issues in the bill, and that she would be happy to work with the senator to address any such issues.
 - Senator Perkins Kwoka pointed out lines 17 to 18 which allowed an affirmative defense reliant on the First Amendment.
- Senator Abbas asked about a hypothetical circumstance like a mailing list where many individuals received undisclosed AI content. He asked whether that would be considered a single violation or multiple separate incidents.

- o Senator Perkins Kwoka said that the action taken by the individual to create undisclosed AI content ought to be the single violation in such circumstances.
- Senator Altschiller asked where the line was in representing a point of view and misrepresenting a state or government agency, especially when considering the intentional use of similar templates to government channels in order to appear official.
 - o Senator Perkins Kwoka said that it was important that government channels to disseminate facts and undeniable truths, and that it was important that the consumer know which sources were to be trusted.
- Senator Altschiller asked about potential financial damages to the state, citing the potential for AI to be used to impersonate messages from the State Treasurer's office. She asked if that ought to be included in the bill.
 - o Senator Perkins Kwoka replied that there could be room to address this issue, and that it was one potential case of the same kind of deceptive practices that the bill was trying to combat.

Maura Weston, a representative of the New England Connectivity and Telecommunications Association, spoke in opposition to the bill. Her organization represents the interests of numerous tech companies including Comcast, Breezeline, and Charter Communications. Ms. Weston clarified that her organization did not oppose all regulation of AI, but that they were opposed to the current bill as written. She argued that the bill was too broad in nature and would bring about many unintended consequences. Ms. Weston expressed that her organization would instead prefer a surgical approach to the issue.

- Explained that the member companies of her organization use AI for customer service content personalization, to develop new products and services, and to manage broadband network connections. She expressed her concern that the definition used in the bill of the “deceptive use of AI” would include these uses.
- Argued that the definition of the “deceptive use of AI” present in the bill was so broad that it captured virtually all uses of AI, including everyday use.
- Expressed confusion over the language used on page 3, section 5078N, which states that “a plaintiff shall not be required to prove actual reliance, only that the use of AI was likely to mislead.” She questioned whether this section stated that no actual harm was required.
- Stated that her organization considered it problematic that one must be sued in order to bear the burden of then asserting an affirmative defense.

- Cautioned against the creation of the position of Artificial Intelligence Analyst in the Attorney General's office, responsible for monitoring AI use in New Hampshire and its development. Ms. Weston stated that her organization questioned that role's job description and whether it might have negative impacts on businesses in New Hampshire.
- Encouraged significant stakeholder representation on any study commission created by the bill. She argued that this kind of stakeholder engagement would provide a more positive starting point in these conversations as opposed to jumping to criminalization.
- Stated that the White House has issued an executive order which states that states that regulate AI in an objectionable way could face a freeze on federal funding. New Hampshire is currently receiving 200 million dollars in broadband related funding via the Broadband Equity Access and Deployment program.
- Senator Altschiller asked for clarification on some of the areas where the represented companies were looking for space not to disclose the use of AI, stating that it was fairly clear in her experience when AI was being used in customer service communications.
 - o Ms. Weston replied that the companies are not necessarily looking for room to not disclose the use of AI, but that there are circumstances where AI is used that most are unaware of. She highlighted the use of AI to manage home networks and conduct repairs.
 - o Ms. Weston stated that it was important to not jump to criminalization on the topic of AI, especially given the unpredictable future of the utilization of the technology and the broad nature of the definitions in the bill. She supported the creation of a study commission with stakeholder involvement as a more effective step.
- Senator Altschiller stated that there is a significant fear of the use of AI by consumers, even as tech companies fear regulation. She asked which definition of use in line 17 it was that necessitated greater room for nondisclosure by the tech companies represented. She stated that the definitions mentioned here seemed to be very basic consumer protections, and asked where these companies needed a space to be left open.
 - o Ms. Weston responded that her organization believed that many of the services that their member companies provide are captured by the definition of artificial intelligence system.
 - o Ms. Weston stated that it was within definition B and the wording of "or omits disclosure" that her organization took the greatest issue with. She

highlighted the wording of “knowingly creates, alters, disseminates synthetic content that a reasonable person would believe to be authentic,” wondering whether this necessitated the content to be accurate or created by a person. She also highlighted the wording of “material to a transaction or decision,” stating that this did not require harm for legal liability. The primary issue for her organization is the broad nature of these definitions.

- Senator Altschiller referenced comments made about not legislating on AI due to an executive order, and asked whether Ms. Weston was aware that the threat made by the President’s executive order was likely void considering similar executive orders that had faced legal consequences.
 - o Ms. Weston replied that her organization was not opposed to any kind of AI regulation and that her point on the executive order was primarily meant as a note of caution.
 - o Senator Altschiller stated that the executive order was blackmail and that the legislature ought not to respect it.

BMB

Date Hearing Report completed: February 24, 2026

CACR 11 - AS INTRODUCED

2026 SESSION

26-2210

08/05

CONSTITUTIONAL AMENDMENT

CONCURRENT RESOLUTION **11**

RELATING TO: sheriffs.

PROVIDING THAT: no person shall hold the office of county sheriff after he or she has attained the age of 75 years.

SPONSORS: Sen. Reardon, Dist 15; Sen. Abbas, Dist 22

COMMITTEE: Judiciary

ANALYSIS

This constitutional amendment concurrent resolution raises the retirement age for sheriffs to 75 years of age.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: sheriffs.

PROVIDING THAT: no person shall hold the office of county sheriff after he or she has attained the age of 75 years.

Be it Resolved by the Senate, the House of Representatives concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That article 78 of the second part of the constitution be amended to read as follows:

2 [Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of
3 Judge of any Court, or Judge of Probate, ~~[or Sheriff of any county,]~~ after he has attained the age of
4 seventy years, **and no person shall hold the office of Sheriff of any county after he has**
5 **attained the age of seventy-five years.**

6 II. That the above amendment proposed to the constitution be submitted to the qualified
7 voters of the state at the state general election to be held in November, 2026.

8 III. That the selectmen of all towns, cities, wards and places in the state are directed to
9 insert in their warrants for the said 2026 election an article to the following effect: To decide
10 whether the amendments of the constitution proposed by the 2026 session of the general court shall
11 be approved.

12 IV. That the wording of the question put to the qualified voters shall be:

13 “Are you in favor of amending article 78 of the second part of the constitution to read as follows

14 [Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of
15 Judge of any Court, or Judge of Probate, after he has attained the age of seventy years, and no
16 person shall hold the office of Sheriff of any county after he has attained the age of seventy-five
17 years.”

18 V. That the secretary of state shall print the question to be submitted on a separate ballot
19 with other constitutional questions or on the official ballot. The ballot containing the question shall
20 include 2 ovals next to the question allowing the voter to vote “Yes” or “No.” If no oval is marked, the
21 ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular
22 official ballot except that the words “Questions Relating to Constitutional Amendments proposed by
23 the 2026 General Court” shall be printed in bold type at the top of the ballot.

24 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
25 becomes effective when the governor proclaims its adoption.

26 VII. Voters' Guide.

27 AT THE PRESENT TIME, no person may be a sheriff after he or she has turned

CACR 11 - AS INTRODUCED

- Page 2 -

1 seventy years old.

2 IF THE AMENDMENT IS ADOPTED, no person may be a sheriff after he or she has

3 turned seventy-five years old.

Amendment to CACR 11

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

2
3 RELATING TO: sheriffs.

4 PROVIDING THAT: there shall be no age limitation for a person to hold the office of county
5 sheriff.
6

7 Amend the bill by replacing all after the resolving clause with the following:
8

9 I. That article 78 of the second part of the constitution be amended to read as follows:

10 [Art.] 78. [Judges ~~and Sheriffs~~, When Disqualified by Age.] No person shall hold the office of
11 Judge of any Court~~;~~ or Judge of Probate~~[-or Sheriff of any county,]~~ after he has attained the age of
12 seventy years.

13 II. That the above amendment proposed to the constitution be submitted to the qualified
14 voters of the state at the state general election to be held in November 2026.

15 III. That the selectmen of all towns, cities, wards and places in the state are directed to
16 insert in their warrants for the said 2026 election an article to the following effect: To decide
17 whether the amendments of the constitution proposed by the 2026 session of the general court shall
18 be approved.

19 IV. That the wording of the question put to the qualified voters shall be:

20 “Are you in favor of amending article 78 of the second part of the constitution to read as follows:

21 [Art.] 78. [Judges, When Disqualified by Age.] No person shall hold the office of Judge of any
22 Court or Judge of Probate after he has attained the age of seventy years.”

23 V. That the secretary of state shall print the question to be submitted on a separate ballot
24 with other constitutional questions or on the official ballot. The ballot containing the question shall
25 include 2 ovals next to the question allowing the voter to vote “Yes” or “No.” If no oval is marked, the
26 ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular
27 official ballot except that the words “Questions Relating to Constitutional Amendments proposed by
28 the 2026 General Court” shall be printed in bold type at the top of the ballot.

29 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
30 becomes effective when the governor proclaims its adoption.

31 VII. Voters' Guide.

32 AT THE PRESENT TIME, no person may be a sheriff after he or she has turned

Amendment to CACR 11

- Page 2 -

1 seventy years old.

2 IF THE AMENDMENT IS ADOPTED, there shall be no age limitation on the office

3 of sheriff.

Amendment to CACR 11
- Page 3 -

2026-1219s

AMENDED ANALYSIS

This constitutional amendment concurrent resolution eliminates the age limitation for sheriffs.

Docket of CACR11		
11/21/2025	S	Introduced 01/07/2026 and Referred to Judiciary; SJ 1
02/12/2026	S	Hearing: 02/17/2026, Room 100, SH, 01:30 pm; SC 6
03/18/2026	S	Committee Report: Ought to Pass with Amendment # 2026-1219s, 03/26/2026, Vote 4-0; SC 11

Senate Judiciary Committee

Brendan Bunnell 271-4063

CACR 11, relating to sheriffs. Providing that no person shall hold the office of county sheriff after he or she has attained the age of 75 years.

Hearing Date: February 17, 2026

Time Opened 1:50 p.m.

Time Closed: 2:10 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This constitutional amendment concurrent resolution raises the retirement age for sheriffs to 75 years of age.

Sponsors:

Sen. Reardon

Sen. Abbas

Who supports the bill: Senator Reardon, Senator Abbas, David Goldstein (Rockingham County Sheriff's Office), Charles Massahos (Rockingham County Sheriff's Office), Sheriff Bill Wright (Belknap County), and Jennifer Favreau.

Who opposes the bill: Corinne Gordon and Leigh Hutchinson

Who is neutral on the bill: None.

Summary of the testimony presented:

Senator Tara Reardon (SD-15) and Senator Daryl Abbas (SD-22), introduced the bill, explaining that it would change the age limit for being a Sheriff in New Hampshire from 70 to 75. Senator Reardon explained that the current age limit had been set in the eighteenth century, and was no longer relevant when considering the relative difference in lifespans between that time and today. The Senators expressed their desire that the age limit be raised to 75 or outright eliminated.

- Senator Reardon stated that being 70 today is not the same as being 70 in the eighteenth century, when considering the health and acuity of modern individuals in their 70s.
- Senator Abbas stated that there are no other age limits present in New Hampshire's constitution for elected officials. He explained that being a

sheriff is an elected position, and ought to be held to the same standards as other roles without an age limit.

- Explained that there is no monetary incentive for being a Sheriff, as the role is paid far less than a Senior Deputy or other roles.
- Expressed that, in view of recruitment and retention issues in Law Enforcement roles, the state ought not to compel a popularly elected and highly experienced Sheriff to retire from that role.
- Senator Gannon stated that 75 seemed like a fair place for the age limit to be raised to, given that there could be some slowdown beyond that point.

High Sheriff Charles Massahos and Lieutenant David Goldstein, of Rockingham County, spoke in support of the bill, expressing that 70-year-olds are now capable of taking on far greater responsibilities than they were in 1792. Sheriff Massahos explained that there were many functions of the office that rely heavily on sound judgement and experience.

- Explained that the office of Sheriff is primarily executive in nature, and not limited to patrol duties. Sheriffs oversee many administrative necessities, including budgetary and personnel matters.
- Argued that disqualifying a Sheriff based solely on age neglects the skills necessary for that role. There are 10 Sheriffs in New Hampshire subject to this mandate and 240 Chiefs of Police not bound by age constraints.
- Argued that arbitrary age limits on Sheriffs removes the decision from the electorate that appointed them.
- Explained that, given the current retention and recruitment struggles of Law Enforcement, limiting leadership options in this way is especially harmful.
- Expressed that voters had the ability to decide the ability of a Sheriff to preform their role already, and that this democratic structure made age limits unnecessary.
- Asked the committee whether they felt that arbitrary age limits served the interests of the state, or if it would be best to leave the issue to the electorate.
- Introduced Lieutenant David Goldstein, who Sheriff Massahos had hired on account of his dedication and service to the state of New Hampshire. Lieutenant Goldstein is 74 years old, making him ineligible for the office of Sheriff. Sheriff Massahos wondered why anyone would want to give up the experience that Lieutenant Goldstein had acquired while a Police Chief.

- Senator Gannon asked how much of the office was devoted to field work.
 - o Sheriff Massahos answered that he was not involved in field work unless there was a major emergency. Most of his role was dedicated to administrative work and keeping his officers safe while providing the best possible law enforcement services.
- Senator Gannon asked, in view of the possibility of an emergency, if 75 was a good year to stop at or if legislators ought to eliminate the age limit all together.
 - o Sheriff Massahos answered that they should not be penalized with an age limit at all, but that 75 was better than 70.
 - o Expressed that you ought to be able to remain in the role as long as you are mentally, physically, and financially stable.
- Senator Abbas asked whether a Sheriff that became constitutionally disqualified from their role could then continue to serve a similar function in another role.
 - o Sheriff Massahos answered that this was correct, but that each role in the department had a specific job to perform.
- Senator Gannon asked if Sheriff Massahos would be happy for the bill to state that no one shall run for the office after the age of 75, meaning that individuals already elected to the role might get an additional couple of years in office.
 - o Sheriff Massahos said that he would prefer no age limit at all.
- Senator Altschiller asked whether the experience of a particular Sheriff could be retained by appointing that individual to another role in the department.
 - o Sheriff Massahos said that it could be, but that it would be in a different role with separate responsibilities and might leave the new appointee to the role of Sheriff lacking in the face of the office's many responsibilities.
 - o Lieutenant Goldstein explained that he was currently the Mental Health and Wellness Coordinator at the Rockingham County Sheriff's Office.
 - o Expressed that there are other options including term limits, which some other places rely upon.
 - o Argued that the New Hampshire Constitution is a living document which has been amended 149 times since 1792.

- Senator Gannon asked if Lieutenant Goldstein would prefer to move the limit to 75 years or to eliminate the age limit entirely.
 - o Lieutenant Goldstein expressed that he would prefer to take it out entirely.

BMB

Date Hearing Report completed: February 24, 2026