Section 1 Header

2026 SESSION

26-2771.2
12/07

HOUSE BILL ***[bill number]***

AN ACT expanding the circumstances where the restraint is permitted in schools and treatment facilities and modifying the definition of seclusion.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill expands the circumstances where restraint is permitted in schools and treatment facilities. The bill also modifies the definition of seclusion by making the involuntary separation of a child from a stressful environment an exception to the definition.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Section 2 Header

26-2771.2
12/07

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT expanding the circumstances where the restraint is permitted in schools and treatment facilities and modifying the definition of seclusion.

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

1 Public Health; Limiting the Use of Child Restraint Practices; Definition of Seclusion Modified. Amend RSA 126-U:1, V-a(b) to read as follows:

(b) The term shall not include: the [~~voluntary~~] ***involuntary*** separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave; circumstances in which there is no physical barrier, and the child is physically able to leave; or involuntary confinement of a child to a room or area with an adult who is actively engaging in a therapeutic intervention. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

2 Limitation on the Use of Restraint to Emergencies Only; Substantial and Serious Bodily Harm Removed. Amend RSA 126-U:5, I to read as follows:

I. Restraint shall only be used in a school or facility to ensure the immediate physical safety of persons when there is [~~a substantial and~~] ***an*** imminent risk of [~~serious~~] bodily harm to the child or others. The determination of whether the use of restraint is justified under this section may be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a [~~substantial~~] risk of [~~serious~~] bodily harm to the child or others. Restraint shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.

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