

HB 1211 - AS INTRODUCED

2026 SESSION

26-2859
09/06

HOUSE BILL **1211**

AN ACT relative to the scope of review of state agency interpretations.

SPONSORS: Rep. Kofalt, Hills. 32; Rep. Granger, Straf. 2; Rep. Slottje, Hills. 13; Rep. Ankarberg, Straf. 7; Rep. Layon, Rock. 13; Rep. Alexander Jr., Hills. 29; Rep. Sabourin, Rock. 30; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill states that reviews of state agency rules and guidance shall not defer to the agency's interpretations but make any necessary interpretations de novo, and shall resolve doubts in favor of limiting agency action.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 scope of review of state agency interpretations.

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

1 1 New Section; Standards for Review. Amend RSA 541-A by inserting after section 24 the
2 following new section:

3 541-A:24-a Standards for Review.

4 I. In interpreting a state statute, regulation, or other subregulatory agency document, a
5 state court or an officer hearing an administrative action may not defer to a state agency's
6 interpretation of it, and must instead interpret its meaning and effect de novo.

7 II. In actions brought by or against state agencies, after applying all customary tools of
8 interpretation, the court or hearing officer shall exercise any remaining doubt in favor of a
9 reasonable interpretation that limits agency power and maximizes individual liberty.

10 2 Effective Date. This act shall take effect January 1, 2027.