

HB 1593-FN - AS INTRODUCED

2026 SESSION

26-2932

12/09

HOUSE BILL ***1593-FN***

AN ACT relative to nondiscrimination due to disability.

SPONSORS: Rep. Cornell, Hills. 22; Rep. Damon, Sull. 8; Rep. Selig, Straf. 10; Rep. M. Murray, Hills. 37; Rep. M. Hall, Merr. 9; Rep. Balboni, Rock. 38; Rep. Bricchi, Merr. 15; Sen. Long, Dist 20

COMMITTEE: Judiciary

ANALYSIS

This bill codifies the language of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability by recipients and providers of state or federal financial assistance. The bill also codifies remedies available under section 505, which includes reasonable attorneys' fees for certain prevailing parties.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 New Sections; Disability Discrimination Prohibited; Remedies. Amend RSA 354-A by
2 inserting after section 16 the following new sections:

3 354-A:16-a Disability Discrimination Prohibited. No otherwise qualified individual with a
4 disability in New Hampshire, as defined in RSA 354-A:2, IV, shall solely by reason of her or his
5 disability, be excluded from the participation in, be denied the benefits of, or be subjected to
6 discrimination under any program or activity receiving federal or state financial assistance. The
7 head of each state agency shall promulgate regulations as may be necessary to carry out this section.

8 I. For the purposes of this section, the term "program or activity" means all of the operations
9 of:

10 (a) A department, agency, special purpose district, or other instrumentality of the state
11 or local government;

12 (b) An entity of the state or local government that distributes assistance and each such
13 department or agency to which the assistance is extended;

14 (c) A college, university, or other postsecondary institution, or a public system of higher
15 education;

16 (d) A local educational agency, as defined in RSA 110-D:3, IX, a system of vocational
17 education, or other school system;

18 (e) An entire corporation, partnership, or other private organization, or an entire sole
19 proprietorship if:

20 (1) Assistance is extended to such corporation, partnership, private organization, or
21 sole proprietorship as a whole; or

22 (2) Such corporation, partnership, private organization, or sole proprietorship is
23 principally engaged in the business of providing education, health care, housing, social services, or
24 parks and recreation;

25 (f) An entire plant or other comparable, geographically separate facility to which federal
26 or state financial assistance is extended, in the case of any other corporation, partnership, private
27 organization, or sole proprietorship; or

28 (g) Any other entity which is established by two or more of the entities described in this
29 paragraph and to which any part thereof is extended federal or state financial assistance.

30 II. Small providers are not required under this section to make significant structural
31 alterations to their existing facilities for the purpose of assuring program accessibility, if alternative

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1 means of providing the services are available. The terms used in this section shall be construed with
2 reference to the regulations existing on the date of the enactment of this section.

3 III. The standards used to determine whether this section has been violated in a complaint
4 alleging employment discrimination under this section shall be the standards applied under title I of
5 the Americans with Disabilities Act of 1990 and the provisions of sections 501 through 504, and 510,
6 of the Americans with Disabilities Act of 1990, as such sections relate to employment.

7 354-A:16-b Remedies.

8 I. The remedies, procedures, and rights to bring civil action, obtain an injunction or
9 declaratory relief, right to appeal, and right to attorneys' fees shall be available, with respect to any
10 complaint under RSA 354-A:16-a to any employee or applicant for employment aggrieved by the final
11 disposition of such complaint, or by the failure to take final action on such complaint. In
12 establishing an equitable or affirmative action remedy under this section, a court may take into
13 account the reasonableness of the cost of any necessary workplace accommodation, and the
14 availability of alternatives therefor or other appropriate relief in order to achieve an equitable and
15 appropriate remedy.

16 II. The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964
17 shall be available to any person aggrieved by any act or failure to act by any recipient of federal or
18 state assistance or a federal or state provider of such assistance, with the exception of the remedy of
19 compensatory damages, which shall not be available.

20 III. In any action or proceeding to enforce or charge a violation of a provision of RSA 354-
21 A:16-a, the court, in its discretion, may allow the prevailing party, other than the United States or
22 state of New Hampshire a reasonable attorney's fee as part of the costs.

23 2 Effective Date. This act shall take effect January 1, 2027.

**HB 1593-FN- FISCAL NOTE
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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