

SB 441-FN - AS AMENDED BY THE SENATE

03/26/2026 1245s

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. Avard, 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 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 unrelated to such person's request or application for general
9 assistance under this chapter to another municipality for the purpose of receiving housing, shelter,
10 addiction treatment, or related services, or to place that person within the jurisdiction of such
11 municipality, shall first have in place a memorandum of understanding (MOU) with the receiving
12 municipality.

13 II. The MOU shall specify the types of services to be provided by the receiving municipality,
14 any financial contributions to be made by the sending municipality, which may include payment for
15 some or all treatment or service costs, and any other conditions mutually agreed upon by the
16 municipalities, including limits on the number of individuals to be transferred, coordination
17 protocols, and reporting requirements.

18 III. This section shall not apply to emergency medical transfers, transfers by law
19 enforcement when complying with a court order, or voluntary relocation by an individual without the
20 assistance, arrangement, or sponsorship of a municipality or their representative.

21 IV. Each municipality may develop criteria for treatment or recovery organizations that
22 operate under the opioid abatement trust fund, established in RSA 126-A:86, or syringe service
23 programs, established under RSA 318-B:43, on what messaging and harm reduction materials may
24 be distributed, as well as the time and location of their distribution.

25 V. Organizations working under RSA 126-A:86 or RSA 318-B:43 within a municipality may
26 be required to offer a pathway to recovery and include literature against the use of drugs and
27 promoting respite and recovery programs.

28 VI. A municipality may disallow any organization under RSA 126-A:86 or RSA 318-B:43
29 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