

SB 298-FN - AS AMENDED BY THE HOUSE

01/07/2026 3105s
14May2026... 1751h
14May2026... 1958h

2025 SESSION

25-1166
05/02

SENATE BILL **298-FN**

AN ACT relative to the scope of review of state agency interpretations, prohibiting the use of scented products in public areas of state buildings, and establishing a committee to study the implementation and effectiveness of the mandatory statewide certification process and operational standards for recovery residences.

SPONSORS: Sen. Avard, Dist 12

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. States that, in actions brought by or against state agencies, after applying all customary tools of interpretation, the court or hearing officer shall resolve any remaining doubt as to legal meaning in favor of a reasonable interpretation that limits agency power and maximizes liberty for individuals impacted by restrictions, fees, fines, or civil or criminal action as a result of the state statute, regulation, or other subregulatory agency document.

II. Prohibits the use of scented products in public areas of state buildings.

III. Establishes a committee to study the implementation and effectiveness of the mandatory statewide certification process and operational standards for recovery residences.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the scope of review of state agency interpretations, prohibiting the use of scented products in public areas of state buildings, and establishing a committee to study the implementation and effectiveness of the mandatory statewide certification process and operational standards for recovery residences.

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 administration action shall not defer to a state agency's
6 interpretation of the statute, regulation, or subregulatory document and shall instead interpret its
7 meaning and effect de novo.

8 II. In actions brought by or against state agencies, after applying all customary tools of
9 interpretation, the court or hearing officer shall resolve any remaining doubt as to legal meaning in
10 favor of a reasonable interpretation that limits agency power and maximizes liberty for the
11 individuals impacted by restrictions, fees, fines, or civil or criminal action as a result of the state
12 statute, regulation, or other subregulatory agency document.

13 2 New Section; Statutory Construction. Amend RSA 21 by inserting after section 55 the
14 following new section:

15 21:56 Presumption of Liberty in Administrative Law. Consistent with RSA 541-A:24-a, in
16 actions brought by or against state agencies, after applying all customary tools of interpretation, a
17 court or hearing officer shall resolve any remaining doubt as to legal meaning in favor of a
18 reasonable interpretation that limits agency power and maximizes liberty for the individuals
19 impacted by restrictions, fees, fines, or civil or criminal action as a result of the state statute,
20 regulation or other subregulatory agency document.

21 3 Legislative Findings. With respect to sections 3 and 4 of this act:

22 I. Scented products, including air fresheners, scented flame or flameless wax products, oils,
23 hand sanitizers, and scented cleaning products, can be an irritant or trigger a reaction in people with
24 certain medical conditions, such as asthma or allergies.

25 II. The American Medical Association has recommended government agencies support the
26 use of fragrance-free products.

1 III. To ensure that state government is, to the greatest extent possible, open to all the
2 people, including those with medical conditions aggravated by scented products, the general court
3 finds that limiting the use of fragrance-containing products would serve the public interest.

4 4 New Subdivision; Fragrance-Free Requirements in State Buildings Open to the Public.
5 Amend RSA 155 by inserting after section 83 the following new subdivision:

6 Fragrance-Free Requirements in State Buildings Open to the Public

7 155:84 Fragrance-Free Requirements in State Buildings Open to the Public.

8 I. In this section:

9 (a) "Open to the public" means buildings, or areas of buildings, that maintain regular
10 hours during which any member of the public may visit, or that are routinely used for appointments
11 with members of the public.

12 (b) "Fragrance dispensing devices" means automatic, manual, or reactive devices that
13 dispense a scent into the air, including but not limited to plug-in air fresheners, wall-mounted
14 dispensers, and aerosol sprays.

15 II. Not more than one year from the effective date of this section, in all areas of buildings
16 owned or operated by the state that are open to the public, the state shall:

17 (a) Use only fragrance-free cleaning products;

18 (b) Provide only fragrance-free products in restrooms and any other personal hygiene
19 locations; and

20 (c) Prohibit the use of fragrance dispensing devices.

21 5 Committee Established. There is established a committee to study the implementation and
22 effectiveness of the mandatory statewide certification process and operational standards for recovery
23 residences.

24 6 Membership and Compensation.

25 I. The members of the committee shall be as follows:

26 (a) Three members of the house of representatives, appointed by the speaker of the
27 house of representatives.

28 (b) Two members of the senate, appointed by the president of the senate.

29 II. Members of the committee shall receive mileage at the legislative rate when attending to
30 the duties of the committee.

31 7 Duties. The committee shall conduct a comprehensive, evidence-based investigation and
32 evaluation of mandatory certification for all recovery residences in New Hampshire to replace the
33 prior voluntary registration system. It shall specifically investigate and evaluate:

34 I. Evaluate and refine the statutory definition of "recovery residence" to establish clear,
35 objective criteria for determining which multi-person shared living arrangements fall under the
36 mandatory certification requirement, including factors such as number of unrelated adult residents,
37 primary purpose of substance use disorder recovery support, provision of an alcohol- and illicit-drug-

1 free environment, absence of on-site clinical treatment services, and exclusions for licensed
2 treatment facilities, family homes, general roommate arrangements, or other housing models.

3 II. Assess risks of over- or under-inclusion and recommend bright-line rules or self-
4 attestation processes.

5 III. Assess the application, review, approval, renewal, and appeal processes; the role of
6 certifying entities; inspector training and capacity; fee structures; and the amendment's delayed
7 implementation and funding contingencies.

8 IV. Review the 39 standards for alignment with current federal SAMHSA Best Practices (11
9 guiding principles and 4 domains of recovery), National Alliance for Recovery Residences (NARR)
10 Levels 1–4, Americans with Disabilities Act, Fair Housing Act, and other federal requirements.

11 V. Evaluate medication management, non-discrimination against Medication-Assisted
12 Treatment (MAT) users, secure storage, and Narcan training.

13 VI. Investigate the feasibility of voluntary designations for MAT-friendly versus MAT-free
14 (abstinence-only) housing options with clear disclosure requirements.

15 VII. Identify gaps and recommend updates to fit New Hampshire's needs.

16 VIII. Map the standards and process against all relevant federal mandates and funding
17 conditions.

18 IX. Evaluate the potential for state-level waivers, variances, pilot programs, or alternative
19 compliance pathways to address unique New Hampshire needs such as geography, funding, or
20 operator capacity.

21 X. Assess legal, fiscal, and practical feasibility of seeking federal approvals.

22 XI. Investigate inspection frequency, complaint protocols, due-process safeguards (including
23 the amendment's modifications), revocation procedures, penalties, and data transparency
24 requirements.

25 XII. Measure compliance costs, risks of closures, effects on affordability and distribution,
26 and implications from MAT policies or federal alignment.

27 XIII. Evaluate improvements in safety, stability, and recovery success, with specific focus on
28 MAT users versus abstinence-only preferences, accessibility for diverse populations, and potential
29 barriers.

30 XIV. Investigate neighborhood effects, interactions with local zoning and ordinances,
31 coordination with other state and federal systems, and workforce impacts.

32 XV. Quantify costs, potential federal funding opportunities, cost savings, and sustainable
33 funding mechanisms, including those related to waivers.

34 XVI. Compare with other states, conduct public hearings and surveys with diverse
35 stakeholders, evaluate equity impacts, develop metrics for ongoing evaluation, and identify
36 unintended consequences.

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1 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
2 among the members. The first meeting of the committee shall be called by the first-named house
3 member. The committee shall meet at least 10 times. The first meeting of the committee shall be
4 held within 45 days of the effective date of this section. Four members of the committee shall
5 constitute a quorum.

6 9 Report. The committee shall report its findings and any recommendations for proposed
7 legislation to the speaker of the house of representatives, the president of the senate, the house
8 clerk, the senate clerk, the governor, and the state library on or before November 1, 2026.

9 10 Effective Date.

10 I. Sections 1 and 2 of this act shall take effect January 1, 2027.

11 II. Sections 3 and 4 of this act shall take effect 60 days after its passage.

12 III. The remainder of this act shall take effect upon its passage.

LBA
25-1166
05/18/2026

SB 298-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENTS #2026-1751h and #2026-1968h)

AN ACT relative to the scope of review of state agency interpretations, prohibiting the use of scented products in public areas of state buildings, and establishing a committee to study the implementation and effectiveness of the mandatory statewide certification process and operational standards for recovery residences.

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