

HB 1772-FN-A - VERSION ADOPTED BY BOTH BODIES

11Mar2026... 0365h
05/14/2026 1623s
05/14/2026 1916s
4Jun2026... 2090CofC

2026 SESSION

26-2533
05/09

HOUSE BILL **1772-FN-A**

AN ACT relative to prescribing ibogaine for investigational use only and adopting the physician associate licensure compact.

SPONSORS: Rep. Moffett, Merr. 4; Rep. Ammon, Hills. 42; Rep. Edwards, Rock. 31; Rep. Foss, Hills. 41; Rep. Freeman, Belk. 8; Rep. Roy, Rock. 31; Sen. McGough, Dist 11; Sen. Pearl, Dist 17

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill:

I. Permits licensed health care providers to administer ibogaine under the framework of an FDA-approved research protocol.

II. Adopts the PA licensure compact.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to prescribing ibogaine for investigational use only and adopting the physician associate licensure compact.

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

1 1 New Section; Ibogaine; Administered Under FDA-approved Research Protocol. Amend RSA
2 329 by inserting after section RSA 329:1-h the following new section:

3 329:1-i Ibogaine; Administered Under FDA-approved Research Protocol. To the extent
4 allowable by federal law, licensed physicians or qualified licensed practitioners may administer
5 ibogaine under the framework of an FDA-approved research protocol.

6 2 New Section; Physician Associates; Physician Associate Licensure Compact Adopted. Amend
7 RSA 328-D by inserting after section 18 the following new section:

8 328-D:18-a Physician Associate Licensure Compact Adopted. The state of New Hampshire
9 hereby adopts the provisions of the physician associate licensure compact as follows:

10 Section 1. Purpose.

11 In order to strengthen access to medical services, and in recognition of the advances in the
12 delivery of medical services, the participating states of the PA licensure compact have allied in
13 common purpose to develop a comprehensive process that complements the existing authority of
14 state licensing boards to license and discipline PAs and seeks to enhance the portability of a license
15 to practice as a PA while safeguarding the safety of patients. This compact allows medical services
16 to be provided by PAs, via the mutual recognition of the licensee's qualifying license by other
17 compact participating states. This compact also adopts the prevailing standard for PA licensure and
18 affirms that the practice and delivery of medical services by the PA occurs where the patient is
19 located at the time of the patient encounter, and therefore requires the PA to be under the
20 jurisdiction of the state licensing board where the patient is located. State licensing boards that
21 participate in this compact retain the jurisdiction to impose adverse action against a compact
22 privilege in that state issued to a PA through the procedures of this compact. The PA licensure
23 compact will alleviate burdens for military families by allowing active duty military personnel and
24 their spouses to obtain a compact privilege based on having an unrestricted license in good standing
25 from a participating state.

26 Section 2. Definitions.

27 In this compact:

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1 A. “Adverse action” means any administrative, civil, equitable, or criminal action permitted by a
2 state’s laws which is imposed by a licensing board or other authority against a PA license or license
3 application or compact privilege such as license denial, censure, revocation, suspension, probation,
4 monitoring of the licensee, or restriction on the licensee’s practice.

5 B. “Compact privilege” means the authorization granted by a remote state to allow a licensee
6 from another participating state to practice as a PA to provide medical services and other licensed
7 activity to a patient located in the remote state under the remote state’s laws and regulations.

8 C. “Conviction” means a finding by a court that an individual is guilty of a felony or
9 misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by
10 the offender.

11 D. “Criminal background check” means the submission of fingerprints or other biometric based
12 information for a license applicant for the purpose of obtaining that applicant’s criminal history
13 record information, as defined in 28 C.F.R. § 20.3(d), from the state’s criminal history record
14 repository as defined in 28 C.F.R. § 20.3(f).

15 E. “Data system” means the repository of information about licensees, including but not limited
16 to license status and adverse actions, which is created and administered under the terms of this
17 compact.

18 F. “Executive committee” means a group of directors and ex-officio individuals elected or
19 appointed pursuant to Section 7.F.2.

20 G. “Impaired practitioner” means a PA whose practice is adversely affected by health related
21 condition(s) that impact their ability to practice.

22 H. “Investigative information” means information, records, or documents received or generated
23 by a licensing board pursuant to an investigation.

24 I. “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws
25 and rules governing the practice of a PA in a state.

26 J. “License” means current authorization by a state, other than authorization pursuant to a
27 compact privilege, for a PA to provide medical services, which would be unlawful without current
28 authorization.

29 K. “Licensee” means an individual who holds a license from a state to provide medical services
30 as a PA.

31 L. “Licensing board” means any state entity authorized to license and otherwise regulate PAs.

32 M. “Medical services” means health care services provided for the diagnosis, prevention,
33 treatment, cure, or relief of a health condition, injury, or disease, as defined by a state’s laws and
34 regulations.

35 N. “Model compact” means the model for the PA licensure compact on file with the council of
36 state governments or other entity as designated by the commission.

37 O. “Participating state” means a state that has enacted this compact.

1 P. "PA" means an individual who is licensed as a physician associate in a state. For purposes of
2 this compact, any other title or status adopted by a state to replace the term "physician assistant"
3 shall be deemed synonymous with "physician associate" and shall confer the same rights and
4 responsibilities to the licensee under the provisions of this compact at the time of its enactment.

5 Q. "PA licensure compact commission," "compact commission," or "commission" mean the
6 national administrative body created pursuant to section 7.A of this compact.

7 R. "Qualifying license" means an unrestricted license issued by a participating state to provide
8 medical services as a PA.

9 S. "Remote state" means a participating state where a licensee who is not licensed as a PA is
10 exercising or seeking to exercise the compact privilege.

11 T. "Rule" means a regulation promulgated by an entity that has the force and effect of law.

12 U. "Significant investigative information" means investigative information that a licensing
13 board, after an inquiry or investigation that includes notification and an opportunity for the PA to
14 respond if required by state law, has reason to believe is not groundless and, if proven true, would
15 indicate more than a minor infraction.

16 V. "State" means any state, commonwealth, district, or territory of the United States.

17 Section 3. State Participation in this Compact.

18 A. To participate in this compact, a participating state shall:

19 1. License PAs.
20 2. Participate in the compact commission's data system.
21 3. Have a mechanism in place for receiving and investigating complaints against licensees
22 and license applicants.

23 4. Notify the commission, in compliance with the terms of this compact and commission
24 rules, of any adverse action against a licensee or license applicant and the existence of significant
25 investigative information regarding a licensee or license applicant.

26 5. Fully implement a criminal background check requirement, within a time frame
27 established by commission rule, by its licensing board receiving the results of a criminal background
28 check and reporting to the commission whether the license applicant has been granted a license.

29 6. Comply with the rules of the compact commission.

30 7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a
31 requirement for PA licensure.

32 8. Grant the compact privilege to a holder of a qualifying license in a participating state.

33 B. Nothing in this compact prohibits a participating state from charging a fee for granting the
34 compact privilege.

35 Section 4. Compact Privilege.

36 A. To exercise the compact privilege, a licensee must:

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1 1. Have graduated from a PA program accredited by the Accreditation Review Commission
2 on Education for the Physician Assistant, Inc. or other programs authorized by commission rule.

3 2. Hold current NCCPA certification.

4 3. Have no felony or misdemeanor conviction.

5 4. Have never had a controlled substance license, permit, or registration suspended or
6 revoked by a state or by the United States Drug Enforcement Administration.

7 5. Have a unique identifier as determined by commission rule.

8 6. Hold a qualifying license.

9 7. Have had no revocation of a license or limitation or restriction on any license currently
10 held due to an adverse action.

11 8. If a licensee has had a limitation or restriction on a license or compact privilege due to an
12 adverse action, 2 years must have elapsed from the date on which the license or compact privilege is
13 no longer limited or restricted due to the adverse action.

14 9. If a compact privilege has been revoked or is limited or restricted in a participating state
15 for conduct that would not be a basis for disciplinary action in a participating state in which the
16 licensee is practicing or applying to practice under a compact privilege, that participating state shall
17 have the discretion not to consider such action as an adverse action requiring the denial or removal
18 of a compact privilege in that state.

19 10. Notify the compact commission that the licensee is seeking the compact privilege in a
20 remote state.

21 11. Meet any jurisprudence requirement of a remote state in which the licensee is seeking to
22 practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence
23 requirement.

24 12. Report to the commission any adverse action taken by a non-participating state within
25 30 days after the action is taken.

26 B. The compact privilege is valid until the expiration or revocation of the qualifying license
27 unless terminated pursuant to an adverse action. The licensee must also comply with all of the
28 requirements of subsection A above to maintain the compact privilege in a remote state. If the
29 participating state takes adverse action against a qualifying license, the licensee shall lose the
30 compact privilege in any remote state in which the licensee has a compact privilege until all of the
31 following occur:

32 1. The license is no longer limited or restricted; and

33 2. Two years have elapsed from the date on which the license is no longer limited or
34 restricted due to the adverse action.

35 C. Once a restricted or limited license satisfies the requirements of subsection B.1 and 2, the
36 licensee must meet the requirements of subsection A to obtain a compact privilege in any remote
37 state.

1 D. For each remote state in which a PA seeks authority to prescribe controlled substances, the
2 PA shall satisfy all requirements imposed by such state in granting or renewing such authority.

3 Section 5. Designation of the State from Which Licensee is Applying for a Compact Privilege.

4 A. Upon a licensee's application for a compact privilege, the licensee shall identify to the
5 commission the participating state from which the licensee is applying, in accordance with
6 applicable rules adopted by the commission, and subject to the following requirements:

7 1. When applying for a compact privilege, the licensee shall provide the commission with the
8 address of the licensee's primary residence and thereafter shall immediately report to the
9 commission any change in the address of the licensee's primary residence.

10 2. When applying for a compact privilege, the licensee is required to consent to accept
11 service of process by mail at the licensee's primary residence on file with the commission with
12 respect to any action brought against the licensee by the commission or a participating state,
13 including a subpoena, with respect to any action brought or investigation conducted by the
14 commission or a participating state.

15 Section 6. Adverse Actions.

16 A. A participating state in which a licensee is licensed shall have exclusive power to impose
17 adverse action against the qualifying license issued by that participating state.

18 B. In addition to the other powers conferred by state law, a remote state shall have the
19 authority, in accordance with existing state due process law, to do all of the following:

20 1. Take adverse action against a PA's compact privilege within that state to remove a
21 licensee's compact privilege or take other action necessary under applicable law to protect the health
22 and safety of its citizens.

23 2. Issue subpoenas for both hearings and investigations that require the attendance and
24 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board
25 in a participating state for the attendance and testimony of witnesses or the production of evidence
26 from another participating state shall be enforced in the latter state by any court of competent
27 jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in
28 proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,
29 mileage, and other fees required by the service statutes of the state in which the witnesses or
30 evidence are located.

31 3. Notwithstanding paragraph 2, subpoenas may not be issued by a participating state to
32 gather evidence of conduct in another state that is lawful in that other state for the purpose of
33 taking adverse action against a licensee's compact privilege or application for a compact privilege in
34 that participating state.

35 4. Nothing in this compact authorizes a participating state to impose discipline against a
36 PA's compact privilege or to deny an application for a compact privilege in that participating state
37 for the individual's otherwise lawful practice in another state.

1 C. For purposes of taking adverse action, the participating state which issued the qualifying
2 license shall give the same priority and effect to reported conduct received from any other
3 participating state as it would if the conduct had occurred within the participating state which
4 issued the qualifying license. In so doing, that participating state shall apply its own state laws to
5 determine appropriate action.

6 D. A participating state, if otherwise permitted by state law, may recover from the affected PA
7 the costs of investigations and disposition of cases resulting from any adverse action taken against
8 that PA.

9 E. A participating state may take adverse action based on the factual findings of a remote state,
10 provided that the participating state follows its own procedures for taking the adverse action.

11 F. Joint investigations.

12 1. In addition to the authority granted to a participating state by its respective state PA
13 laws and regulations or other applicable state law, any participating state may participate with
14 other participating states in joint investigations of licensees.

15 2. Participating states shall share any investigative, litigation, or compliance materials in
16 furtherance of any joint or individual investigation initiated under this compact.

17 G. If an adverse action is taken against a PA's qualifying license, the PA's compact privilege in
18 all remote states shall be deactivated until 2 years have elapsed after all restrictions have been
19 removed from the state license. All disciplinary orders by the participating state which issued the
20 qualifying license that impose adverse action against a PA's license shall include a statement that
21 the PA's compact privilege is deactivated in all participating states during the pendency of the order.

22 H. If any participating state takes adverse action, it promptly shall notify the administrator of
23 the data system.

24 Section 7. Establishment of the PA Licensure Compact Commission.

25 A. The participating states hereby create and establish a joint government agency and national
26 administrative body known as the PA licensure compact commission. The commission is an
27 instrumentality of the compact states acting jointly and not an instrumentality of any one state. The
28 commission shall come into existence on or after the effective date of the compact as set forth in
29 section 11.A.

30 B. Membership, voting, and meetings.

31 1. Each participating state shall have and be limited to one delegate selected by that
32 participating state's licensing board or, if the state has more than one licensing board, selected
33 collectively by the participating state's licensing boards.

34 2. The delegate shall be either:

35 a. A current PA, physician, or public member of a licensing board or PA
36 council/committee; or

37 b. An administrator of a licensing board.

1 3. Any delegate may be removed or suspended from office as provided by the laws of the
2 state from which the delegate is appointed.

3 4. The participating state licensing board shall fill any vacancy occurring in the commission
4 within 60 days.

5 5. Each delegate shall be entitled to one vote on all matters voted on by the commission and
6 shall otherwise have an opportunity to participate in the business and affairs of the commission. A
7 delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may
8 provide for delegates' participation in meetings by telecommunications, video conference, or other
9 means of communication.

10 6. The commission shall meet at least once during each calendar year. Additional meetings
11 shall be held as set forth in this compact and the bylaws.

12 7. The commission shall establish by rule a term of office for delegates.

13 C. The commission shall have the following powers and duties:

14 1. Establish a code of ethics for the commission;

15 2. Establish the fiscal year of the commission;

16 3. Establish fees;

17 4. Establish bylaws;

18 5. Maintain its financial records in accordance with the bylaws;

19 6. Meet and take such actions as are consistent with the provisions of this compact and the
20 bylaws;

21 7. Promulgate rules to facilitate and coordinate implementation and administration of this
22 compact. The rules shall have the force and effect of law and shall be binding in all participating
23 states;

24 8. Bring and prosecute legal proceedings or actions in the name of the commission, provided
25 that the standing of any state licensing board to sue or be sued under applicable law shall not be
26 affected;

27 9. Purchase and maintain insurance and bonds;

28 10. Borrow, accept, or contract for services of personnel, including, but not limited to,
29 employees of a participating state;

30 11. Hire employees and engage contractors, elect or appoint officers, fix compensation,
31 define duties, grant such individuals appropriate authority to carry out the purposes of this compact,
32 and establish the commission's personnel policies and programs relating to conflicts of interest,
33 qualifications of personnel, and other related personnel matters;

34 12. Accept any and all appropriate donations and grants of money, equipment, supplies,
35 materials and services, and receive, utilize, and dispose of the same; provided that at all times the
36 commission shall avoid any appearance of impropriety or conflict of interest;

1 13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
2 improve, or use, any property, real, personal or mixed; provided that at all times the commission
3 shall avoid any appearance of impropriety;

4 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
5 property real, personal, or mixed;

6 15. Establish a budget and make expenditures;

7 16. Borrow money;

8 17. Appoint committees, including standing committees composed of members, state
9 regulators, state legislators or their representatives, and consumer representatives, and such other
10 interested persons as may be designated in this compact and the bylaws;

11 18. Provide and receive information from, and cooperate with, law enforcement agencies;

12 19. Elect a chair, vice chair, secretary, and treasurer and such other officers of the
13 commission as provided in the commission's bylaws.

14 20. Reserve for itself, in addition to those reserved exclusively to the commission under the
15 compact, powers that the executive committee may not exercise;

16 21. Approve or disapprove a state's participation in the compact based upon its
17 determination as to whether the state's compact legislation departs in a material manner from the
18 model compact language;

19 22. Prepare and provide to the participating states an annual report; and

20 23. Perform such other functions as may be necessary or appropriate to achieve the purposes
21 of this compact consistent with the state regulation of PA licensure and practice.

22 D. Meetings of the commission.

23 1. All meetings of the commission that are not closed pursuant to this subsection shall be
24 open to the public. Notice of public meetings shall be posted on the commission's website at least 30
25 days prior to the public meeting.

26 2. Notwithstanding subsection D.1 of this section, the commission may convene a public
27 meeting by providing at least 24 hours prior notice on the commission's website, and any other
28 means as provided in the commission's rules, for any of the reasons it may dispense with notice of
29 proposed rulemaking under section 9.L.

30 3. The commission may convene in a closed, non-public meeting or non-public part of a
31 public meeting to receive legal advice or to discuss:

32 a. Non-compliance of a participating state with its obligations under this compact;

33 b. The employment, compensation, discipline, or other matters, practices or procedures
34 related to specific employees or other matters related to the commission's internal personnel
35 practices and procedures;

36 c. Current, threatened, or reasonably anticipated litigation;

1 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
2 estate;

3 e. Accusing any person of a crime or formally censuring any person;

4 f. Disclosure of trade secrets or commercial or financial information that is privileged or
5 confidential;

6 g. Disclosure of information of a personal nature where disclosure would constitute a
7 clearly unwarranted invasion of personal privacy;

8 h. Disclosure of investigative records compiled for law enforcement purposes;

9 i. Disclosure of information related to any investigative reports prepared by or on behalf
10 of or for use of the commission or other committee charged with responsibility of investigation or
11 determination of compliance issues pursuant to this compact;

12 j. Legal advice; or

13 k. Matters specifically exempted from disclosure by federal or participating states'
14 statutes.

15 4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of the
16 meeting or the chair's designee shall certify that the meeting or portion of the meeting may be closed
17 and shall reference each relevant exempting provision.

18 5. The commission shall keep minutes that fully and clearly describe all matters discussed
19 in a meeting and shall provide a full and accurate summary of actions taken, including a description
20 of the views expressed. All documents considered in connection with an action shall be identified in
21 such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to
22 release by a majority vote of the commission or order of a court of competent jurisdiction.

23 E. Financing of the commission.

24 1. The commission shall pay, or provide for the payment of, the reasonable expenses of its
25 establishment, organization, and ongoing activities.

26 2. The commission may accept any and all appropriate revenue sources, donations, and
27 grants of money, equipment, supplies, materials, and services.

28 3. The commission may levy on and collect an annual assessment from each participating
29 state and may impose compact privilege fees on licensees of participating states to whom a compact
30 privilege is granted to cover the cost of the operations and activities of the commission and its staff,
31 which must be in a total amount sufficient to cover its annual budget as approved by the commission
32 each year for which revenue is not provided by other sources. The aggregate annual assessment
33 amount levied on participating states shall be allocated based upon a formula to be determined by
34 commission rule.

35 a. A compact privilege expires when the licensee's qualifying license in the participating
36 state from which the licensee applied for the compact privilege expires.

1 b. If the licensee terminates the qualifying license through which the licensee applied for
2 the compact privilege before its scheduled expiration, and the licensee has a qualifying license in
3 another participating state, the licensee shall inform the commission that it is changing to that
4 participating state the participating state through which it applies for a compact privilege and pay to
5 the commission any compact privilege fee required by commission rule.

6 4. The commission shall not incur obligations of any kind prior to securing the funds
7 adequate to meet the same; nor shall the commission pledge the credit of any of the participating
8 states, except by and with the authority of the participating state.

9 5. The commission shall keep accurate accounts of all receipts and disbursements. The
10 receipts and disbursements of the commission shall be subject to the financial review and accounting
11 procedures established under its bylaws. All receipts and disbursements of funds handled by the
12 commission shall be subject to an annual financial review by a certified or licensed public
13 accountant, and the report of the financial review shall be included in and become part of the annual
14 report of the commission.

15 F. The executive committee.

16 1. The executive committee shall have the power to act on behalf of the commission
17 according to the terms of this compact and commission rules.

18 2. The executive committee shall be composed of 9 members:

19 a. Seven voting members who are elected by the commission from the current
20 membership of the commission;

21 b. One ex-officio, nonvoting member from a recognized national PA professional
22 association; and

23 c. One ex-officio, nonvoting member from a recognized national PA certification
24 organization.

25 3. The ex-officio members will be selected by their respective organizations.

26 4. The commission may remove any member of the executive committee as provided in its
27 bylaws.

28 5. The executive committee shall meet at least annually.

29 6. The executive committee shall have the following duties and responsibilities:

30 a. Recommend to the commission changes to the commission's rules or bylaws, changes
31 to this compact legislation, fees to be paid by compact participating states such as annual dues, and
32 any commission compact fee charged to licensees for the compact privilege;

33 b. Ensure compact administration services are appropriately provided, contractual or
34 otherwise;

35 c. Prepare and recommend the budget;

36 d. Maintain financial records on behalf of the commission;

1 e. Monitor compact compliance of participating states and provide compliance reports to
2 the commission;

3 f. Establish additional committees as necessary;

4 g. Exercise the powers and duties of the commission during the interim between
5 commission meetings, except for issuing proposed rulemaking or adopting commission rules or
6 bylaws, or exercising any other powers and duties exclusively reserved to the commission by the
7 commission's rules; and

8 h. Perform other duties as provided in the commission's rules or bylaws.

9 7. All meeting of the executive committee at which it votes or plans to vote on matters in
10 exercising the powers and duties of the commission shall be open to the public and public notice of
11 such meetings shall be given as public meetings of the commission are given.

12 8. The executive committee may convene in a closed, non-public meeting for the same
13 reasons that the commission may convene in a non-public meeting as set forth in section 7.D.3 and
14 shall announce the closed meeting as the commission is required to under section 7.D.4 and keep
15 minutes of the closed meeting as the commission is required to under section 7.D.5.

16 G. Qualified immunity, defense, and indemnification.

17 1. The members, officers, executive director, employees, and representatives of the
18 commission shall be immune from suit and liability, both personally and in their official capacity, for
19 any claim for damage to or loss of property or personal injury or other civil liability caused by or
20 arising out of any actual or alleged act, error, or omission that occurred, or that the person against
21 whom the claim is made had a reasonable basis for believing occurred within the scope of
22 commission employment, duties or responsibilities; provided that nothing in this paragraph shall be
23 construed to protect any such person from suit or liability for any damage, loss, injury, or liability
24 caused by the intentional or willful or wanton misconduct of that person. The procurement of
25 insurance of any type by the commission shall not in any way compromise or limit the immunity
26 granted hereunder.

27 2. The commission shall defend any member, officer, executive director, employee, and
28 representative of the commission in any civil action seeking to impose liability arising out of any
29 actual or alleged act, error, or omission that occurred within the scope of commission employment,
30 duties, or responsibilities, or as determined by the commission that the person against whom the
31 claim is made had a reasonable basis for believing occurred within the scope of commission
32 employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit
33 that person from retaining their own counsel at their own expense; and provided further, that the
34 actual or alleged act, error, or omission did not result from that person's intentional or willful or
35 wanton misconduct.

36 3. The commission shall indemnify and hold harmless any member, officer, executive
37 director, employee, and representative of the commission for the amount of any settlement or

1 judgment obtained against that person arising out of any actual or alleged act, error, or omission
2 that occurred within the scope of commission employment, duties, or responsibilities, or that such
3 person had a reasonable basis for believing occurred within the scope of commission employment,
4 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result
5 from the intentional or willful or wanton misconduct of that person.

6 4. Venue is proper and judicial proceedings by or against the commission shall be brought
7 solely and exclusively in a court of competent jurisdiction where the principal office of the
8 commission is located. The commission may waive venue and jurisdictional defenses in any
9 proceedings as authorized by commission rules.

10 5. Nothing herein shall be construed as a limitation on the liability of any licensee for
11 professional malpractice or misconduct, which shall be governed solely by any other applicable state
12 laws.

13 6. Nothing herein shall be construed to designate the venue or jurisdiction to bring actions
14 for alleged acts of malpractice, professional misconduct, negligence, or other such civil action
15 pertaining to the practice of a PA. All such matters shall be determined exclusively by state law
16 other than this compact.

17 7. Nothing in this compact shall be interpreted to waive or otherwise abrogate a
18 participating state's state action immunity or state action affirmative defense with respect to
19 antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or
20 anticompetitive law or regulation.

21 8. Nothing in this compact shall be construed to be a waiver of sovereign immunity by the
22 participating states or by the commission.

23 Section 8. Data System.

24 A. The commission shall provide for the development, maintenance, operation, and utilization of
25 a coordinated data and reporting system containing licensure, adverse action, and the reporting of
26 the existence of significant investigative information on all licensed PAs and applicants denied a
27 license in participating states.

28 B. Notwithstanding any other state law to the contrary, a participating state shall submit a
29 uniform data set to the data system on all PAs to whom this compact is applicable (utilizing a unique
30 identifier) as required by the rules of the commission, including:

- 31 1. Identifying information;
- 32 2. Licensure data;
- 33 3. Adverse actions against a license or compact privilege;
- 34 4. Any denial of application for licensure, and the reason(s) for such denial (excluding the
35 reporting of any criminal history record information where prohibited by law);
- 36 5. The existence of significant investigative information; and

1 6. Other information that may facilitate the administration of this compact, as determined
2 by the rules of the commission.

3 C. Significant investigative information pertaining to a licensee in any participating state shall
4 only be available to other participating states.

5 D. The commission shall promptly notify all participating states of any adverse action taken
6 against a licensee or an individual applying for a license that has been reported to it. This adverse
7 action information shall be available to any other participating state.

8 E. Participating states contributing information to the data system may, in accordance with
9 state or federal law, designate information that may not be shared with the public without the
10 express permission of the contributing state. Notwithstanding any such designation, such
11 information shall be reported to the commission through the data system.

12 F. Any information submitted to the data system that is subsequently expunged pursuant to
13 federal law or the laws of the participating state contributing the information shall be removed from
14 the data system upon reporting of such by the participating state to the commission.

15 G. The records and information provided to a participating state pursuant to this compact or
16 through the data system, when certified by the commission or an agent thereof, shall constitute the
17 authenticated business records of the commission, and shall be entitled to any associated hearsay
18 exception in any relevant judicial, quasi-judicial or administrative proceedings in a participating
19 state.

20 Section 9. Rulemaking.

21 A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this
22 section and the rules adopted thereunder. Commission rules shall become binding as of the date
23 specified by the commission for each rule.

24 B. The commission shall promulgate reasonable rules in order to effectively and efficiently
25 implement and administer this compact and achieve its purposes. A commission rule shall be
26 invalid and have not force or effect only if a court of competent jurisdiction holds that the rule is
27 invalid because the commission exercised its rulemaking authority in a manner that is beyond the
28 scope of the purposes of this compact, or the powers granted hereunder, or based upon another
29 applicable standard of review.

30 C. The rules of the commission shall have the force of law in each participating state, provided
31 however that where the rules of the commission conflict with the laws of the participating state that
32 establish the medical services a PA may perform in the participating state, as held by a court of
33 competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of
34 the conflict.

35 D. If a majority of the legislatures of the participating states rejects a commission rule, by
36 enactment of a statute or resolution in the same manner used to adopt this compact within 4 years of

1 the date of adoption of the rule, then such rule shall have no further force and effect in any
2 participating state or to any state applying to participate in the compact.

3 E. Commission rules shall be adopted at a regular or special meeting of the commission.

4 F. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30
5 days in advance of the meeting at which the rule will be considered and voted upon, the commission
6 shall file a notice of proposed rulemaking:

7 1. On the website of the commission or other publicly accessible platform; and

8 2. To persons who have requested notice of the commission's notices of proposed rulemaking,

9 and

10 3. In such other way(s) as the commission may by rule specify.

11 G. The notice of proposed rulemaking shall include:

12 1. The time, date, and location of the public hearing on the proposed rule and the proposed
13 time, date, and location of the meeting in which the proposed rule will be considered and voted upon;

14 2. The text of the proposed rule and the reason for the proposed rule;

15 3. A request for comments on the proposed rule from any interested person and the date by
16 which written comments must be received; and

17 4. The manner in which interested persons may submit notice to the commission of their
18 intention to attend the public hearing or provide any written comments.

19 H. Prior to adoption of a proposed rule, the commission shall allow persons to submit written
20 data, facts, opinions, and arguments, which shall be made available to the public.

21 I. If the hearing is to be held via electronic means, the commission shall publish the mechanism
22 for access to the electronic hearing.

23 1. All persons wishing to be heard at the hearing shall as directed in the notice of proposed
24 rulemaking, not less than 5 business days before the scheduled date of the hearing, notify the
25 commission of their desire to appear and testify at the hearing.

26 2. Hearings shall be conducted in a manner providing each person who wishes to comment a
27 fair and reasonable opportunity to comment orally or in writing.

28 3. All hearings shall be recorded. A copy of the recording and the written comments, data,
29 facts, opinions, and arguments received in response to the proposed rulemaking shall be made
30 available to a person upon request.

31 4. Nothing in this section shall be construed as requiring a separate hearing on each
32 proposed rule. Proposed rules may be grouped for the convenience of the commission at hearings
33 required by this section.

34 J. Following the public hearing the commission shall consider all written and oral comments
35 timely received.

1 K. The commission shall, by majority vote of all delegates, take final action on the proposed rule
2 and shall determine the effective date of the rule, if adopted, based on the rulemaking record and the
3 full text of the rule.

4 1. If adopted, the rule shall be posted on the commission's website.

5 2. The commission may adopt changes to the proposed rule provided the changes do not
6 enlarge the original purpose of the proposed rule.

7 3. The commission shall provide on its website an explanation of the reasons for substantive
8 changes made to the proposed rule as well as reasons for substantive changes not made that were
9 recommended by commenters.

10 4. The commission shall determine a reasonable effective date for the rule. Except for an
11 emergency as provided in subsection L, the effective date of the rule shall be no sooner than 30 days
12 after the commission issued the notice that it adopted the rule.

13 L. Upon determination that an emergency exists, the commission may consider and adopt an
14 emergency rule with 24 hours prior notice, without the opportunity for comment, or hearing,
15 provided that the usual rulemaking procedures provided in this compact and in this section shall be
16 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after
17 the effective date of the rule. For the purposes of this provision, an emergency rule is one that must
18 be adopted immediately by the commission in order to:

19 1. Meet an imminent threat to public health, safety, or welfare;

20 2. Prevent a loss of commission or participating state funds;

21 3. Meet a deadline for the promulgation of a commission rule that is established by federal
22 law or rule; or

23 4. Protect public health and safety.

24 M. The commission or an authorized committee of the commission may direct revisions to a
25 previously adopted commission rule for purposes of correcting typographical errors, errors in format,
26 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the
27 website of the commission. The revision shall be subject to challenge by any person for a period of 30
28 days after posting. The revision may be challenged only on grounds that the revision results in a
29 material change to a rule. A challenge shall be made as set forth in the notice of revisions and
30 delivered to the commission prior to the end of the notice period. If no challenge is made, the
31 revision will take effect without further action. If the revision is challenged, the revision may not
32 take effect without the approval of the commission.

33 N. No participating state's rulemaking requirements shall apply under this compact.

34 Section 10. Oversight, Dispute Resolution, and Enforcement.

35 A. Oversight.

36 1. The executive and judicial branches of state government in each participating state shall
37 enforce this compact and take all actions necessary and appropriate to implement the compact.

1 2. Venue is proper and judicial proceedings by or against the commission shall be brought
2 solely and exclusively in a court of competent jurisdiction where the principal office of the
3 commission is located. The commission may waive venue and jurisdictional defenses to the extent it
4 adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall
5 affect or limit the selection or propriety of venue in any action against a licensee for professional
6 malpractice, misconduct or any such similar matter.

7 3. The commission shall be entitled to receive service of process in any proceeding regarding
8 the enforcement or interpretation of the compact or the commission's rules and shall have standing
9 to intervene in such a proceeding for all purposes. Failure to provide the commission with service of
10 process shall render a judgment or order in such proceeding void as to the commission, this compact,
11 or commission rules.

12 B. Default, technical assistance, and termination.

13 1. If the commission determines that a participating state has defaulted in the performance
14 of its obligations or responsibilities under this compact or the commission rules, the commission
15 shall provide written notice to the defaulting state and other participating states. The notice shall
16 describe the default, the proposed means of curing the default and any other action that the
17 commission may take and shall offer remedial training and specific technical assistance regarding
18 the default.

19 2. If a state in default fails to cure the default, the defaulting state may be terminated from
20 this compact upon an affirmative vote of a majority of the delegates of the participating states, and
21 all rights, privileges and benefits conferred by this compact upon such state may be terminated on
22 the effective date of termination. A cure of the default does not relieve the offending state of
23 obligations or liabilities incurred during the period of default.

24 3. Termination of participation in this compact shall be imposed only after all other means
25 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given
26 by the commission to the governor, the majority and minority leaders of the defaulting state's
27 legislature, and to the licensing board(s) of each of the participating states.

28 4. A state that has been terminated is responsible for all assessments, obligations, and
29 liabilities incurred through the effective date of termination, including obligations that extend
30 beyond the effective date of termination.

31 5. The commission shall not bear any costs related to a state that is found to be in default or
32 that has been terminated from this compact, unless agreed upon in writing between the commission
33 and the defaulting state.

34 6. The defaulting state may appeal its termination from the compact by the commission by
35 petitioning the United States District Court for the District of Columbia or the federal district where
36 the commission has its principal offices. The prevailing member shall be awarded all costs of such
37 litigation, including reasonable attorney's fees.

1 7. Upon the termination of a state's participation in the compact, the state shall
2 immediately provide notice to all licensees within that state of such termination:

3 a. Licensees who have been granted a compact privilege in that state shall retain the
4 compact privilege for 180 days following the effective date of such termination.

5 b. Licensees who are licensed in that state who have been granted a compact privilege in
6 a participating state shall retain the compact privilege for 180 days unless the licensee also has a
7 qualifying license in a participating state or obtains a qualifying license in a participating state
8 before the 180-day period ends, in which case the compact privilege shall continue.

9 C. Dispute resolution.

10 1. Upon request by a participating state, the commission shall attempt to resolve disputes
11 related to this compact that arise among participating states and between participating and non-
12 participating states.

13 2. The commission shall promulgate a rule providing for both mediation and binding dispute
14 resolution for disputes as appropriate.

15 D. Enforcement.

16 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions of
17 this compact and rules of the commission.

18 2. If compliance is not secured after all means to secure compliance have been exhausted, by
19 majority vote, the commission may initiate legal action in the United States District Court for the
20 District of Columbia or the federal district where the commission has its principal offices, against a
21 participating state in default to enforce compliance with the provisions of this compact and the
22 commission's promulgated rules and bylaws. The relief sought may include both injunctive relief
23 and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded
24 all costs of such litigation, including reasonable attorney's fees.

25 3. The remedies herein shall not be the exclusive remedies of the commission. The
26 commission may pursue any other remedies available under federal or state law.

27 E. Legal action against the commission.

28 1. A participating state may initiate legal action against the commission in the United
29 States District Court for the District of Columbia or the federal district where the commission has its
30 principal offices to enforce compliance with the provisions of the compact and its rules. The relief
31 sought may include both injunctive relief and damages. In the event judicial enforcement is
32 necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable
33 attorney's fees.

34 2. No person other than a participating state shall enforce this compact against the
35 commission.

36 Section 11. Date of Implementation of the PA Licensure Compact Commission.

1 A. This compact shall come into effect on the date on which this compact statute is enacted into
2 law in the seventh participating state.

3 1. On or after the effective date of the compact, the commission shall convene and review the
4 enactment of each of the states that enacted the compact prior to the commission convening (“charter
5 participating states”) to determine if the statute enacted by each such charter participating state is
6 materially different than the model compact.

7 a. A charter participating state whose enactment is found to be materially different from
8 the model compact shall be entitled to the default process set forth in section 10.B.

9 b. If any participating state later withdraws from the compact or its participation is
10 terminated, the commission shall remain in existence and the compact shall remain in effect even if
11 the number of participating states should be less than 7. Participating states enacting the compact
12 subsequent to the commission convening shall be subject to the process set forth in section 7.C.21 to
13 determine if their enactments are materially different from the model compact and whether they
14 qualify for participation in the compact.

15 2. Participating states enacting the compact subsequent to the 7 initial charter participating
16 states shall be subject to the process set forth in section 7.C.21 to determine if their enactments are
17 materially different from the model compact and whether they qualify for participation in the
18 compact.

19 3. All actions taken for the benefit of the commission or in furtherance of the purposes of the
20 administration of the compact prior to the effective date of the compact or the commission coming
21 into existence shall be considered to be actions of the commission unless specifically repudiated by
22 the commission.

23 B. Any state that joins this compact shall be subject to the commission’s rules and bylaws as
24 they exist on the date on which this compact becomes law in that state. Any rule that has been
25 previously adopted by the commission shall have the full force and effect of law on the day this
26 compact becomes law in that state.

27 C. Any participating state may withdraw from this compact by enacting a statute repealing the
28 same.

29 1. A participating state’s withdrawal shall not take effect until 180 days after enactment of
30 the repealing statute. During this 180-day period, all compact privileges that were in effect in the
31 withdrawing state and were granted to licensees licensed in the withdrawing state shall remain in
32 effect. If any licensee licensed in the withdrawing state is also licensed in another participating
33 state or obtains a license in another participating state within the 180 days, the licensee’s compact
34 privileges in other participating states shall not be affected by the passage of the 180 days.

35 2. Withdrawal shall not affect the continuing requirement of the state licensing boards of
36 the withdrawing state to comply with the investigative, and adverse action reporting requirements
37 of this compact prior to the effective date of withdrawal.

1 3. Upon the enactment of a statute withdrawing a state from this compact, the state shall
2 immediately provide notice of such withdrawal to all licensees within that state. Such withdrawing
3 state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180
4 days after the date of such notice of withdrawal.

5 D. Nothing contained in this compact shall be construed to invalidate or prevent any PA
6 licensure agreement or other cooperative arrangement between participating states and between a
7 participating state and non-participating state that does not conflict with the provisions of this
8 compact.

9 E. This compact may be amended by the participating states. No amendment to this compact
10 shall become effective and binding upon any participating state until it is enacted materially in the
11 same manner into the laws of all participating states as determined by the commission.

12 Section 12. Construction and Severability.

13 A. This compact and the commission's rulemaking authority shall be liberally construed so as to
14 effectuate the purposes, and the implementation and administration of the compact. Provisions of
15 the compact expressly authorizing or requiring the promulgation of rules shall not be construed to
16 limit the commission's rulemaking authority solely for those purposes.

17 B. The provisions of this compact shall be severable and if any phrase, clause, sentence or
18 provision of this compact is held by a court of competent jurisdiction to be contrary to the
19 constitution of any participating state, a state seeking participation in the compact, or of the United
20 States, or the applicability thereof to any government, agency, person, or circumstance is held to be
21 unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact
22 and the applicability thereof to any other government, agency, person, or circumstance shall not be
23 affected thereby.

24 C. Notwithstanding subsection B or this section, the commission may deny a state's
25 participation in the compact or, in accordance with the requirements of section 10.B, terminate a
26 participating state's participation in the compact, if it determines that a constitutional requirement
27 of a participating state is, or would be with respect to a state seeking to participate in the compact, a
28 material departure from the compact. Otherwise, if this compact shall be held to be contrary to the
29 constitution of any participating state, the compact shall remain in full force and effect as to the
30 remaining participating states and in full force and effect as to the participating state affected as to
31 all severable matters.

32 Section 13. Binding Effect of Compact.

33 A. Nothing herein prevents the enforcement of any other law of a participating state that is not
34 inconsistent with this compact.

35 B. Any laws in a participating state in conflict with this compact are superseded to the extent of
36 the conflict.

- 1 C. All agreements between the commission and the participating states are binding in
- 2 accordance with their terms.
- 3 3 Effective Date. This act shall take effect 60 days after its passage.

HB 1772-FN-A- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENTS #2026-1623s and #2026-1916s)

AN ACT relative to prescribing ibogaine for investigational use only and adopting the physician associate licensure compact.

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 (section 2)		
<i>Revenue Fund(s)</i>	Office of Professional Licensure and Certification Fund			
Expenditures*	\$0	Indeterminable increase of \$10,000 or more (section 2)	Indeterminable increase (section 2)	
<i>Funding Source(s)</i>	Office of Professional Licensure and Certification Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

Section 1 of this bill permits licensed health care providers to administer ibogaine under the framework of a federally-approved research protocol. This section is expected to have no fiscal impact.

Section 2 adopts the Physician Associate Licensure Compact by allowing a Physician Associate (PA) with an unrestricted license in one participating state to obtain a compact privilege to practice in another participating state.

The Office of Professional Licensure and Certification (OPLC) states that it would need to adopt and implement the PA Licensure Compact and create a new compact license type within its licensing system. The estimated one time cost to upgrade the software to support this new license type is \$10,000. OPLC also notes that enforcement activity may increase if complaints arise involving PAs practicing in New Hampshire under compact privileges, but the associated cost cannot be estimated because the number of potential complaints is unknown.

Because the compact allows PAs to practice in New Hampshire through a compact privilege rather than holding a standard New Hampshire license, OPLC anticipates a reduction in PA

license revenue. Of the 1,636 current PA licensees, 488 have a home address outside New Hampshire, and if these individuals rely on compact privileges instead of maintaining a NH license, OPLC estimates a potential revenue loss of approximately \$93,000. The OPLC may see some new revenue from PAs who newly designate New Hampshire as their home state for compact purposes, but because the number of such licensees cannot be predicted, any potential increase is indeterminable.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification