

CHAPTER 220
HB 1245-FN - FINAL VERSION

12Mar2026... 0237h
4Jun2026... 2138EBA

2026 SESSION

26-3151
06/08

HOUSE BILL ***1245-FN***

AN ACT relative to voluntary portable benefits plans for independent contractors.

SPONSORS: Rep. Farrington, Straf. 8; Rep. Granger, Straf. 2; Rep. Labrie, Hills. 2; Rep. Warden, Hills. 39; Sen. Innis, Dist 7

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill establishes a voluntary framework allowing independent contractors to participate in portable benefit plans through authorized providers.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to voluntary portable benefits plans for independent contractors.

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

1 220:1 Statement of Purpose. The purpose of this act is to allow independent contractors and hiring
2 parties to voluntarily participate in portable benefit plans, providing access to certain benefits without
3 altering the classification of such workers under state law.

4 220:2 New Chapter; Voluntary Portable Benefit Plans. Amend RSA by inserting after chapter 283 the
5 following new chapter:

CHAPTER 283-A

VOLUNTARY PORTABLE BENEFIT PLANS

8 283-A:1 Definitions. In this chapter:

9 I. "Hiring party" means any individual or business that contracts for the performance of services
10 by an independent contractor.

11 II. "Independent contractor" means a person who qualifies as such under RSA 275:42, II, or
12 applicable common law tests, who is free from control or direction over the performance of services.

13 III. "Portable benefit account" means an account owned and controlled by an independent
14 contractor, who may allocate funds to pay for portable benefits such as health insurance, non-state
15 unemployment insurance, disability insurance, life insurance, or retirement benefits, or other related
16 expenses.

17 IV. "Provider" means a bank, financial institution, investment management firm, or other legal
18 entity.

19 283-A:2 Voluntary Contributions and Withholding.

20 I. A hiring party may voluntarily contribute funds to an independent contractor's portable benefit
21 account.

22 II. Contributions may be made using funds withheld from compensation owed to the contractor,
23 provided that:

24 (a) The withholding is expressed in a written agreement;

25 (b) The agreement is clear, unambiguous, and prominently displayed in the contract;

26 (c) The contractor affirmatively opts in to the withholding; and

27 (d) The contractor may opt out of such withholding at any time.

28 283-A:3 Preservation of Worker Classification.

29 I. The following actions shall be excluded from consideration when determining a worker's legal
30 status as either an employee or an independent contractor under RSA 275, RSA 282-A, or any other state
31 labor, tax, or benefits statute:

32 (a) The offer of, or contribution to, a portable benefit account by a hiring party;

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- 1 (b) An independent contractor's participation in or control over such a plan or account; and
- 2 (c) The administrative act of withholding and remitting contractor funds as authorized under
- 3 RSA 283-A:2, I
- 4 II. A hiring party, worker, or third party may make voluntary contributions to a portable benefit
- 5 account on behalf of an independent contractor.
- 6 III. The provision of voluntary contributions by a hiring party shall not, in and of itself, establish an
- 7 employer-employee relationship, nor shall it be construed as evidence of the hiring party's "control or
- 8 direction" over the independent contractor.
- 9 220:3 Effective Date. This act shall take effect 60 days after passage.

Approved: July 02, 2026
Effective Date: August 31, 2026

