

# Senate Health and Human Services Committee

*Sophie Walsh 271-3469*

**SB 441-FN**, 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.

**Hearing Date:** January 21, 2026

**Time Opened:** 10:36 a.m.

**Time Closed:** 12:04 p.m.

**Members of the Committee Present:** Senators Rochefort, Avard, Birdsell, Prentiss and Long

**Members of the Committee Absent:** None

**Bill 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.

---

**Sponsors:**

Sen. Sullivan

Sen. Murphy

Sen. Avard

Rep. McLean

Rep. Paquette

Rep. Warden

Rep. Kesselring

Rep. Rice

---

**Who supports the bill:** Sen. Sullivan, Peter Marr (Manchester Police Department), and Alderman Crissy Kantor.

**Who opposes the bill:** Kate Horgan (NHAC), Sarah Burke Cohen (NHMA), Dawn McKinney (NHLA), Todd Marsh (NH Local Welfare Administrators' Association), Steve Tower (NHLA), Jennifer Chisholm (NH Coalition to End Homelessness), Jake Berry (New Futures), Nicole Johnson, Rachel Potter (ACLU NH), and Emily Lawrence (Waypoint).

**Who is neutral on the bill:** Jenny O'Higgins (DHHS).

**Summary of testimony presented:**

Senator Victoria Sullivan, Senate District 18

- Senator Sullivan explained that this bill requires municipalities that intend to transport or arrange the transport of a homeless person or person showing symptoms of addiction or incapacitation from substance use to another

municipality for the purpose of receiving treatment, housing, shelter, or related services must first have a memorandum of understanding (MOU) with the receiving municipality.

- Senator Sullivan stated that Manchester taxpayers are bearing the brunt of the financial responsibility of the state's addiction crisis.
- Senator Sullivan knows first-hand of people being dropped off in Manchester by other towns as far as Massachusetts who did not have any services arranged for them.
- This bill further provides more control over the harm reduction organizations that function within any municipality.
- Senator Sullivan reviewed written testimony including documents from the New Hampshire Harm Reduction Coalition, which she noted receives state funding. She emphasized that the outlined programs encourage drug use and do not promote getting help. This bill would allow municipalities to decide what organizations they want to operate within their town or city.
- Senator Sullivan explained that she does not disagree with some forms of harm reduction, but the first line of harm reduction is to get people to not use drugs.
- Senator Sullivan referenced the fiscal note and said this does not require a full-time Department of Health and Human Services (DHHS) employee, as it is an agreement between municipalities. She is happy to work with the Committee to address any provisions in the bill that call for a full-time employee.
- Senator Prentiss explained that as a former municipal official, she understands the pressures that shift between different-sized communities. She asked how municipalities would be informed of the MOU requirement if this bill were to pass.
- Senator Sullivan explained that it would be the same as whenever any law gets changed. She noted the Municipal Association may spread the word and that there are people who watch out for these bills to ensure their municipalities are complying.
- Senator Prentiss agreed and noted that the information does not always trickle down in an expedient manner. She questioned what would happen if a community was not aware and transported an individual without an MOU.
- Senator Sullivan acknowledged that there is a penalty in the bill, but it is not the intention of the original bill. She noted that may be the reason the fiscal note calls for a full-time employee. She emphasized that these agreements should be between the municipalities and said she would prefer to let DHHS stick to the rulemaking on this.
- Senator Prentiss referenced a report based in Manchester from the Overdose Fatality Review Committee that found a reduction in overdoses and overdose related deaths.

- Senator Sullivan acknowledged that the overdose related death statistics may be more factual, but explained that overdoses in general cannot be tracked. She explained that numbers are being based back to when Narcan was exclusively distributed by first responders and hospitals, but as that is no longer the case, we only know how many overdoses are being reported, not how many overdoses are happening.
- Senator Sullivan explained that she works with this community, as she has a non-profit sober home. The people she works with tell her that they see overdoses happening all the time.
- Senator Long confirmed that this bill is two-part, focusing on transportation and syringe service programs.
- Senator Sullivan confirmed and said these parts support each other in giving municipalities more control over what is happening in their cities and towns.
- Senator Long asked if DHHS rulemaking would include penalties, and Senator Sullivan confirmed.

#### Alderman Crissy Kantor

- Alderman Kantor stated that she is speaking in support of the bill.
- She emphasized that this about fairness, accountability, and the right of the city to protect itself, while still caring for people in need.
- Alderman Kantor said there must be a financial agreement in place. If any other community chooses to send an individual to Manchester for services, they must share the responsibility of the costs. She emphasized that this should be the case across all municipalities.
- Communities should have the authority to determine what treatment centers operate within their borders, what harm reduction services are appropriate, and what messaging is appropriate. She emphasized that harm reduction should reduce harm, not shift it to children, first responders, residents, businesses, and city employees.
- Alderman Kantor shared statistics from the Manchester Public Works Department. From July 2021 to October 2025, Public Works employees picked up over 11,685 needles from all over the city.
- Senator Avard asked if Alderman Kantor has been able to identify which municipalities are transporting individuals into Manchester, and if so, how she has identified them.
- Alderman Kantor explained that these individuals are coming from all around New Hampshire and out-of-state.
- Senator Prentiss noted that there are 13 cities in the state that serve as regional hubs, including for health care purposes. She asked if the services and institutions Alderman Kantor talked about are owned by or have relationships with the municipality.

- Alderman Kantor explained that she was talking about the overall impact on all of the city's services. She noted there is health insurance for the homeless that comes from the state level to the city and hospitals.
- Senator Prentiss said she is wondering if some of the organizations mentioned are not all municipal and asked if these relationships should be with those receiving entities instead of the municipality. She also noted that the Municipal Association has not weighed in on the fiscal note and asked if we know what it costs cities to administer, track, and follow-up with other municipalities.
- Alderman Kantor said she is not sure.

#### Chief Peter Marr, Manchester Police Department

- Chief Marr stated that he is speaking in support of the bill.
- The Manchester Police Department has first-hand experience observing police cruisers from other agencies dropping people off at shelters with no beds available.
- The responsibility of dealing with these situations is regularly shifted to Manchester's police, EMS, hospitals, and service providers without any notice, coordination, or agreement.
- This bill does not prohibit transport, deny treatment, or criminalize homelessness and addiction. It requires basic coordination and accountability.
- An MOU ensures that the receiving municipality knows who is coming, the services being sought, if those services are available, and who is financially responsible before anyone is transported.
- This bill promotes shared responsibility by recognizing that municipalities have different capacities and must retain reasonable control over how services operate within their borders.
- Chief Marr said that he is in favor of the enforcement provision included in the bill. He emphasized that punishment is not the goal, but rather compliance and coordination.
- Senator Avarad referenced mutual aid and confirmed that police cruisers are dropping off individuals from other municipalities in New Hampshire. Chief Marr confirmed and said they are coming from out-of-state as well.
- Senator Avarad asked if the officers coming in from other towns must notify Manchester.
- Chief Marr explained that they do not have to notify anybody.
- Senator Avarad noted that it does not sound fair that other municipalities can drop people off without notifying anybody.
- Chief Marr agreed that it is not fair and said that is why he is here.
- Senator Avarad asked how this will be enforced if the bill were to pass.
- Chief Marr said he does not know exactly how it will be enforced, but it should be enforced. He suggested that if a municipality wants to transport someone to

Manchester, they call a shelter first. If there are no beds available, they call the police department. He emphasized that this gives the Manchester Police Department the ability to get information, but it does not give them the right to say yes or no.

- Senator Avard asked if a fee for service would be acceptable, noting that this could become a financial burden to taxpayers.
- Chief Marr said he thinks it would be acceptable. He emphasized that if they are able to track all of this, it could be solved on this level.
- Senator Birdsell asked if there are cases in which the police do not observe other municipalities dropping off individuals and how they identify where those individuals came from in those scenarios.
- Chief Marr said they ask the individual. He explained that they do not always get dropped off at shelters, as they may get dropped off somewhere like a 7/11. There have also been instances in which the transported individual did not know what city they were in.
- Senator Long noted that this bill is only for New Hampshire municipalities, so it would not impact the out-of-state municipalities. He asked how many municipalities have dropping off individuals.
- Chief Marr explained that in the past year there have 5 different agencies, not including Maine, that the police department is aware of.
- Senator Long asked if it was treatment facilities requesting drop-offs or the municipality itself.
- Chief Marr said he does not know, but based on his experience, it is the agencies themselves. Manchester shelters are not calling municipalities and asking them to bring people.
- Senator Rochefort asked if this is targeted at substance use or general homelessness.
- Chief Marr said he thinks it should be towards general homelessness issues.
- Senator Rochefort told a story about a mother with three children being at a temporary homeless shelter up north. He noted they were getting help from the town. One of the places that could accommodate this family was in Manchester. He asked if an MOU would have been needed in this scenario if they chose to go to that facility.
- Chief Marr said he would encourage that. He explained that an MOU could be an online form, so it would not be a large burden in a situation like this.
- He emphasized that this is not a problem when there is space at the facilities. The issue is when people get dropped off in Manchester without any sort of plan.
- Senator Rochefort noted that the bureaucratic MOU process could pose an issue in emergency situations, and Chief Marr stated that a provision for emergency situations could address that concern.

Jenny O'Higgins, Department of Health and Human Services

- Ms. O'Higgins stated that she is here to provide information about the potential fiscal impacts and operational impacts of the bill.
- She acknowledged that, based on testimony, it may not be the intent for this bill to sit with the Department. She noted page 2 lines 8-12 and explained that this falls under the Opioid Abatement Trust Fund rulemaking, which is a current responsibility of the Department. The language added there was interpreted as the rulemaking for the MOUs between municipalities sitting with the Department. This piece is why there is an additional staffing need in the fiscal note.
- Ms. O'Higgins explained that there are multiple areas that would be challenging for the Department to operationalize, as they do not oversee individual municipalities. There are over 300 municipalities that the Department would need to be overseeing in this program, so there would be a significant change in workload compared to what the Department is currently doing.
- Ms. O'Higgins noted that no new positions are authorized in the bill, but they would be necessary if this stays with the Department.
- Senator Birdsell asked if there would be a cost-benefit analysis here, as this is affecting Manchester's budget and thus the Department as well.
- Ms. O'Higgins explained that the systems of health care infrastructure for substance use disorder and behavioral and mental health are statewide. She said she understands the concerns raised today, but the Department does not have that kind of local oversight.
- Senator Long referenced the effective date of July 1, 2026 and asked if it would be beneficial to move it to January 1, 2027.
- Ms. O'Higgins confirmed and noted there are other operational concerns as well, such as how the Department would implement fines and how they would follow up on unpaid fines. She noted that it is unknown if it is fully permissible for the state to oversee these municipal relationships and emphasized the Department would need significant time to investigate how they would operationalize this bill.
- Ms. O'Higgins noted that there are also privacy and security concerns around how information is shared about individuals being transported. There are specific ways the Department protects privacy, and it is even more stringent with substance use disorder.
- Senator Birdsell asked what would stop a municipality from adopting an ordinance requiring an MOU for individuals to be transported.
- Ms. O'Higgins said she does not know if there is anything to stop that. She noted that Manchester adopted an ordinance on syringe service programs in 2024 despite there being state law authorizing it.

- She emphasized that with the current health care structure in New Hampshire, not every municipality has available substance use services, homeless shelters, and hospitals. She said it is a complicated issue taking into consideration how people access care if they do not live in a resource-dense area.
- Senator Birdsell emphasized that this does not authorize municipalities to drop people off in Manchester and have Manchester pay for it.
- Ms. O'Higgins clarified that she was not suggesting that, but rather that there is complexity in where we receive care compared to where we live.
- Senator Avard asked where rulemaking would come from if the current rulemaking authority was struck out of the bill.
- Ms. O'Higgins said she is not familiar with how municipalities would enter into MOUs with each other.
- Senator Prentiss noted that there are existing intergovernmental agreements between municipalities for things like water supply and questioned if the existence of the ability to already do this would allow for this kind of agreement to take place without passing legislation.
- Ms. O'Higgins said she thinks there are probably other types of programs that could be looked into. She emphasized that there is complexity with mental health and substance use disorder.
- Senator Long referenced the Opioid Abatement Trust Fund and noted that Manchester reduces the tax burden with this fund. He asked if MOU agreements could include agreement that one municipality would use their Opioid Abatement Trust Fund dollars in servicing an individual.
- Ms. O'Higgins explained that the RSA listed in this bill is referring to the Opioid Abatement Trust Fund at the state level, while cities have distinct funds. While this could not be done within this RSA, the ability to do that with local dollars could be investigated.

#### Jake Berry, New Futures

- Mr. Berry stated that New Futures has questions and concerns with this bill.
- There is concern about what would happen to individuals seeking substance use disorder treatment in communities that do not have MOUs in place.
- Best practice shows that when people are ready to engage in substance use treatment, there is a short window to engage them with the treatment process. Any bureaucratic challenges introduced could impact access to treatment and success rates for individuals in treatment. This could lead to negative outcomes and further costs for taxpayers.
- Mr. Berry emphasized that harm reduction is a critical piece of the substance use treatment network. He emphasized that this network is working, with overdose rates declining rapidly.

- Mr. Berry asked the Committee to consider the unintended consequences of this bill that may undermine the work that has been done.
- Senator Avaré referenced best practices and said that dropping people off in Manchester with no accountability does not sound like best practice.
- Mr. Berry explained that he has spoken with a number of treatment providers in Manchester and Nashua who expressed that this has not been their experience. They did not find people being dropped off to be a primary challenge.

Jennifer Chisholm, New Hampshire Coalition to End Homelessness

- Ms. Chisholm stated that she is speaking in opposition to the bill.
- She expressed concern about the barriers that this would create for people seeking substance use disorder treatment. This bill would allow receiving municipalities to place limits on the number of people to be transferred to that municipality. This means that individuals who need transportation assistance could be denied access to treatment by municipal leaders.
- Ms. Chisholm explained that there are many types of treatment across the state, so it is important to ensure that individuals are placed in programs that meet their needs.
- As a licensed clinician, Ms. Chisholm is concerned that this bill could delay treatment or limit access to treatment for individuals actively seeking help.
- Ms. Chisholm expressed concern about the administrative burden that this bill could create. She emphasized that as written, this bill could put municipal employees who are not trained in assessment of substance use disorder in a position where they would need to make those assessments.
- Ms. Chisholm also expressed concern about the type of information being collected and potential conflicts with federal confidentiality laws. If municipalities are tracking protected information under this law, there needs to be a knowledge base and systems to handle that information.
- Senator Avaré asked if Ms. Chisholm has any ideas on a solution to this problem.
- Ms. Chisholm emphasized that her comments focused on individuals actively seeking treatment and being transported to a point of care. She emphasized that people being randomly dropped off can be an issue. She noted that national data shows people end up in communities that they have connections to. She emphasized that it is challenging with regional hubs having more resources than other areas.
- Senator Long confirmed that if an MOU was for an individual with substance use disorder it would need to be confidential.
- Ms. Chisholm emphasized that the confidentiality laws are complex, so we need to ensure that municipalities know whether the information they are handling falls under those laws.



Steve Tower, New Hampshire Legal Assistance

- Mr. Tower expressed concern about the MOU requirement and how it can affect the local welfare process throughout the state.
- Mr. Tower referenced Chief Marr's testimony about individuals being randomly dropped off at a 7/11 and agreed that it is concerning, while noting this bill may not be the best solution to the issue. He explained that this bill would not address this scenario as written.
- Mr. Tower explained that there is no requirement for a receiving municipality to enter into an MOU, but rather only for the sending municipality to obtain an MOU.
- Under RSA 165, town welfare administrators have a duty to relieve and maintain people who are poor and unable to support themselves. Mr. Tower emphasized that many municipalities throughout the state do not have access to shelters, transitional housing, or affordable workforce housing. To comply with statutory obligations, towns are required to provide shelter through resources in other municipalities.
- Under existing law in RSA 165, the individual being sent to receive shelter or housing in another municipality retains residency of the town that sent them until they have self-supported themselves and paid for their own needs for 30 days. Under this RSA, the sending municipality maintains the financial burden of meeting costs until the individual becomes self-sufficient.
- Mr. Tower noted there is some frustration with sending municipalities sometimes not cooperating with the receiving municipality to continue paying for services if they feel they are not required to do so under the law. There is a gap in how this problem gets resolved.
- Mr. Tower has had conversations with the Local Welfare Administrators' Association about how to address this issue, so that receiving municipalities would not be getting stuck with the bill.
- Mr. Tower referenced the fines posed in the bill for any town representative that transports an individual for shelter without getting an MOU and said it could make it impossible for towns that do not have resources to meet their local welfare obligations.
- Resolving the financial burden of the transported individual under the existing law with a small change would be a better way of addressing the local welfare aspect of this bill.
- Mr. Tower referenced Chief Marr's testimony and said it sounds like there are instances in which police departments are transporting individuals who did not apply for local welfare, which would be a separate situation. He suggested that limiting the MOU to police departments that act without a local welfare action may be a way to address that.

- Senator Avard referenced his earlier comment about fees for service and noted that he was not aware of the 30-day obligation. He asked if it would be in line with Mr. Tower's comments to have sending municipalities pay a fee to transport individuals to another municipality.
- Mr. Tower explained that under the current law, an individual would apply for local welfare in their municipality. That municipality can have the individual placed in a shelter in another municipality if there are no resources available. Until the individual is self-supporting without assistance from the shelter or the municipality for 30 days, they are the sending municipality's financial responsibility. Their residency also does not change until they get to this point.
- The current gap in the law is when there is a dispute about where residency initially exists. The process for resolving that is voluntary mediation or lawsuit.
- The solution Mr. Tower has is to create a fair hearing process and allow two towns disagreeing about residency to have a phone call with an impartial third town local welfare administrator to decide where residency is. This would ensure that a town is not getting stuck with costs for residents of other towns.
- Senator Avard confirmed that if an individual was dropped off at a 7/11 it would be illegal.
- Mr. Tower explained that if a local welfare administrator were to send an individual with no shelter plan in place, they would not be relieving and maintaining that person under state law.
- Senator Avard asked what the recourse would be if a Manchester police officer saw a police officer of another municipality drop someone off and leave.
- Mr. Tower explained if this is being done without a local welfare application, requiring an MOU between police departments acting without a local welfare determination may be a reasonable solution for that situation.
- Senator Long asked if the governing body would approve the MOU, and Mr. Tower said he does not think the bill explicitly states whether it would be the governing body or not. He noted with the DHHS rulemaking, the Department may establish how the MOU would be worked out. He also noted that a governing body could likely delegate that responsibility as well.
- Mr. Tower emphasized that his main concern is that he thinks it would be inappropriate for this to apply to local welfare cases.

Todd Marsh, New Hampshire Local Welfare Administrators' Association

- Mr. Marsh said it is clear that this bill was drafted with good intentions, but there are significant unintended consequences.
- Mr. Marsh explained that no municipal welfare administrator reports the transport of cost issues that this bill seeks to counter. Existing law already dictates that placement in shelters, substance use disorder centers, correctional facilities, and hospitals does not constitute residency.

- Mr. Marsh explained that the fiscal note indicates a new position at DHHS, fines for municipalities, and language suggesting MOUs include payment for some or all treatment or service costs.
- He explained that substance use disorder programs are typically non-profit, receiving a mix of federal, state, and private funding. He emphasized that they are not operated by municipalities.
- Mr. Marsh emphasized that dropping individuals off and leaving them with no resources is unacceptable.
- This will have an impact on routine public transit. Under this bill, giving a public bus ticket to someone seeking their own placement could be interpreted as arranging transportation, thus necessitating an MOU and a substance use disorder assessment.
- There is also a risk of delayed services, since determining symptoms of addiction or incapacitation through assessment is not always feasible for municipal employees.