

HB 1616-FN - AS INTRODUCED

2022 SESSION

22-2130

05/11

HOUSE BILL ***1616-FN***

AN ACT relative to the prohibition against a minor's possession of hypodermic needles without a prescription.

SPONSORS: Rep. Yokela, Rock. 33

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill repeals the prohibition on minors possessing hypodermic needles without a prescription. The bill also establishes a commission to study the possession of hypodermic needles by minors.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the prohibition against a minor's possession of hypodermic needles without a prescription.

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

1 1 Repeal. RSA 318:52-e, prohibiting minors from possessing hypodermic needles without a
2 prescription, is repealed.

3 2 New Section; Commission Established to Study the Possession of Hypodermic Syringes and
4 Needles by Minors. Amend RSA 318 by inserting after section 52-e the following new section:

5 318:52-f Commission Established to Study the Possession of Hypodermic Syringes and Needles
6 by Minors. There is established a commission to study the possession of hypodermic syringes and
7 needles by minors.

8 I. The members of the commission shall be as follows:

9 (a) Two members of the house of representatives, from the health, human services and
10 elderly affairs committee, appointed by the speaker of the house of representatives.

11 (b) One member of the senate, appointed by the president of the senate.

12 (c) A police officer, appointed by the governor.

13 (d) A school nurse, appointed by the governor.

14 (e) A pharmacist, appointed by the governor.

15 II. Legislative members of the commission shall receive mileage at the legislative rate when
16 attending to the duties of the commission.

17 III. The commission shall study the scope and application of RSA 318:52-c, relative to the
18 sale of hypodermic syringes and needles, including:

19 (a) Whether the restriction should be eliminated or exempt school nurses.

20 (b) If the law should be moved to a different section with different penalties.

21 (c) If an authorized agent clause should be added to match the requirements of
22 possessing prescription drugs in RSA 318:42.

23 IV. The commission shall solicit information and testimony from any individual or entity the
24 commission deems relevant to its study.

25 V. The members of the study commission shall elect a chairperson from among the
26 members. The first meeting of the commission shall be called by the first-named house member.

27 The first meeting of the commission shall be held within 45 days of the effective date of this section.

28 Two members of the commission shall constitute a quorum.

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1 VI. The commission shall report its findings and any recommendations for proposed
2 legislation to the speaker of the house of representatives, the president of the senate, the house
3 clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

4 3 Repeal. RSA 318:52-f, relative to the commission to study the possession of hypodermic
5 syringes and needles by minors, is repealed.

6 4 Effective Date.

7 I. Section 1 of this act shall take effect January 1, 2023.

8 II. Section 3 of this act shall take effect November 1, 2022.

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

**HB 1616-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the prohibition against a minor's possession of hypodermic needles without a prescription.

FISCAL IMPACT: ☒ **State** ☒ **County** ☐ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable decrease	Indeterminable decrease	Indeterminable decrease
Funding Source:	☒ General	☐ Education	☐ Highway	☐ Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable decrease	Indeterminable decrease	Indeterminable decrease

METHODOLOGY:

This bill repeals RSA 318:52-e, prohibiting minors from possessing hypodermic needles without a prescription. As this offense is currently an unspecified misdemeanor, the bill may reduce costs for the New Hampshire judicial and correctional systems. There is no method to determine the number of charges that might be reduced as a result of the bill. However, the entities impacted have provided the costs associated with misdemeanor cases below. It is assumed that any fiscal impact will begin in FY 2023.

Judicial Council	FY 2022	FY 2023
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		

NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

With respect to the impact on the Judicial Branch, the fiscal impact is indeterminable. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council and New Hampshire Association of Counties