CHAPTER 146
SB 206 - FINAL VERSION

05/18/2023 1973EBA

2023 SESSION

23-0932
06/05

SENATE BILL ***206***

AN ACT prohibiting corporal punishment in child day care agencies.

SPONSORS: Sen. Carson, Dist 14; Sen. Birdsell, Dist 19; Sen. Whitley, Dist 15; Sen. Chandley, Dist 11; Rep. McLean, Hills. 15

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill expands the definition of endangerment to include corporal punishment as defined by the department of health and human services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT prohibiting corporal punishment in child day care agencies.

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

146:1 Child Day Care Licensing; Prohibition Against Corporal Punishment. Amend RSA 170-E:4, II to read as follows:

II. No child care provider, whether licensed as a child day care agency, required to be licensed as a child day care agency under paragraph I, or exempted from licensing pursuant to RSA 170-E:3, I, shall care for a child in a manner which endangers the health, safety or welfare of the child. For purposes of this paragraph, endangerment shall mean the negligent violation of a duty of care or protection owed to such child or negligently inducing such child to engage in conduct which endangers his or her health or safety. ***Endangerment shall also include corporal punishment, as defined by the department.*** Licensees in violation of this paragraph shall be subject to the provisions of RSA 170-E:12. Persons exempted from licensing who are in violation of this paragraph shall be enjoined by a court of competent jurisdiction in accordance with the provisions of RSA 170-E:22 from caring for such child and may be enjoined, as the court may determine, from caring for other children. Persons operating a child day care agency without a license in violation of paragraph I who engage in negligent conduct that endangers the health, safety, or welfare of the children in their care shall be subject to the criminal penalties in RSA 170-E:21 and may be enjoined from caring for children in accordance with the provisions of RSA 170-E:22.

146:2 Justification; Physical Force by Persons With Special Responsibilities. Amend RSA 627:6, II(b) to read as follows:

(b) In a child care program licensed or exempt from licensure under RSA 170-E, necessary force shall be limited to the minimum physical contact necessary to protect the child, other children present, the staff, or the general public from harm ***to the extent that such contact does not violate child care program licensing rules, adopted by the department under RSA 541-A, and RSA 170-E:4, II.***

146:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 30, 2023
Effective Date: August 29, 2023