

HB 473-FN - AS AMENDED BY THE HOUSE

26Mar2025... 0430h

2025 SESSION

25-0729

09/11

HOUSE BILL

473-FN

AN ACT

criminalizing multiple forms of exposing children to controlled substances and allowing law enforcement to take a child into protective custody for screening and testing in an instance of suspected or actual criminal exposure to controlled substances.

SPONSORS:

Rep. Nelson, Rock. 13; Rep. B. Boyd, Hills. 12; Rep. DeSimone, Rock. 18; Rep. Foote, Rock. 13; Rep. Gregg, Hills. 7; Rep. Markell, Rock. 18; Rep. McMahon, Rock. 17; Rep. Petrigno, Hills. 43; Rep. Rice, Hills. 38; Rep. Sellers, Graf. 18; Sen. Birdsell, Dist 19; Sen. Long, Dist 20; Sen. Sullivan, Dist 18

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill expands the criminal statute criminalizing exposing children to methamphetamine and allowing for law enforcement to take a child into protective custody for screening or testing for criminal exposure to methamphetamine to cover all controlled substances, except those possessed pursuant to a lawful prescription.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT criminalizing multiple forms of exposing children to controlled substances and allowing law enforcement to take a child into protective custody for screening and testing in an instance of suspected or actual criminal exposure to controlled substances.

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

1 1 Controlled Drug-Related Crimes; Chapter Name Change. Amend the chapter title of RSA 639-
2 A to read as follows:

3 ~~[METHAMPHETAMINE-RELATED]~~ **CONTROLLED DRUG-RELATED CRIMES**

4 2 Controlled-Drug Related Crimes; Definitions. Amend RSA 639-A:1 to read as follows:
5 639-A:1 Definitions. In this chapter:

6 I. **"Controlled substance" means "controlled drugs" as defined by RSA 318-B:1, VI.**

7 II. "Chemical substance" means a substance intended to be used as a precursor in the
8 manufacture of ~~[methamphetamine]~~ **a controlled substance** or any other chemical intended to be
9 used in the manufacture of ~~[methamphetamine]~~ **a controlled substance**.

10 ~~[II.]~~ III. "Child" means any person under the age of 18 years.

11 ~~[III.]~~ IV. "Vulnerable adult" means a person 18 years of age or older who is vulnerable, as
12 defined in RSA 161-F:43, VII.

13 ~~[IV.]~~ V. "~~[Methamphetamine]~~ **Controlled substance** paraphernalia" means all equipment,
14 products, and materials of any kind that are used, intended for use, or designed for use in
15 manufacturing, injecting, ingesting, inhaling, or otherwise introducing ~~[methamphetamine]~~
16 **controlled substances, except those possessed pursuant to a valid prescription as defined by**
17 **RSA 318-B:1, XXVIII**, into the human body.

18 ~~[V.]~~ VI. "~~[Methamphetamine]~~ **Controlled substance** waste products" means substances,
19 chemicals, or items of any kind used in the manufacture of ~~[methamphetamine]~~ **controlled**
20 **substances** or any part of the manufacturing process, or the by-products or ~~[degradates]~~
21 **degradants** of manufacturing ~~[methamphetamine]~~ **controlled substances**.

22 3 Controlled-Drug Related Crimes; Prohibited Conduct. Amend RSA 639-A:2 to read as follows:
23 639-A:2 Prohibited Conduct.

24 I. No person shall knowingly engage in any of the following activities in the presence of a
25 child or vulnerable adult; in the residence of a child or a vulnerable adult; in a building, structure,
26 conveyance, ~~[or]~~ outdoor location, **or vehicle** where a child or vulnerable adult might reasonably be
27 expected to be present; within any drug-free school zone, as defined under RSA 193-B:1, II; in a room
28 offered to the public for overnight accommodations; or in any multiple unit residential building:

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1 (a) Manufacturing or attempting to manufacture [~~methamphetamine~~] ***a controlled***
2 ***substance.***

3 (b) Storing any chemical substance.

4 (c) Storing or disposing of any [~~methamphetamine~~] ***controlled substance*** waste
5 products.

6 (d) Storing or disposing of any [~~methamphetamine~~] ***controlled substance***
7 paraphernalia.

8 II. No person shall knowingly cause or permit a child or vulnerable adult to inhale, be
9 exposed to, have contact with, or ingest [~~methamphetamine~~] ***a controlled substance, except***
10 ***pursuant to a valid prescription as defined by RSA 318-B:1, XXVIII,*** a chemical substance, or
11 [~~methamphetamine~~] ***controlled substance*** paraphernalia.

12 III. No person shall, with the intent to engage in any prohibited conduct under paragraph I,
13 knowingly cause or permit any child or vulnerable adult to buy or otherwise obtain
14 [~~methamphetamine~~] ***a controlled substance, except pursuant to a valid prescription as***
15 ***defined by RSA 318-B:1, XXVIII, or controlled substance*** paraphernalia.

16 4 Controlled Substances-Related Crimes; Protective Custody for Health Screening; Reports
17 Required. Amend RSA 639-A:4 to read as follows:

18 639-A:4 Protective Custody for Health Screening; Reports Required.

19 I. A peace officer shall, pursuant to RSA 169-C:6, take any child present in an area where
20 any of the activities described in RSA 639-A:2 are taking place into protective custody. Upon taking
21 a child into protective custody, the peace officer shall follow the procedures outlined in RSA 169-C:6
22 and shall report the matter to the department of health and human services as a suspected incident
23 of abuse or neglect under RSA 169-C:29. The department shall investigate the report in accordance
24 with RSA 169-C:34 and shall, as part of its investigation, screen the child for possible health
25 concerns related to exposure to [~~methamphetamine~~] ***a controlled substance or substances,***
26 ***except pursuant to a valid prescription as defined by RSA 318-B:1, XXVIII.***

27 II. If a peace officer does not take a child into protective custody under this section, but has
28 reason to believe that the child may have been exposed to [~~methamphetamine~~] ***a controlled***
29 ***substance or substances, except pursuant to a valid prescription as defined by RSA 318-B:1,***
30 ***XXVIII,*** the peace office shall report the matter to the department of health and human services as a
31 suspected incident of abuse or neglect under RSA 169-C:29. The department shall investigate the
32 report in accordance with RSA 169-C:34 and may, as part of its investigation, screen the child for
33 possible health concerns related to exposure to [~~methamphetamine~~] ***a controlled substance or***
34 ***substances, except pursuant to a valid prescription as defined by RSA 318-B:1, XXVIII.***

35 5 New Section; Controlled Substances-Related Crimes; Applicability. Amend RSA 639-A by
36 inserting after section 4 the following new section:

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1 639-A:5 Applicability. This chapter shall not apply to the therapeutic use of cannabis as
2 authorized by RSA 126-X.

3 6 Effective Date. This act shall take effect January 1, 2026.

**HB 473-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0430h)**

AN ACT criminalizing multiple forms of exposing children to controlled substances and allowing law enforcement to take a child into protective custody for screening and testing in an instance of suspected or actual criminal exposure to controlled substances.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association