

HB 560 - AS AMENDED BY THE SENATE

20Mar2025... 0673h
06/05/2025 2213s
06/05/2025 2630s
06/05/2025 2661s

2025 SESSION

25-0900
11/05

HOUSE BILL **560**

AN ACT relative to parental access to a minor child's medical records, relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated, defining pre-sequestration timber tax revenue, establishing a moratorium on carbon sequestration and establishing a commission to study the effects of carbon sequestration in New Hampshire forests upon state and local tax revenue, effective forest management, and the health of New Hampshire's logging industry.

SPONSORS: Rep. Litchfield, Rock. 32; Rep. Perez, Rock. 16; Rep. Franz, Graf. 6; Rep. Weyler, Rock. 14; Rep. McMahon, Rock. 17; Rep. Kofalt, Hills. 32; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Potenza, Straf. 19; Rep. Mary Murphy, Hills. 27; Rep. Seidel, Hills. 29; Sen. Gannon, Dist 23

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill:

I. Provides parents of minor children full access to their minor children's medical record except under certain circumstances.

II. Defines pre-sequestration timber tax revenue and allows for payment in lieu of taxes on such revenue.

III. Establishes a moratorium on carbon sequestration contracts.

IV. Establishes a commission to study carbon sequestration programs.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 560 - AS AMENDED BY THE SENATE

20Mar2025... 0673h
06/05/2025 2213s
06/05/2025 2630s
06/05/2025 2661s

25-0900
11/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to parental access to a minor child's medical records, relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated, defining pre-sequestration timber tax revenue, establishing a moratorium on carbon sequestration and establishing a commission to study the effects of carbon sequestration in New Hampshire forests upon state and local tax revenue, effective forest management, and the health of New Hampshire's logging industry.

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

1 1 Statement of Purpose. The general court finds and recognizes that parents are responsible for
2 providing and coordinating medical care for their minor children and are presumed to act in their
3 child's best interest. In order to make informed decisions about a minor child's health care needs,
4 parents must be granted access to their children's medical records.

5 2 New Section; Parental Access to a Minor Child's Medical Records. Amend RSA 332-I by
6 inserting after section 1 the following new section:

7 332-I:1-a Parental Access to a Minor Child's Medical Records.

8 I. For the purposes of this section, "medical records" means physical medical records and
9 electronic medical records, including records available via online patient portals.

10 II. A parent or legal guardian of a minor child shall be entitled to have full access to the
11 medical records of their minor child or ward, except:

12 (a) When the records are records of treatment that a minor may consent to pursuant to a
13 specific statute under state or federal law without parental consent or the consent of a legal
14 guardian;

15 (b) When the parent or legal guardian is the subject of a protective order involving the
16 minor child or one of the minor child's siblings issued pursuant to RSA 173-B including any
17 protective order issued by any other state, tribal, or territorial court related to domestic or family
18 violence as provided for in RSA 173-B:13, RSA 461-A, or RSA 633:3-a, or when a court of competent
19 jurisdiction has determined that the release of the records to a parent or legal guardian is not in the
20 child's best interest; or

21 (c) When a health care provider has determined by evidence based upon his or her
22 professional judgment that disclosure of the records to a parent or legal guardian of a minor child is
23 likely to result in abuse or neglect. A health care provider who makes this determination shall
24 document in the medical record of the minor child all facts upon which he or she relied in making the
25 determination.

HB 560 - AS AMENDED BY THE SENATE

- Page 2 -

III. Nothing in this section shall require disclosure of information provided to any counselor, school psychologist, school nurse, or other certified health care provider where the information provided was reasonably expected to be confidential.

3 Driving or Operating Under the Influence of Drugs or Liquor; Refusal of Consent. Amend RSA 265-A:14, I-II to read as follows:

I. If a person under arrest for any violation or misdemeanor under RSA 265 or RSA 215-A refuses upon the request of a law enforcement officer, authorized agent, or peace officer to submit to physical tests or to a test of blood, urine, or breath designated by the law enforcement officer, authorized agent, or peace officer to as provided in RSA 265-A:4, none shall be given, but:

(a) If this is the first refusal with no prior driving or operating while intoxicated or aggravated driving or operating while intoxicated convictions:

(1) The director shall suspend his or her license to drive or nonresident driving privilege for a period of ~~[180 days]~~ **one year**; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of ~~[180 days]~~ **one year** after the date of the alleged violation.

(b) If the person has ~~[a prior driving or operating while intoxicated or aggravated driving or operating while intoxicated conviction]~~ **one or more prior convictions under RSA 265-A:2, I, RSA 265-A:3, RSA 630:3, II, or under a reasonably equivalent offense in an out-of-state jurisdiction as defined in RSA 265-A:18, VI(b) or a prior refusal of consent under this section or under a reasonably equivalent law in an out-of-state jurisdiction as defined in RSA 265-A:18, VI(b):**

(1) The director shall suspend his or her license to drive or nonresident driving privilege for a period of ~~[2]~~ **3** years; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of ~~[2]~~ **3** years after the date of the alleged violation.

II. Except as provided in paragraph VI, the ~~[180-day]~~ **one-year** or ~~[2-year]~~ **3-year** suspension period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provision of this title. Any such suspension or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as provided in RSA 265-A:31.

4 New Paragraph; Driving or Operating Under the Influence of Drugs or Liquor; Refusal of Consent. Amend RSA 265-A:14 by inserting after paragraph VI the following new paragraph:

VII. In conjunction with a plea of guilty or nolo contendere to an offense resulting in a conviction under RSA 265-A:2 or RSA 265-A:3, the court may suspend up to 180 days of the license suspension imposed pursuant to this section.

1 5 Driving or Operating Under the Influence of Drugs or Liquor; Penalties for Intoxication or
2 Under Influence of Drugs Offenses. Amend the introductory paragraph in RSA 265-A:18, I(b) to read
3 as follows:

4 (b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3,
5 except as provided in subparagraph (c) **or (d)**, shall be:

6 6 New Subparagraph; Driving or Operating Under the Influence of Drugs or Liquor; Penalties
7 for Intoxication or Under Influence of Drugs Offenses. Amend RSA 265-A:18, I by inserting after
8 subparagraph (c) the following new subparagraph:

9 (d) Any person who is convicted of aggravated DWI under RSA 265-A:3, III shall be:

10 (1) Guilty of a class A misdemeanor;

11 (2) Fined not less than \$750;

12 (3) Sentenced to a mandatory sentence of not less than 17 consecutive days in the
13 county correctional facility, all of which may be suspended. The court shall refer the person to an
14 IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension shall be
15 that upon release from serving any sentence in the county correctional facility, the person shall
16 schedule a substance use disorder evaluation within 30 days of release, complete the required
17 substance use disorder evaluation within 60 days of release, and comply with the service plan
18 developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the
19 service plan from that substance use disorder evaluation. Any portion of the suspended sentence to
20 the county correctional facility may be imposed if the defendant does not comply with all of the
21 requirements of this subparagraph or becomes non-compliant with the service plan during the
22 suspension period;

23 (4) Ordered to install an interlock device in accordance with RSA 265-A:36; and

24 (5) Subject to the following:

25 (A) The person's driver's license or privilege to drive shall be revoked for not less
26 than 18 months and, at the discretion of the court, such revocation may be extended for a period not
27 to exceed 2 years. Upon confirmation from the IDCMP that the person is in full compliance with the
28 service plan, the court may suspend up to 6 months of this sentence, with the condition that an
29 interlock device be installed for the period of the suspended sentence in addition to any period
30 required in accordance with RSA 265-A:36 and provided that all fees have been paid; and

31 (B) The sentencing court may require the person to submit to random urinalysis
32 or such other tests as the court may deem appropriate.

33 7 New Paragraph; Taxation; Forest Conservation and Taxation; Definitions. Amend RSA 79:1
34 by inserting after paragraph VIII the following new paragraph:

35 IX. "Pre-sequestration timber tax revenue" means the average of the amounts any
36 municipality received in timber tax revenue from the owner of a parcel of land for the 5 full tax years
37 preceding the tax year in which the owner or the owner's predecessor in interest entered into a

HB 560 - AS AMENDED BY THE SENATE

- Page 4 -

1 legally binding commitment to enroll or register the timber on such land in a carbon sequestration
2 program or to otherwise dedicate the timber on such land to carbon sequestration.

3 8 Taxation; Forest Conservation and Taxation. RSA 79:5 is repealed and reenacted to read as
4 follows:

5 79:5 General Tax; Credits in Certain Cases.

6 I. Whenever it shall appear to the assessing officials that a town or city is unreasonably
7 deprived of revenue because of the failure of an owner to cut standing wood or timber when it shall
8 have arrived at the degree of maturity most suitable for its use, such standing wood or timber shall
9 be taxed in the same manner as general property and be subject to the same rights of appeal, the
10 intent being to prevent the holding of standing wood or timber indefinitely without the payment of
11 any taxes. If such standing wood or timber is taxed under the provision of this section, such taxes
12 shall be a credit against any yield tax later imposed.

13 II. As an alternative to the imposition of the tax provided for in paragraph I, in any tax year
14 the owner may make a payment in lieu of taxes to the town or city equal to the difference between
15 the pre-sequestration timber tax revenue and the actual timber tax paid by the landowner in that
16 year. For any tax year for which the owner elects to make a payment in lieu of taxes under this
17 paragraph, the owner shall notify the town or city in writing of the owner's election on or before
18 December 31 preceding such tax year.

19 9 New Subdivision; Carbon Sequestration Programs Study Commission. Amend RSA 79 by
20 inserting after section 31 the following new subdivision:

21 Carbon Sequestration Programs Study Commission

22 79:32 Carbon Sequestration Programs Study Commission. There is established a commission to
23 study the impacts of the growing practice of dedicating tracts of New Hampshire forests to
24 sequestration of carbon emissions.

25 79:33 Membership and Compensation.

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

27 (a) Two members of the house of representatives, one of whom shall be from the ways
28 and means committee and one of whom shall be at large, appointed by the speaker of the house of
29 representatives.

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

31 (c) The commissioner of the department of revenue administration, or designee.

32 (d) The commissioner of the department of natural and cultural resources, or designee.

33 (e) One Coos county commissioner, or designee.

34 (f) One municipal official with experience in administration of the timber yield tax,
35 appointed by the New Hampshire Municipal Association.

36 (g) One public member with experience owning and operating a family-owned tree farm,
37 appointed by the Governor.

HB 560 - AS AMENDED BY THE SENATE

- Page 5 -

1 (h) One public member, designated by the current Fee Owner as that term is defined in
2 that certain Grant of Conservation Easement, dated as of October 9, 2003, applicable to
3 approximately 146,400 acres located in Coos County.

4 (i) One public member with experience owning and operating forest land, designated by
5 the New Hampshire timberland owner's association.

6 (j) One public member, designated by the New Hampshire Retail Lumber Association.

7 (k) One public member, designated by the New Hampshire Home Builders Association.

8 (l) One licensed forester, appointed by the president of the senate.

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

11 79:34 Duties. The commission shall study:

12 I. For existing agreements or other arrangements under which New Hampshire landowners
13 have committed any standing timber on their property to the sequestration of carbon emissions
14 through registration with a carbon credit offset registry or similar program, the length of such
15 commitment and any restrictions on or disincentives against logging of such timber.

16 II. The state and local tax impact of committing New Hampshire forest tracts to carbon
17 sequestration.

18 III. Whether the state's current system of taxation fairly and proportionally taxes the
19 transactions by which New Hampshire forest tracts are committed to carbon sequestration and the
20 fair market value of those tracts.

21 IV. Whether other statutory provisions interfere with the power of cities and towns under
22 RSA 79:5 to tax standing timber that has been committed to carbon sequestration.

23 V. Whether the purchasers of carbon credits generated by carbon sequestration in New
24 Hampshire forests should be taxed by the state for the benefit those credits confer.

25 VI. The impact on sound forest management practices, including minimization of forest fire
26 risk.

27 VII. The impact on New Hampshire's logging industry.

28 VIII. The effect carbon sequestration has on the state and national timber industry and its
29 competitiveness with the timber industries of other states and countries.

30 79:35 Chairperson; Quorum. The members of the study commission shall elect a chairperson
31 from among the members. The first meeting of the commission shall be called by the senate
32 member. The first meeting of the commission shall be held before September 15, 2025. Six members
33 of the commission shall constitute a quorum.

34 79:36 Report. The commission shall report its findings and any recommendations for proposed
35 legislation to the speaker of the house of representatives, the president of the senate, the house
36 clerk, the senate clerk, the governor, and the state library before November 1, 2027. The commission

HB 560 - AS AMENDED BY THE SENATE

- Page 6 -

1 shall inform the secretary of state and the director of the office of legislative services when its report
2 has been submitted.

3 79:37 Moratorium. Between July 1, 2025, and the date upon which the carbon sequestration
4 programs study commission submits its report pursuant to RSA 79:36, no owner of standing timber
5 in New Hampshire on a parcel of more than 500 acres shall enter into, or exercise any unexercised
6 right pursuant to, any agreement or other arrangement to commit any part of such timber or its
7 annual growth to the sequestration of carbon emissions through enrollment or registration with a
8 carbon credit offset program or otherwise. Any such exercise, agreement, or other arrangement shall
9 be void. Any subdivision of an owner's land of 500 acres or less after the effective date of this act
10 shall be subject to the prohibitions in this paragraph. Nothing in this section shall be construed to
11 impair any such owner's existing, legally binding commitment of such timber or annual growth to
12 the sequestration of carbon emissions. If an owner reports, enrolls, registers, or otherwise commits
13 any annual growth to or with a carbon credit offset program the owner shall report such report,
14 enrollment, registration, or other commitment to the department of revenue administration and the
15 tax assessor of the town or city in which the annual growth took place and shall provide
16 documentation establishing that such commitment of annual growth is not subject to the
17 prohibitions in this paragraph. In the application of this paragraph, the owner shall have the
18 burden of establishing that such timber or annual growth is the subject of such a legally binding
19 commitment as of the effective date of this section.

20 10 Repeal.

21 I. RSA 79:5, II, relative to payments in lieu of taxes is repealed.

22 II. RSA 79:32 through 79:37, relative to the carbon sequestration programs study
23 commission, is repealed.

24 11 Effective Date.

25 I. Sections 1-2 of this act shall take effect 60 days after its passage.

26 II. Sections 3-6 of this act shall take effect January 1, 2026.

27 III. Section 10 of this act shall take effect November 1, 2027.

28 IV. The remainder of this act shall take effect July 1, 2025.