

CHAPTER 104
SB 254 - FINAL VERSION

1May2025... 1548h

2025 SESSION

25-0625
09/02

SENATE BILL

254

AN ACT relative to controlled substance inventories and relative to surrogate parent criminal history records checks.

SPONSORS: Sen. Rochefort, Dist 1; Sen. Pearl, Dist 17; Rep. C. McGuire, Merr. 27; Rep. Nagel, Belk. 6

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill removes the requirement that controlled substance inventories be done in the odd-numbered year.

This bill further amends the requirements for a criminal history records check for educational decision-making surrogate parents, and makes certain criminal offenses disqualifying.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to controlled substance inventories and relative to surrogate parent criminal history records checks.

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

1 104:1 Controlled Drug Act; Records to be Kept. Amend RSA 318-B:12, III to read as follows:

2 III. Practitioners including physicians, podiatrists, dentists, veterinarians, optometrists, advanced
3 practice registered nurses, manufacturers, wholesalers, pharmacies, clinics, hospitals, laboratories, and
4 any other person required by federal law to conduct biennial controlled substance inventories, shall do so
5 in accordance with 21 U.S.C. section 1304.11(c) inventory requirements [~~every odd-numbered year~~]. The
6 pharmacy board, established in RSA 318:2, may adopt rules, pursuant to RSA 541-A, relative to the
7 board's responsibility for ensuring compliance with this paragraph.

8 104:2 Special Education; Surrogate Parents. Amend RSA 186-C:14, III-a to read as follows:

9 III-a. **(a)** The department shall complete a criminal history records check of each surrogate parent
10 [~~as it would a credentialing applicant pursuant to RSA 189:13-e~~]. The department shall adopt rules under
11 RSA 541-A, relative to the procedures for conducting criminal history records checks of surrogate parents.

12 **(b)** *The criminal history records check of a surrogate parent shall be valid for a period of 5*
13 *years from the day they are deemed qualified by the department to serve as a surrogate parent.*

14 **(c)** *The department shall maintain the confidentiality of all criminal history records information*
15 *received pursuant to this paragraph. The department shall destroy all criminal history record information*
16 *within 60 days of receiving said information.*

17 **(d)** *The department may require the surrogate parent applicant to pay the actual costs of the*
18 *criminal history records check.*

19 III-b. **(a)** *The surrogate parent applicant shall submit to the department a criminal history records*
20 *release form, as provided by the division of state police, which authorizes the division of state police to*
21 *conduct a criminal history records check through its state records and through the Federal Bureau of*
22 *Investigation and to release a report of the surrogate parent applicant's criminal history record*
23 *information, including confidential criminal history record information, to the background check coordinator*
24 *of the department, as described in RSA 21-N:8-a, I-a.*

25 **(b)** *The surrogate parent applicant shall submit with the release form a complete set of*
26 *fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of*
27 *education. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of*
28 *fingerprints shall be taken in order to complete the criminal history records check. If, after 2 attempts, a*
29 *set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history*
30 *records check, accept police clearance from every city, town, or county where an applicant or candidate*
31 *has lived during the past 5 years.*

CHAPTER 104
SB 254 - FINAL VERSION
- Page 2 -

1 (c) Any person who has been charged pending disposition for or convicted of any violation or
2 attempted violation of RSA 318-B:2 for possession of a controlled drug with the intent to sell, felony level,
3 within the last 10 years, RSA 630:1; 630:1-a; 630:1-b; 630:2; 631:1; 632-A:2; 632-A:3; 632-A:4; 633:1;
4 633:7; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any
5 violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed
6 obscene in this state, or under any statute prohibiting the same conduct in another state, territory, or
7 possession of the United States, shall not qualify for selection as a surrogate parent.

104:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 17, 2025
Effective Date: August 16, 2025