

SB 143 - VERSION ADOPTED BY BOTH BODIES

03/13/2025 0739s

2025 SESSION

25-1085

09/11

SENATE BILL

143

AN ACT

relative to the impaired driver care management program and recovery residences.

SPONSORS:

Sen. Prentiss, Dist 5; Sen. Fenton, Dist 10; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Altschiller, Dist 24; Sen. Long, Dist 20; Sen. Rosenwald, Dist 13; Sen. Ricciardi, Dist 9; Sen. Reardon, Dist 15; Rep. Sykes, Graf. 14; Rep. Proulx, Hills. 15

COMMITTEE:

Judiciary

AMENDED ANALYSIS

This bill modifies the requirements for the impaired driver care management program and when it is required. This bill further amends the certification standards for recovery houses.

This bill is a request of the department of health and human services.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the impaired driver care management program and recovery residences.

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

1 1 Penalties for Intoxication or Under Influence of Drugs Offense. Amend RSA 265-A:18, I(a)(4)
2 to read as follows:

3 (4) Required to complete a department of health and human services approved
4 impaired driver education program prior to the restoration of the person's driver's license or
5 privilege to drive; ~~[provided however, that if the person has previously completed such a program~~
6 ~~within the past 5 years and provides required proof, that shall serve as fulfillment of this~~
7 ~~requirement;]~~

8 2 Penalties for Intoxication or Under Influence of Drugs Offense. Amend RSA 265-A:18, III to
9 read as follows:

10 III. Any person who is convicted of an offense under RSA 265-A:2, I or RSA 630:3, II, and
11 whose offense occurred while the person was under the age of 21, shall be sentenced according to the
12 provisions of this section, except that in all cases the person's driver's license or privilege to drive
13 shall be revoked for not less than one year. The person shall schedule a substance use disorder
14 evaluation with a service provider indicated by an IDCMP within 30 days of conviction, or upon
15 release from the correctional facility, whichever occurs later, complete the required substance use
16 disorder evaluation within 60 days of release, comply with the service plan developed by the IDCMP,
17 and complete an approved impaired driver education program ~~[if not previously completed within~~
18 ~~the past 5 years]~~.

19 3 Penalties for Intoxication or Under Influence of Drugs Offense. Amend RSA 265-A:18, VIII to
20 read as follows:

21 VIII. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II,
22 and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or
23 operating or attempting to operate a boat was transporting a person under the age of 16, shall have
24 the driver's license or privilege to drive revoked for the maximum time period under the section
25 violated and the person's license or privilege to drive shall not be restored until the offender has
26 completed an IDCMP screening within 14 days of conviction, and if testing demonstrates the
27 likelihood of a substance use disorder, the person shall schedule a substance use disorder evaluation
28 within 30 days of conviction or within 30 days of release from the correctional facility, whichever
29 occurs later, complete the required substance use disorder evaluation within 60 days of release from
30 the correctional facility, comply with the service plan developed from the substance abuse disorder

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1 evaluation by the IDCMP, and complete a department of health and human services approved
2 impaired driver education program prior to the restoration of the person's driver's license or
3 privilege to drive~~[- provided however, that if the person has previously completed such a program~~
4 ~~within the past 5 years and provides required proof, that shall serve as fulfillment of this~~
5 ~~requirement]~~.

6 4 Penalties for Boating While Intoxicated. Amend RSA 265-A:19, II to read as follows:

7 II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation
8 was transporting a person under the age of 16 shall not operate a boat on the waters of this state
9 until the person completes a substance use disorder evaluation administered by a service provider
10 indicated by an IDCMP, complies with the service plan developed from the substance abuse disorder
11 evaluation, and completes a department of health and human services approved impaired driver
12 education program~~[- provided however, that if the person has previously completed such a program~~
13 ~~within the past 5 years and provides required proof, that shall serve as fulfillment of the impaired~~
14 ~~driver education program requirement]~~. Any person operating a boat in violation of this paragraph
15 is guilty of a misdemeanor.

16 5 Impaired Driver Education Programs. Amend RSA 265-A:39, II to read as follows:

17 II. An impaired driver education program shall consist, at a minimum, of 20 hours of
18 evidence-based educational curriculum, ***except that the education hours for an out-of-state***
19 ***resident completing an impaired driver education course in his or her legal state of***
20 ***residence shall comply with the requirements of that state. Unless otherwise noted,*** the
21 department of health and human services shall establish and maintain standards of instruction and
22 monitor course content.

23 6 Impaired Driver Education Programs; Impaired Driver Care Management Programs. Amend
24 RSA 265-A:40, III through IX to read as follows:

25 III. ~~[Before the service plan is finalized,]~~The client shall provide to the program an original
26 certified copy of the person's driver's license record. Such record shall be secured from the division of
27 motor vehicles, or from the state in which the person holds a driver's license, if an out-of-state
28 resident. The person shall pay for all costs involved in securing the certified copy.

29 IV. Persons receiving services from an impaired driver care management program and from
30 education or treatment programs included in the service plan shall be responsible for the fees
31 assessed by such programs, including a per-client fee paid by the program provider to the
32 department of health and human services sufficient to cover the costs of monitoring program
33 services, data collection, and administrative support by the department of health and human
34 services. Persons who cannot pay for IDCMP or treatment services may avail themselves of publicly
35 funded programs. The department of health and human services may review the fees assessed and
36 allow for payment plans, fee waivers, or services for indigent clients or clients that meet poverty
37 guidelines established by the commissioner.

V. The approved impaired driver care management program (IDCMP) shall determine whether the client has complied with all requirements ~~[of the service plan]~~. The IDCMP shall notify the client, the division ***of motor vehicles, and*** the court~~[-and the department of health and human services]~~ when the client has complied with such requirements and paid all applicable fees.

V-a. If a client completed all IDCMP programming requirements and was eligible for license restoration more than 5 years prior to applying to the division of motor vehicles for license restoration, then the client must undergo a new screening and/or evaluation, as applicable, with an IDCMP, and retake the impaired driver education program. If deemed clinically necessary by the IDCMP, the client will then be subject to a new service plan, and pay all associated fees, except he or she shall not be subject to the state fee. This requirement does not apply to individuals who fully completed the multiple offender program prior to January 1, 2013.

V-b. If the client was convicted of an impaired driving charge subsequent to completing all IDCMP program requirements, the client shall be subject to the requirements of paragraph V-a, regardless of how much time has passed.

VI. The client shall have the right to a hearing before the commissioner of safety or designee, who shall determine whether the service plan requirements are warranted and appropriate.

VII. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the impaired driver care management programs with respect to:

- (a) Approval of programs.
- (b) Procedures and forms to be followed in order to verify client completion of the program.
- (c) Place of business and areas of the state in which approved programs may operate.
- (d) Records and reports.
- (e) Schedule of fees and charges.
- (f) Certification and recertification of programs.
- (g) A per client fee to be paid by program providers sufficient to cover the costs of monitoring compliance, data collection, and administrative support.
- (h) Site reviews.
- (i) Program compliance.
- (j) Any other matter related to the proper administration of this section and the protection of the public.

VIII. For the purposes of clinical efficacy and continuity of care the IDCMP may provide substance abuse treatment services to those persons required to complete a treatment service plan if the IDCMP is also a department of health and human services approved treatment services provider and if the person elects this option. Before the person may elect this option, the IDCMP shall first

provide the person with a printed list of all other department of health and human services approved providers. The person shall sign a waiver acknowledging receipt of the list that also fully explains his or her right to choose a different provider at any time. The person may elect to receive treatment services from the IDCMP by acknowledging on the waiver that he or she has chosen to obtain the required substance abuse treatment services from the IDCMP.

IX. Notwithstanding other provisions in RSA 265-A, out-of-state residents may elect to obtain required screening, evaluation, treatment, and education services in their legal state of residence provided that they register with a New Hampshire IDCMP ***either prior to, or upon completion of, the requirements of their legal state of residence*** and that the New Hampshire IDCMP:

(a) Ensures that screening, evaluation, ~~and~~ ***and education*** services are provided by ~~individuals possessing an International Certification & Reciprocity Consortium/Alcohol and Other Drug Abuse (IC&RC) sanctioned license, or, if the client resides in a non-IC&RC state, by]~~ individuals ***and programs*** ~~[who]~~ ***that*** are approved by ~~[that]~~ ***the out-of-state resident's*** state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction, ***and that the required education is deemed equivalent to New Hampshire requirements, or submits a waiver to the commissioner for the education received out-of-state;***

(b) ~~[Ensures that impaired driver education programs are provided by programs which are approved by that state for the purpose of license reinstatement subsequent to an alcohol or drug DWI conviction]~~ ***Verifies the out-of-state resident successfully completed all license restoration requirements of his or her legal state of residence within the past 5 years;***

(c) ~~[Develops the service plan]~~ ***Verifies the out-of-state resident has not been convicted of any impaired driving offenses in his or her legal state of residence, or the state of New Hampshire, since completing the license restoration requirements;***

(d) ~~[Monitors compliance with the service plan and reports noncompliance to the division of motor vehicles and the sentencing court]~~ ***Verifies the out-of-state resident is eligible for license restoration in his or her legal state of residence;*** and

(e) ~~[Determines whether the service plan has been completed and, if so, reports completion to the sentencing court, the division of motor vehicles, and the department of health and human services]~~ ***Reports the out-of-state resident is eligible for license restoration in New Hampshire to the division of motor vehicles.***

7 Attendance at Impaired Driver Education Course Required. Amend RSA 265-A:42, I to read as follows:

I. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265-A:2, I or 265-A:3 if the person has not, ***within the past 5 years***, completed a department of health and human services approved impaired driver education program ~~[within the past 5 years]~~, completed an alcohol and drug abuse

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screening, and if testing demonstrates the likelihood of a substance use disorder, a substance use disorder evaluation, and complied with the service plan developed from the substance abuse disorder evaluation by the IDCMP, furnished proof of completion of a department of health and human services approved impaired driver education, and paid all relevant program fees.

8 Provision of Services; Acceptance Into Treatment. Amend RSA 172-B:2, V(a)(2) to read as follows:

(2) Certification *by a certifying entity designated by the commissioner that is* based on ~~[national]~~ **nationally recognized** standards including, but not limited to, documents to show the recovery house meets minimum safety and recovery standards including, but not limited to health, building, zoning, and fire inspection approvals, proof of insurance, resident agreement, emergency procedures, and policies and procedures addressing grievances, non-discrimination, code of ethics, and safe storage of medication.

9 Provision of Services; Acceptance Into Treatment. Amend the introductory paragraph of RSA 172-B:2, VII(a) to read as follows:

VII.(a) The commissioner or designee shall designate an entity to serve as the certifying body for a voluntary certification program for recovery residences based upon **nationally recognized** standards ~~[determined by the National Alliance for Recovery Residences (NARR) or a similar entity]~~. The certifying body shall establish and implement a certification program for recovery residences that maintain ~~[nationally-recognized]~~ **nationally recognized** standards that:

10 Effective Date. This act shall take effect upon its passage.