

CHAPTER 189  
HB 473-FN - FINAL VERSION

26Mar2025... 0430h  
12Jun2025... 2731EBA

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 189  
HB 473-FN - FINAL VERSION

26Mar2025... 0430h  
12Jun2025... 2731EBA

25-0729  
09/11

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:*

1 189:1 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**

4 189:2 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 used in  
9 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 defined  
12 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 manufacturing,  
15 injecting, ingesting, inhaling, or otherwise introducing [methamphetamine] **controlled substances, except**  
16 **those possessed pursuant to a valid prescription as defined by RSA 318-B:1, XXVIII**, into the human  
17 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 substances** or  
20 any part of the manufacturing process, or the by-products or [degradates] **degradants** of manufacturing  
21 [methamphetamine] **controlled substances**.

22 189:3 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 child or  
25 vulnerable adult; in the residence of a child or a vulnerable adult; in a building, structure, conveyance, [øf]  
26 outdoor location, **or vehicle** where a child or vulnerable adult might reasonably be expected to be present;  
27 within any drug-free school zone, as defined under RSA 193-B:1, II; in a room offered to the public for  
28 overnight accommodations; or in any multiple unit residential building:

29 (a) Manufacturing or attempting to manufacture [methamphetamine] **a controlled substance**.

30 (b) Storing any chemical substance.

CHAPTER 189  
HB 473-FN - FINAL VERSION  
- Page 2 -

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

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

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

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

11 189:4 Controlled Substances-Related Crimes; Protective Custody for Health Screening; Reports  
12 Required. Amend RSA 639-A:4 to read as follows:

13 639-A:4 Protective Custody for Health Screening; Reports Required.

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

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

30 189:5 New Section; Controlled Substances-Related Crimes; Applicability. Amend RSA 639-A by  
31 inserting after section 4 the following new section:

32 639-A:5 Applicability. This chapter shall not apply to the therapeutic use of cannabis as authorized  
33 by RSA 126-X.

34 189:6 Effective Date. This act shall take effect January 1, 2026.

Approved: July 15, 2025  
Effective Date: January 01, 2026

