

Floor Amendment to SB 408-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to health insurance coverage for prosthetics and prohibiting public colleges
4 and universities from regulating the possession or carrying of firearms and non-
5 lethal weapons on campus.
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7 Amend the bill by replacing all after section 2 with the following:

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9 3 Short Title. Sections 3 through 5 of this act may be known and cited as the "Protecting
10 College Students Act".

11 4 Statement of Findings. With respect to sections 4 and 5 of this act, the general court hereby
12 finds that:

13 I. The Constitution of New Hampshire, Part I, Article 2-a, guarantees the natural and
14 essential right of the people to keep and bear arms in defense of themselves, their families, their
15 property, and the state.

16 II. The Supreme Court has recognized in *Castle Rock v. Gonzales* that the government has
17 no duty to protect individuals from private harm.

18 III. New Hampshire law provides for constitutional carry, recognizing that law-abiding
19 citizens have the right to carry firearms without unnecessary government restriction.

20 IV. Policies adopted by public colleges and universities that prohibit or restrict law-abiding
21 students from exercising this right are inconsistent with the New Hampshire Constitution and the
22 state's statutory framework.

23 V. Such policies fail to meet the historical tradition test of firearm regulation as established
24 by the Supreme Court in *New York State Rifle & Pistol Association, Inc. v. Bruen*. Such policies
25 exceed the proper authority of such institutions.

26 VI. Such prohibitions are ineffective as a matter of public safety because they disarm
27 responsible citizens while doing nothing to deter those who would commit acts of violence.

28 VII. Preventing lawful students from carrying only ensures that potential victims are left
29 defenseless against unlawful aggression.

30 VIII. New Hampshire should secure and protect the right of law-abiding college students,
31 faculty, staff, and visitors at public institutions of higher education to exercise their constitutional
32 right to carry firearms, consistent with existing state law.

Floor Amendment to SB 408-FN
- Page 2 -

1 5 New Subdivision; Prohibition on Restrictions of Weapons on College Campuses. Amend RSA
2 159 by inserting after section 27 the following new subdivision:

3 Prohibition on Restrictions of Weapons on College Campuses

4 159:28 Definitions. In this subdivision:

5 I. "Non-lethal weapons" means pepper spray, mace, stun guns, Tasers, and other similar
6 devices designed to incapacitate without causing fatal injury.

7 II. "Campus" refers to all land, buildings, facilities, and vehicles owned, leased, or controlled
8 by a public institution of higher education in this state.

9 III. "Public institution of higher education" means any public technical institute, public
10 junior college, public senior college or university, law school, medical or dental school, or any
11 institution of higher education in this state supported by public funds.

12 159:29 Prohibition on Restrictions of Weapons on College Campuses.

13 I. Notwithstanding any provision of law to the contrary, no public institution of higher
14 education shall enact rules, policies, or similar prohibitions restricting the possession, carry, storage,
15 or lawful use of firearms or non-lethal weapons on campus.

16 II. No state or institutional permit or license shall be required for such carry on campus.

17 159:30 Remedies. Any individual aggrieved by a violation of this subdivision may bring an
18 action against the public institution of higher education and its employees responsible for the
19 violation and seek appropriate relief, including injunctive relief, monetary damages, reasonable
20 attorneys' fees, and court costs. Total damages awarded in an action brought under this subdivision
21 shall be at least \$10,000.

22 159:31 Severability. If any provision of this subdivision or the application thereof to any person
23 or circumstances is held invalid, such invalidity shall not affect other provisions or applications of
24 the subdivision which can be given effect without the invalid provision or application, and to this end
25 the provisions of this subdivision are declared to be severable.

26 6 Effective Date.

27 I. Sections 3-5 of this act shall take effect January 1, 2027.

28 II. The remainder of this act shall take effect January 1, 2028.

Floor Amendment to SB 408-FN
- Page 3 -

2026-1929h

AMENDED ANALYSIS

This bill:

- I. Requires health insurance policies to provide coverage for adult prosthetics, including activity-specific prosthetic devices. The law currently requires such coverage for children's prosthetics.
- II. Prohibits public colleges and universities from regulating the possession or carrying of firearms and non-lethal weapons on campus.
- III. Allows persons aggrieved by public colleges or universities that implement such regulations to sue such institutions for damages and injunctive relief.