

Rep. Layon, Rock. 13
Rep. Sweeney, Rock. 25
Rep. Osborne, Rock. 2
Rep. Slottje, Hills. 13
May 13, 2026
2026-1958h
07/09

Floor Amendment to SB 298-FN

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

2

3 AN ACT relative to the scope of review of state agency interpretations, prohibiting the use of
4 scented products in public areas of state buildings, and establishing a committee to
5 study the implementation and effectiveness of the mandatory statewide certification
6 process and operational standards for recovery residences.
7

8 Amend the bill by replacing all after the enacting clause with the following:

9

10 1 New Section; Standards for Review. Amend RSA 541-A by inserting after section 24 the
11 following new section:

12 541-A:24-a Standards for Review.

13 I. In interpreting a state statute, regulation, or other subregulatory agency document, a
14 state court or an officer hearing an administration action shall not defer to a state agency's
15 interpretation of the statute, regulation, or subregulatory document and shall instead interpret its
16 meaning and effect de novo.

17 II. In actions brought by or against state agencies, after applying all customary tools of
18 interpretation, the court or hearing officer shall resolve any remaining doubt as to legal meaning in
19 favor of a reasonable interpretation that limits agency power and maximizes liberty for the
20 individuals impacted by restrictions, fees, fines, or civil or criminal action as a result of the state
21 statute, regulation, or other subregulatory agency document.

22 2 New Section; Statutory Construction. Amend RSA 21 by inserting after section 55 the
23 following new section:

24 21:56 Presumption of Liberty in Administrative Law. Consistent with RSA 541-A:24-a, in
25 actions brought by or against state agencies, after applying all customary tools of interpretation, a
26 court or hearing officer shall resolve any remaining doubt as to legal meaning in favor of a
27 reasonable interpretation that limits agency power and maximizes liberty for the individuals
28 impacted by restrictions, fees, fines, or civil or criminal action as a result of the state statute,
29 regulation or other subregulatory agency document.

30 3 Legislative Findings. With respect to sections 3 and 4 of this act:

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1 I. Scented products, including air fresheners, scented flame or flameless wax products, oils,
2 hand sanitizers, and scented cleaning products, can be an irritant or trigger a reaction in people with
3 certain medical conditions, such as asthma or allergies.

4 II. The American Medical Association has recommended government agencies support the
5 use of fragrance-free products.

6 III. To ensure that state government is, to the greatest extent possible, open to all the
7 people, including those with medical conditions aggravated by scented products, the general court
8 finds that limiting the use of fragrance-containing products would serve the public interest.

9 4 New Subdivision; Fragrance-Free Requirements in State Buildings Open to the Public.
10 Amend RSA 155 by inserting after section 83 the following new subdivision:

11 Fragrance-Free Requirements in State Buildings Open to the Public

12 155:84 Fragrance-Free Requirements in State Buildings Open to the Public.

13 I. In this section:

14 (a) "Open to the public" means buildings, or areas of buildings, that maintain regular
15 hours during which any member of the public may visit, or that are routinely used for appointments
16 with members of the public.

17 (b) "Fragrance dispensing devices" means automatic, manual, or reactive devices that
18 dispense a scent into the air, including but not limited to plug-in air fresheners, wall-mounted
19 dispensers, and aerosol sprays.

20 II. Not more than one year from the effective date of this section, in all areas of buildings
21 owned or operated by the state that are open to the public, the state shall:

22 (a) Use only fragrance-free cleaning products;

23 (b) Provide only fragrance-free products in restrooms and any other personal hygiene
24 locations; and

25 (c) Prohibit the use of fragrance dispensing devices.

26 5 Committee Established. There is established a committee to study the implementation and
27 effectiveness of the mandatory statewide certification process and operational standards for recovery
28 residences.

29 6 Membership and Compensation.

30 I. The members of the committee shall be as follows:

31 (a) Three members of the house of representatives, appointed by the speaker of the
32 house of representatives.

33 (b) Two members of the senate, appointed by the president of the senate.

34 II. Members of the committee shall receive mileage at the legislative rate when attending to
35 the duties of the committee.

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1 7 Duties. The committee shall conduct a comprehensive, evidence-based investigation and
2 evaluation of mandatory certification for all recovery residences in New Hampshire to replace the
3 prior voluntary registration system. It shall specifically investigate and evaluate:

4 I. Evaluate and refine the statutory definition of “recovery residence” to establish clear,
5 objective criteria for determining which multi-person shared living arrangements fall under the
6 mandatory certification requirement, including factors such as number of unrelated adult residents,
7 primary purpose of substance use disorder recovery support, provision of an alcohol- and illicit-drug-
8 free environment, absence of on-site clinical treatment services, and exclusions for licensed
9 treatment facilities, family homes, general roommate arrangements, or other housing models.

10 II. Assess risks of over- or under-inclusion and recommend bright-line rules or self-
11 attestation processes.

12 III. Assess the application, review, approval, renewal, and appeal processes; the role of
13 certifying entities; inspector training and capacity; fee structures; and the amendment’s delayed
14 implementation and funding contingencies.

15 IV. Review the 39 standards for alignment with current federal SAMHSA Best Practices (11
16 guiding principles and 4 domains of recovery), National Alliance for Recovery Residences (NARR)
17 Levels 1–4, Americans with Disabilities Act, Fair Housing Act, and other federal requirements.

18 V. Evaluate medication management, non-discrimination against Medication-Assisted
19 Treatment (MAT) users, secure storage, and Narcan training.

20 VI. Investigate the feasibility of voluntary designations for MAT-friendly versus MAT-free
21 (abstinence-only) housing options with clear disclosure requirements.

22 VII. Identify gaps and recommend updates to fit New Hampshire’s needs.

23 VIII. Map the standards and process against all relevant federal mandates and funding
24 conditions.

25 IX. Evaluate the potential for state-level waivers, variances, pilot programs, or alternative
26 compliance pathways to address unique New Hampshire needs such as geography, funding, or
27 operator capacity.

28 X. Assess legal, fiscal, and practical feasibility of seeking federal approvals.

29 XI. Investigate inspection frequency, complaint protocols, due-process safeguards (including
30 the amendment’s modifications), revocation procedures, penalties, and data transparency
31 requirements.

32 XII. Measure compliance costs, risks of closures, effects on affordability and distribution,
33 and implications from MAT policies or federal alignment.

34 XIII. Evaluate improvements in safety, stability, and recovery success, with specific focus on
35 MAT users versus abstinence-only preferences, accessibility for diverse populations, and potential
36 barriers.

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1 XIV. Investigate neighborhood effects, interactions with local zoning and ordinances,
2 coordination with other state and federal systems, and workforce impacts.

3 XV. Quantify costs, potential federal funding opportunities, cost savings, and sustainable
4 funding mechanisms, including those related to waivers.

5 XVI. Compare with other states, conduct public hearings and surveys with diverse
6 stakeholders, evaluate equity impacts, develop metrics for ongoing evaluation, and identify
7 unintended consequences.

8 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
9 among the members. The first meeting of the committee shall be called by the first-named house
10 member. The committee shall meet at least 10 times. The first meeting of the committee shall be
11 held within 45 days of the effective date of this section. Four members of the committee shall
12 constitute a quorum.

13 9 Report. The committee shall report its findings and any recommendations for proposed
14 legislation to the speaker of the house of representatives, the president of the senate, the house
15 clerk, the senate clerk, the governor, and the state library on or before November 1, 2026.

16 10 Effective Date.

17 I. Sections 1 and 2 of this act shall take effect January 1, 2027.

18 II. Sections 3 and 4 of this act shall take effect 60 days after its passage.

19 III. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill:

I. States that, in actions brought by or against state agencies, after applying all customary tools of interpretation, the court or hearing officer shall resolve any remaining doubt as to legal meaning in favor of a reasonable interpretation that limits agency power and maximizes liberty for individuals impacted by restrictions, fees, fines, or civil or criminal action as a result of the state statute, regulation, or other subregulatory agency document.

II. Prohibits the use of scented products in public areas of state buildings.

III. Establishes a committee to study the implementation and effectiveness of the mandatory statewide certification process and operational standards for recovery residences.