

HB 1316 - AS INTRODUCED

2026 SESSION

26-2958

05/06

HOUSE BILL ***1316***

AN ACT restricting the collection and disclosure of autism-related data by state agencies.

SPONSORS: Rep. Foss, Hills. 41; Rep. Butler, Straf. 12; Rep. Wade, Straf. 15; Rep. H. Howard, Straf. 4

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill directs state agencies to ensure they are not collecting or using data scraping technology to gather autism-related data, unless such data collection practices comply with state and federal law and are limited to the specific purpose for which the data is gathered.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT restricting the collection and disclosure of autism-related data by state agencies.

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

1 1 New Subdivision; Restriction on the Collection and Disclosure of Autism-related Data by State
2 Agencies. Amend RSA 126 by inserting after section 34 the following new subdivision:

3 Restriction on the Collection and Disclosure of Autism-related Data by State Agencies

4 126:35 Definitions. In this subdivision:

5 I. "Agency" means any department, commission, board, institution, bureau, office, or other
6 entity, by whatever name called, other than the legislative and judicial branches of state
7 government, established in the state constitution, statute, session law, or executive order.

8 II. "Autism-related data" means personally identifiable information maintained by an
9 agency that reveals an individual has been identified as autistic.

10 126:36 Limitation On Collection Of Autism-related Data.

11 I. All agencies under the governor's control shall work to ensure they are not collecting, or
12 using data scraping technology to gather, autism-related data unless the collection fully complies
13 with the Health Insurance Portability and Accountability Act (HIPAA) and is strictly necessary for:

14 (a) The administration of a state or federal benefits program, including payment and
15 reimbursement, providing benefits or ensuring equality of opportunity, participation, or accessibility;

16 (b) The provision of medical or specialized care or services;

17 (c) The audit or evaluation of a federal- or state-supported education program or
18 enforcement and compliance with federal or state legal requirements related to such a program; or

19 (d) Compliance with established New Hampshire or federal law.

20 II. Contractors, grantees, and vendors acting on behalf of an agency shall be held to the
21 same privacy and data protection standards and shall not collect, store, or disclose autism-related
22 data outside the parameters of this subdivision.

23 126:37 Restrictions On Disclosure.

24 I. No agency shall disclose personally identifiable autism-related data to any entity outside
25 the state of New Hampshire government unless:

26 (a) The individual, or legal guardian, provides informed, written consent for a specific
27 use;

28 (b) Required by court order or subpoena from a court of competent jurisdiction;

29 (c) Required to provide educational, medical, employment, housing, or other essential
30 services and supports to an autistic individual; or

31 (d) Required to comply with established New Hampshire or federal law.

HB 1316 - AS INTRODUCED

- Page 2 -

1 II. All disclosures must be limited to the minimum amount of information necessary to meet
2 the legal requirement, and should be anonymized where allowed and practicable.

3 III. For the purposes of this section, “informed consent” means voluntary, written
4 authorization given by an individual, or their legal guardian, after being clearly informed of the
5 nature, scope, purpose, risks, and potential consequences of the data collection or disclosure.

6 126:38 Preservation Of Civil Rights. Nothing in this subdivision shall be construed to weaken
7 or supersede any rights or protections guaranteed under federal and state law, including:

8 I. Section 504 of the Rehabilitation Act of 1973;

9 II. The Americans with Disabilities Act;

10 III. The Individuals with Disabilities Education Act (IDEA);

11 IV. The New Hampshire Law Against Discrimination, RSA 354-A;

12 V. The HIPAA;

13 VI. The Genetic Information Nondiscrimination Act (GINA); and

14 VII. Any other established law protecting individuals with disabilities from discrimination,
15 including in health care, education, employment, housing, or public services, or protecting the
16 privacy of personal health information.

17 2 Effective Date. This act shall take effect 60 days after its passage.