

HB 1793-FN - AS INTRODUCED

2026 SESSION

26-3149

07/06

HOUSE BILL

1793-FN

AN ACT prohibiting public colleges and universities from regulating the possession or carrying of firearms and non-lethal weapons on campus.

SPONSORS: Rep. Farrington, Straf. 8; Rep. DeVito, Rock. 8; Rep. Granger, Straf. 2; Rep. Layon, Rock. 13; Rep. McDonnell, Rock. 25; Rep. McFarlane, Graf. 18; Rep. Noble, Hills. 2; Rep. Sabourin dit Choiniere, Rock. 30; Rep. Sweeney, Rock. 25; Rep. Thibault, Merr. 25; Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Sullivan, Dist 18

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

I. Prohibits public colleges and universities from regulating the possession or carrying of firearms and non-lethal weapons on campus.

II. Allows persons aggrieved by public colleges or universities that implement such regulations to sue such institutions for damages and injunctive relief.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 prohibiting public colleges and universities from regulating the possession or carrying of firearms and non-lethal weapons on campus.

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

1 1 Short Title. This act may be known and cited as the "Protecting College Students Act".

2 2 Statement of Findings. The general court hereby finds that:

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

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

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

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

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

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

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

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

23 3 New Subdivision; Prohibition on Restrictions of Weapons on College Campuses. Amend RSA
24 159 by inserting after section 27 the following new subdivision:

25 Prohibition on Restrictions of Weapons on College Campuses

26 159:28 Definitions. In this subdivision:

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

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

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

4 159:29 Prohibition on Restrictions of Weapons on College Campuses.

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

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

9 159:30 Remedies. Any individual aggrieved by a violation of this subdivision may bring an
10 action against the public institution of higher education and its employees responsible for the
11 violation and seek appropriate relief, including injunctive relief, monetary damages, reasonable
12 attorneys' fees, and court costs. Total damages awarded in an action brought under this subdivision
13 shall be at least \$10,000.

14 159:31 Severability. If any provision of this subdivision or the application thereof to any person
15 or circumstances is held invalid, such invalidity shall not affect other provisions or applications of
16 the subdivision which can be given effect without the invalid provision or application, and to this end
17 the provisions of this subdivision are declared to be severable.

18 4 Effective Date. This act shall take effect January 1, 2027.

HB 1793-FN- FISCAL NOTE
AS INTRODUCED

AN ACT prohibiting public colleges and universities from regulating the possession or carrying of firearms and non-lethal weapons on campus.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable		
Revenue Fund(s)	USNH and CCSNH Revenue			
Expenditures*	\$0	Indeterminable		
Funding Source(s)	USNH and CCSNH Operating Expenses			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)				

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill prohibits public colleges and universities from regulating the possession or carrying of firearms and non-lethal weapons on campuses and allows individuals aggrieved by public colleges or universities that implement such regulations to sue such institutions for damages and injunctive relief.

The University System of New Hampshire (USNH) has provided the following assumptions relative to this bill:

- Insurance premiums would be impacted in several ways:
 - Lack of ability to track or regulate the number of firearms on campus would handicap risk mitigation strategies and thus make it harder for insurers to assess the level of risk, potentially exacerbating USNH's risk profile and leading to conservative general liability pricing, i.e., higher premiums.
 - The presence of unrestricted firearms and non-lethal weapons on campus could increase the likelihood of incidents such as accidental discharges, intentional shootings, or other weapon-related injuries. This heightened risk could lead to more frequent and severe liability claims that could in turn impact premiums. Workers' compensation claims could increase.
 - USNH may need to consider purchasing active shooter coverage.

- Depending on the broader insurance market's response to such legislation in other states, insurers may adjust their underwriting guidelines and pricing models for educational institutions nationwide.
- To help mitigate the increased risk, USNH may need to invest in enhanced security measures, such as additional campus security/police personnel, surveillance systems, and training programs. Provision of storage capacity to accommodate students wishing to secure their weapons at any time, including while participating in athletics and other extracurricular activities.
- Legal or regulatory conflicts in terms of risk, liability, and compliance would need to be resolved:
 - With daycare centers located on campus in Plymouth, Keene, and Durham, conflict with DHHS rules governing daycare and firearms would need to be adjudicated [He-C 4002.22(aa), p.40]. Summer youth camp protocol and precautions would need to be addressed, since adopted rules do not preclude the presence of unrestricted firearms.
 - Legal liability relative to students under the age of 18 (102 enrolled in fall 2025) and ubiquitous access to guns on campus would need to be ascertained.
 - Federal OSHA law has a general duty clause requiring employers to provide a workplace that is "free from recognized hazards that are causing or likely to cause death or serious physical harm." USNH would need to reconcile its obligations for compliance with federal law to ensure workplace safety for its faculty and staff.
 - Policies of private property owners that rent/lease to the USNH enterprise, such as the cooperative extension and off-site academic centers, and to students for housing would need to be reconciled if contrary to the law governing the university system.
- Given the provision of remedies for aggrieved individuals, there would be potential increased expense for legal resources to defend against complaints of RSA noncompliance and potential expense for damages and reimbursement of opposing attorney fees and court costs.
- Public perception of increased danger at USNH institutions could affect the ability to attract local/ regional students, faculty, and staff, potentially depressing enrollment and retention and resulting in a reduction of revenue.

Based on the assumptions above, USNH states its operating expense would be increased to mitigate risk, maintain appropriate levels of insurance, and address legal issues. Initial expense is expected to be higher in the onset to implement mitigation strategies (developing training protocol, purchasing surveillance equipment, resolving statute conflicts, creating storage

capacity, increased security personnel, etc.) with lower annual expense thereafter to support ongoing protocol and equipment maintenance and staffing, continuing after FY 2029. USNH states the magnitude of expense increase is indeterminable but expected to be within a range of more than \$100,000 to \$500,000 or less to support all USNH locations. USNH states a potential revenue reduction resulting from reputational risk is not quantifiable. Increased expense and/or decreased revenue resulting from compliance with the state law would necessitate increases in USNH tuition and/or mandatory fee rates and/or a reduction in financial aid from institutional resources, given limited operating revenue streams and budgetary levers in a highly competitive market.

The Community College System of New Hampshire (CCSNH) states this bill would invalidate its policies prohibiting firearms and other weapons defined in the bill on community college campuses, and as a result, students, employees, and visitors would be permitted to carry guns and other weapons on campus. The institutions would not be allowed to have policies about storage, carry or use of firearms and other weapons.

CCSNH has provided the following cost-related assumptions about this bill, which take into account risk management considerations, as well as specific circumstances where other laws and/or NH Administrative Rules may impact or conflict with this legislation:

- NH Administrative Rule He-C 4002.23 describes procedures requiring storing and locking firearms and ammunition in licensed childcare facilities. There are five licensed childcare facilities on CCSNH campuses. At the least, and notwithstanding the language of this bill, CCSNH would expect to be required to enforce those rules about gun carry and storage without being subject to legal action as described in Section 3, “Remedies.”
- CCSNH has an embedded high school (the public charter school, Spark Academy) on the campus of Manchester Community College. CCSNH states it would need to investigate what, if any weapons-related requirements attach to this circumstance.
- All seven of CCSNH's colleges offer dual enrollment courses and youth camps that bring high school and middle school students to our college campuses, and it would need to investigate whether any requirements that are relevant for secondary schools or youth camps are applicable to that circumstance.

Based on the above assumptions, CCSNH states a risk management assessment of potential responses to this bill, as well as a review of how other states have responded to the enactment of campus carry legislation, suggests that CCSNH institutions should consider changes to operational preparedness measures and staffing if students, employees and visitors may or will be carrying guns or other weapons on campus and within campus buildings. These include:

- Hiring sworn officers with appropriate training to respond to incidents involving armed persons, and increasing security staffing generally.
- Installing gun safes in multiple locations for storage when individuals engage in activities where they wish to temporarily set aside their weapon, such as athletic practices, use of gymnasiums and fitness rooms, lab-based classroom time and when in campus daycare facilities.
- Installing signage, if deemed advisable, and potentially installing metal detectors to ensure and adequately demonstrate compliance with NH Administrative Rule He-C 4002.23 in childcare facilities.
- Providing annual training for members of the campus community, including residence hall staff, faculty, advisors, security personnel and others, and updating emergency procedures.

CCSNH states it is unclear whether the enactment of campus carry legislation (including responsive measures taken by the colleges) would affect insurance premiums or coverage. CCSNH states there are examples of insurers reacting negatively to campus carry enactment (refusing coverage, increasing rates) but consistent evidence from other states is not conclusive. Preliminary conversations with CCSNH's existing insurer indicate a potential increase in premiums. CCSNH states it is unclear whether this bill would have an impact on enrollment or employment. CCSNH anticipates that implementing some or many of the measures described above at its ten campuses/academic centers could result in expenditure increases of between \$500,000 and \$100,000 in the first year of implementation, and between \$100,000 and \$500,000 in each year thereafter, primarily if changes are made to staffing the security function. If no additional funding for this purpose is provided, CCSNH states that resources will need to be reallocated or added to tuition costs; the extent of the impact will depend upon what measures are taken by the colleges.

AGENCIES CONTACTED:

University System of New Hampshire and Community College System of New Hampshire