

Floor Amendment to SB 498-FN

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

2
3 AN ACT relative to children's mental health services for persons 18 years of age and younger
4 and prohibiting public colleges and universities from regulating the possession or
5 carrying of firearms and non-lethal weapons on campus.
6

7 Amend the bill by replacing all after section 3 with the following:

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9 4 Short Title. Section 4-6 of this act may be known and cited as the "Protecting College
10 Students Act".

11 5 Statement of Findings. The general court hereby finds that:

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

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

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

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

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

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

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

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

32 6 New Subdivision; Prohibition on Restrictions of Weapons on College Campuses. Amend RSA
33 159 by inserting after section 27 the following new subdivision:

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Prohibition on Restrictions of Weapons on College Campuses

159:28 Definitions. In this subdivision:

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

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

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

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

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

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

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

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

7 Effective Date.

I. Section 4-6 of this act shall take effect January 1, 2027.

II. The remainder of this act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire children's behavioral health association for the purpose of collecting assessments to fund payments to care management entities for the provision of childhood behavioral health services. The association is authorized to collect assessments from insurance carriers, stop loss carriers, and third-party administrators for fully insured and self-funded health plans. The assessment base would include covered lives in the state employee health plan, as well as pooled risk management programs under RSA 5-b. The funds provided for this purpose would be deposited in a dedicated fund administered by the insurance commissioner.

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.