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2026 SESSION

26-2390
06/09

HOUSE BILL ***1072***

AN ACT relative to employer notice of department of labor investigations.

SPONSORS: Rep. Labrie, Hills. 2; Rep. Creighton, Hills. 30; Rep. Giasson, Hills. 29; Rep. Granger, Straf. 2; Rep. Warden, Hills. 39; Rep. Drago, Rock. 4; Sen. Murphy, Dist 16

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill:

I. Requires the labor commissioner to give at least 30 days' written notice before any visit or inspection, including the purpose, complaint status, and alleged violation.

II. Requires at least 30 days for establishments to respond to document or interview demands, regardless of complaint status.

III. Allows shorter notice only with attorney general approval and only if:

(a) The establishment violated labor laws within the past 36 months.

(b) There is imminent risk to health or safety.

(c) Notice would likely lead to evidence destruction or interference.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to employer notice of department of labor investigations.

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

1 Inspections. Amend RSA 273:9 to read as follows:

273:9 Inspections. The commissioner shall, at such times as [~~he~~] ***the commissioner*** shall deem it necessary, [~~and without notice~~] ***pursuant to this section***, visit the manufacturing, mechanical***,*** and mercantile establishments in the state, so far as practicable, for the purpose of ascertaining whether the laws with reference to employment are complied with, and for the further purpose of ascertaining if reasonable sanitary and hygienic conditions are maintained, calculated to promote the health and welfare of the working people.

I. The commissioner shall provide notice of a visit or inspection to the owner of an establishment no less than 30 days prior to the visit. The notice shall state the specific lawful purpose of the visit, identify whether the visit or inspection is related to a complaint, and describe any alleged violation.

II. The commissioner shall allow an establishment that is subject to a request or demand for documents, written responses, or interviews, regardless of whether the request is based on a complaint, no less than 30 days from the date of the demand or response, to respond to such a request or demand.

III. The commissioner may conduct visits or inspections with less than 30 days' notice, or make a request or demand for documents, responses, or interviews sooner than 30 days from the date of the request or demand for one of the following reasons:

(a) The establishment was found to be in violation by the commissioner in the previous 36 months.

(b) The commissioner believes, based on substantial evidence, that a specific alleged violation poses an imminent risk to the health or safety of employees, consumers, or the public.

(c) The commissioner believes, based on substantial evidence, that complying with these requirements may result in the destruction of evidence or other interference on the part of the establishment.

(d) The commissioner is enforcing the provisions of RSA 157-A, relative to boilers and pressure vessels.

(e) The commissioner is enforcing the provisions of RSA 157-B, relative to elevators and accessibility lifts.

(f) The commissioner is enforcing the provisions of RSA 276-A:4, I, relative to the prohibition against youth being employed or permitted to work in any hazardous occupation.

(g) The commissioner is enforcing the provisions of RSA 277, relative to public workplace safety.

(h) The owner or owner's representative has had an opportunity to review the notice document required by paragraph I and has provided written consent to waive the 30 day deadline.

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

VETOED June 12, 2026 / Veto Sustained August 19, 2026