



State of
New Hampshire

HOUSE RECORD

First Year of the 168th General Court

Calendar and Journal of the 2023 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 45

Concord, N.H.

Friday, May 12, 2023

No. 24

Contains: Amendments; Bills Laid on Table; Committee Reports; House Bills Amended by the Senate; House Deadlines; Meetings and Notices; Revised Fiscal Notes.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in session on Thursday, May 18th at 10 a.m. Though unlikely, it is still possible we may meet on Thursday, May 25th. Please also hold open the following Thursdays in the month of June, June 8th, June 15th, and June 29th as definite session days.

We invite and encourage you to mark your calendars and join us as British Consul-General Peter Abbott addresses House and Senate Members in Representative's Hall on Tuesday, May 23rd, at 12:00 Noon. This will be an opportunity to discuss forming a "Friends of UK" group or caucus within the NH legislature. Please refer to the communication from House Communications for more details.

The Legislative Class Photo for the 2023-2024 term is scheduled for Thursday, June 15th at 9:15 AM. This will take place on the State House steps. Please watch your emails from House Communications for more information.

Members are reminded that placement or distribution of materials in the anteroom or in Member mailboxes in the anteroom requires preapproval from the Speaker's Office. This applies to session days and when the Hall is in use for public hearings.

Sherman A. Packard, Speaker of the House

NOTICE

There will not be a meeting of chairs and vice chairs next week, on Tuesday, 5/16. This May 16th chairs and vice chairs meeting has been cancelled. Chairs are asked to stop by the Clerk's Office at their convenience to pick up Senate amended House bills.

Sherman A. Packard, Speaker of the House

NOTICE

There will be a Republican Caucus on **Thursday, May 18th at 9:00 a.m.** in Representatives Hall.

Rep. Jason Osborne, Majority Leader

There will be a Democratic Caucus on **Thursday, May 18th at 9:00 a.m.** in the State House Cafeteria.

Rep. Matt Wilhelm, Democratic Leader

NOTICE

ALL reports, scheduling and notices are due in the House Clerk's Office by **3:00 p.m. on WEDNESDAYS**. Reports and scheduling shall be turned in to House Committee Services for processing **no later than 1:00 p.m.** on Wednesday. Please be sure to complete that work in a timely fashion to meet the Calendar deadline.

CLOSES AT 3:00 p.m. ON:

Wednesday, May 17, 2023

Wednesday, May 24, 2023

Wednesday, May 31, 2023

AVAILABLE ON:

Friday, May 19, 2023

Friday, May 26, 2023

Friday, June 2, 2023

Paul C. Smith, Clerk of the House

2023 HOUSE DEADLINES

Thursday, May 18, 2023	Last day to act on SBs going to a second committee
Thursday, June 1, 2023	Last day to report all remaining SBs
	Last day to report list of retained SBs
Thursday, June 8, 2023	Last day to act on SBs
Thursday, June 15, 2023	Last day to form Committees of Conference
Thursday, June 22, 2023	Last day to sign Committee of Conference reports (4 p.m.)
Thursday, June 29, 2023	Last day to act on Committee of Conference reports
Monday, September 11, 2023	First Day to file LSRs for 2024 Session
Friday, September 15, 2023	Last Day to file LSRs for 2024 Session (4 p.m.)
Friday, November 3, 2023	Last Day to sign off LSRs for 2024 Session (4 p.m.)
Friday, November 17, 2023	Last Day to report all retained bills
Thursday, January 4, 2024	Last Day to introduce House Bills

NOTICE

Please note that all streaming videos of standing committee meetings and joint committees can be found at the NH House of Representatives YouTube channel. The link to the YouTube channel:

www.youtube.com/c/NHHouseofRepresentativesCommitteeStreaming

2023 HOUSE BILLS AMENDED BY THE SENATE

HB 72, relative to the tenure of public librarians. (SJ 3/30/2023)
HB 83, relative to county commissioners' authority on county buildings. (SJ 3/30/2023)
HB 111, establishing a committee to study electrical vehicle charging for residential renters. (SJ 4/13/2023)
HB 137, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees. (SJ 4/13/2023)
HB 152, relative to soil and plant additives. (House Concurs 5/4/2023)
HB 233-FN, relative to useful thermal energy under the renewable portfolio standards. (SJ 4/13/2023)
HB 296, relative to local authority for granting driveway permits. (SJ 4/13/2023)
HB 407, relative to regulations on alcohol. (House Concurs 5/4/2023)
HB 520, relative to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers. (House Concurs 5/4/2023)
HB 550-FN, relative to chartered public school dissolution. (House Concurs 5/4/2023)
HB 613-FN, relative to regulation of the individual health insurance market under RSA 404-G. (House Concurs 5/4/2023)

BILLS LAID ON THE TABLE

HB 10-FN, establishing the parental bill of rights. Pending question: Inexpedient to Legislate.
HB 40, relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms "resident," "inhabitant," "residence," and "residency." Pending question: Ought to Pass.
HB 50-FN-L, relative to an appropriation for the unfunded accrued liability of the New Hampshire retirement system. Pending question: Third Reading motion.
HB 61, relative to teaching on discrimination in the public schools and discrimination in public workplaces. Pending question: No pending question.
HB 69, relative to direct payment and membership-based health care facilities. Pending question: Ought to Pass.
HB 93, authorizing municipalities to reduce speed limits seasonally. Pending question: Inexpedient to Legislate.
HB 102-L, requiring high schools to include instruction on the nature and history of communism. Pending question: Inexpedient to Legislate.
HB 104, relative to multi-stall bathrooms and locker rooms in schools. Pending question: No pending question.
HB 123, relative to governing body members of the budget committee. Pending question: No pending question.
HB 148, to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding. Pending question: Inexpedient to Legislate.
HB 180, renaming Columbus Day as Indigenous People's Day. Pending question: Ought to Pass with Amendment.
HB 196, establishing a commission to review and make recommendations on campaign finance laws. Pending question: No pending question.

HB 204, relative to non-academic surveys in schools. Pending question: No pending question.

HB 205, relative to testing private wells. Pending question: No pending question.

HB 246-FN, relative to uses of moneys in the renewable energy fund. Pending question: No pending question.

HB 255, relative to campaign contributions by limited liability companies. Pending question: Majority committee amendment.

HB 271, repealing the fetal life protection act. Pending question: No pending question.

HB 277, relative to patients' right to sterilization treatment. Pending question: Inexpedient to Legislate.

HB 294, enabling municipalities to adopt a child tax credit. Pending question: Inexpedient to Legislate.

HB 295-FN, relative to requiring all selectboard and school board meetings to be recorded and broadcast live online. Pending question: Inexpedient to Legislate.

HB 298, relative to placement of personal wireless service facilities. Pending question: No pending question.

HB 299-FN, prohibiting discrimination in medical care. Pending question: Inexpedient to Legislate.

HB 312, relative to petitions for warrant articles at a special meeting. Pending question: Inexpedient to Legislate.

HB 316, relative to meetings of supervisors of the checklist. Pending question: Majority committee amendment.

HB 331-FN-L, relative to the income threshold for the education freedom account program. Pending question: No pending question.

HB 339-FN, prohibiting the investment of state funds in any company participating in a boycott of Israel. Pending question: Inexpedient to Legislate.

HB 357, relative to the length of terms for Belknap county officers. Pending question: No pending question.

HB 363, relative to deadlines for candidates filing by nomination papers for state general elections. Pending question: No pending question.

HB 371, establishing a commission to evaluate and recommend standards for public schools. Pending question: No pending question.

HB 390, revising the membership and structure of the New Hampshire commission on Native American affairs. Pending question: No pending question.

HB 399-FN, allowing for a testing exception for graduation from high school. Pending question: Inexpedient to Legislate.

HB 418-FN, relative to eliminating the rebates distributed by the energy efficiency fund. Pending question: No pending question.

HB 423, relative to accessory dwelling unit uses allowed by right. Pending question: Inexpedient to Legislate.

HB 427, relative to public comment and inquiry during school board meetings. Pending question: No pending question.

HB 429-FN-L, requiring the offering of breakfast and lunch in all public and chartered public schools. Pending question: Ought to Pass.

HB 432-FN, relative to participation in the education freedom accounts program. Pending question: No pending question.

HB 445-FN, relative to the operational funds of OPLC. Pending question: Committee amendment.

HB 451, relative to the state board of education prohibition on discrimination. Pending question: No pending question.

HB 460-FN, relative to eliminating voter identification exceptions. Pending question: No pending question.

HB 485, establishing deputy animal control officers. Pending question: Inexpedient to Legislate.

HB 486-FN, relative to vehicle registrations and reciprocal toll collection enforcement agreements. Pending question: Inexpedient to Legislate.

HB 487-FN, establishing a New Hampshire farm-to-school reimbursement program. Pending question: No pending question.

HB 507-FN, relative to unauthorized practice in occupational and professional licensing and certification. Pending question: No pending question.

HB 514, relative to the dissemination of obscene material by schools and institutions of higher learning. Pending question: No pending question.

HB 515, relative to education freedom accounts. Pending question: No pending question.

HB 516-FN, relative to freedom of speech and association at public institutions of higher education. Pending question: No pending question.

HB 538-FN, establishing a local education freedom account program. Pending question: No pending question.

HB 539-FN, relative to vaccination clinics at schools. Pending question: No pending question.

HB 552-FN-A-L, relative to making incentive grants for school districts that improve in certain assessment scores. Pending question: No pending question.

HB 561, establishing a committee to examine workforce and school accommodations for those with long-term COVID and ME/CFS. Pending question: Inexpedient to Legislate.

HB 573-FN-A-L, limiting education freedom account funding to budgeted amounts. Pending question: No pending question.

HB 586, relative to absentee voting due to absence. Pending question: Ought to Pass.

HB 598-FN, relative to funding maternal mortality reviews. Pending question: Inexpedient to Legislate.

HB 603-FN, relative to education service providers under the education freedom accounts program. Pending question: No pending question.

HB 615-FN, requiring independent audits of reproductive health care facilities. Pending question: Inexpedient to Legislate.

HB 621-FN, relative to funds of the education freedom accounts program after termination of a student's participation and responsibilities of the scholarship organization. Pending question: No pending question.

HB 629-FN, establishing a student bill of rights. Pending question: No pending question.

HB 647-FN, relative to causes of action for individual rights. Pending question: Inexpedient to Legislate.

HCR 2, relative to condemning recent vandalism and intolerance, as recently levied against places of worship and public spaces, elected officials and against the general citizens of New Hampshire. Pending question: Inexpedient to Legislate.

HCR 3, relative to affirming states' power over the federal constitution. Pending question: Inexpedient to Legislate.

HR 14, a resolution to urge the investigation of due process in family court cases. Pending question: Committee amendment.

HR 17, affirming revenue estimates for fiscal years 2023, 2024, and 2025. Pending question: No pending question.

SB 69-FN, relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering. Pending question: No pending question.

SB 149-FN, relative to nurse agencies. Pending question: Ought to Pass with Amendment.

SB 155-FN-L, relative to the adoption of school administrative unit budgets. Pending question: Inexpedient to Legislate.

SB 209, relative to providing menstrual hygiene products at no cost to individuals who biologically menstruate in state and county correctional facilities. Pending question: No pending question.

THURSDAY, MAY 18 CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 58, relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Meuse for Criminal Justice and Public Safety. As amended by the unanimous agreement of the committee, this bill will help New Hampshire hospitals and healthcare facilities address a growing workforce violence problem that is driving healthcare workers out of the industry at a time of workforce shortages. Currently, patients committing misdemeanor level assaults on healthcare personnel in hospitals and residential facilities cannot be arrested without a warrant unless a police officer personally witnesses the offense. Obtaining a warrant is often a time consuming process that can expose medical personnel to additional risk. During the public hearing, stakeholders supported the need to expand the warrantless arrest powers of police in situations where a patient is interfering with the delivery of medical services. But they also expressed objections about the wording of the bill as it came to us from the Senate, including the violation of due process, the likelihood that more people with mental illness would be jailed instead of treated, and unintended negative consequences over language that effectively deputizes health care providers to physically detain patients until police arrive, a provision at odds with federal rules around the use of restraint by medical providers that could not only put healthcare workers at additional risk, but also jeopardize Medicaid and Medicare funding. As amended, this bill addresses these concerns and creates a narrow addition to our warrantless arrest statute that would allow police to arrest a person who interferes with medically necessary services through threats or actual violence and poses a risk to continue to interfere unless they are arrested. NAMI-NH, the New Hampshire Disability Rights Center, and the New Hampshire Hospital Association all supported the changes. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

SB 23, establishing a study committee on meat processing. **OUGHT TO PASS.**

Rep. Barbara Comtois for Environment and Agriculture. This is a necessary study committee that will look at the slaughter/processing regulations and procedures for non-amenable species (bison, deer, elk, etc.). The committee will examine the problems encountered to transport bison, deer, or elk (etc.) to get them to a USDA facility for slaughter and the coordination necessary to get to the facility on time to meet the on-site

state-approved veterinarian. With USDA facilities booking one to two years out, the coordination effort can be daunting. This committee will discuss these and other problems encountered with non-amenable species slaughter/processing and examine solutions to streamline the process. Food sustainability should be a top priority for NH. **Vote 19-0.**

SB 62, relative to landowner liability under RSA 147-B, the hazardous waste cleanup fund. **OUGHT TO PASS.** Rep. Catherine Kenny for Environment and Agriculture. This bill was requested by the Department of Environmental Services to correct and clarify language in RSA 147-B regarding limitations on liability for landowners relative to hazardous wastes and hazardous substances. **Vote 19-0.**

SB 159-FN-LOCAL, (New Title) establishing a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire. **OUGHT TO PASS.**

Rep. Megan Murray for Environment and Agriculture. The committee unanimously agrees that this bill, relative to the study of unlimited service area permits for landfills and out of state waste coming into New Hampshire, is timely and necessary to complement the work being done within the Solid Waste Working Group. The Solid Waste Working Group does not currently cover this topic, but this committee shall undertake the study. Recent data shows a large portion of solid waste going to NH landfills comes from out of state. This committee will examine how much solid waste is coming from out of state *and* the relationship to unlimited service area permits for landfills. **Vote 19-0.**

SB 162, relative to exemptions from rabies vaccinations for dogs, cats, and ferrets. **OUGHT TO PASS.**

Rep. Sherry Dutzy for Environment and Agriculture. Some animals have a severe reaction to the rabies vaccine, possibly even causing death. For those cases, this bill simplifies the process for exempting dogs, cats, and ferrets from receiving the rabies vaccination. Currently, owners of such animals must annually complete a form signed by their veterinarian, a second veterinarian who is an Internal Medicine Diplomate, and the State Veterinarian. It is a time-consuming and costly process. After the first exemption is received through the current process, this bill allows for subsequent exemptions only to be certified by a veterinarian. **Vote 18-1.**

SB 211-FN, relative to background investigations of solid waste and hazardous waste facility permit applicants. **OUGHT TO PASS.**

Rep. Jim Creighton for Environment and Agriculture. The Environment and Agriculture Committee unanimously endorses this bill. The testimony of the Department of Environmental Services indicated that this legislation is necessary for New Hampshire to meet federal regulatory requirements for conducting background checks. **Vote 19-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 44-FN, relative to license requirements for certain alcohol and other drug use professionals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tony Lekas for Executive Departments and Administration. When a “master licensed alcohol and drug counselor,” (MLADC) is working with a client on their substance abuse problems they are often also helping that client with other mental health problems. If the MLDAC successfully helps the client deal with their substance abuse disorder the client may still need help dealing with their other mental health problems. Currently, once the client does not need further professional help with their substance use disorder, the MLDAC is not permitted to work with the client on their other problems, and the client would need to find another mental health professional to help with those problems. It is often difficult for a client to find a mental health professional that they can work well with. It is not helpful to require that they find and establish a good working relationship with another mental health professional in the middle of dealing with their problems. This bill as amended would permit a MLDAC to continue working with a client after they no longer need professional help with their substance use disorder. Not only would such clients get better care but the pool of available mental health professionals would, in effect, be expanded. New Hampshire currently has a serious shortage in this area. The bill as amended by the Senate added a criminal justice degree to the list of bachelor’s degrees that meet one of the requirements for licensure. That was added because a school in New Hampshire planned to offer such a degree that would meet the licensure requirements. However, that school chose not to offer the program so the amendment removed it. The committee heard testimony that if such a degree, or another that met the other requirements for licensure, was created it could be added by rule making. **Vote 19-0.**

SB 72-FN, relative to provider credentialing procedures. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill requires that health carriers act upon a change of status of providers within 30 days of notification by the providers or notify the provider of a delay or inability to act. Current statute requires all participating providers to notify the health carrier of changes in status but there is no time limit for the provider to act. Testimony recounted issues with providers who have notified the carrier but coverage was questioned because the carrier had not noted the change in their systems. The bill is supported by the NH Hospital Association, NH Medical Association, and NH Medical Group Management Association. **Vote 18-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 87-FN, relative to nurses for youth camps, organized recreation, and community-sponsored recreation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill streamlines the licensing requirements for nurses working in camps and recreational programs if certain conditions are met. First, it allows a registered nurse (RN) or licensed practical nurse (LPN) whose license is currently expired, to be licensed for the limited purpose of camp/recreational programs providing they were licensed in NH within the last 3 years, their license was in good standing and they have met ongoing continuing education requirements. Second, it allows an RN or LPN whose license is currently expired, to be licensed for the limited purpose of camp/recreational programs providing they were licensed in another US jurisdiction within the last 3 years, their license was in good standing when it became inactive, they have met ongoing continuing education requirements, evidence of which must be provided to the Office of Professional Licensure. Third, senior nursing students, who are within 5 months of graduation may be licensed for the limited purposes of camp/recreational programs, if they are employed by or providing services at the direction of a licensed health care facility or licensed health care provider. The amendment simply clarified that the required direct supervision of nursing students must be on-site direct supervision. **Vote 19-0.**

SB 171, relative to the definition of youth recreational programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. The current licensing statute on youth recreational programs restricts certain programs to children 6 years of age or older. These programs include those which occur before or after school, vacation and summer programs, those run by schools, religious groups, the Boys and Girls Clubs of America, Girls, Inc., or the YMCA or YWCA. The bill changed this language to "school age" program, so that kindergarteners could be included. Because there was some question about what "school-age" meant, the amendment incorporated the definition of "school-age" from an existing statute, and changed the language to "4 years and 8 months," so that all children currently of school age are specifically included and may attend these programs. **Vote 19-0.**

SB 238-FN, relative to the use of telemedicine to treat mental health conditions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill is the second bill considered by our committee dealing with telehealth issues. Emergency rules which have allowed the successful expansion of treatment by telemedicine will expire this May. This bill deals only with the use of telemedicine to treat mental health issues. HB 500, which already passed 20-0 in the Health, Human Services and Elderly Affairs Committee and on the consent calendar in the full house, is a far broader bill which addresses all the aspects of telemedicine which need to be addressed before the expiration of the emergency rules in May. The committee believes that HB 500 contains the better approach to the problem, so the committee amendment simply replaces the language of SB 238 in its entirety with the language of HB 500 as passed by the House. **Vote 19-0.**

JUDICIARY

SB 27, relative to financial disclosure forms filed by judges. **OUGHT TO PASS.**

Rep. Kristine Perez for Judiciary. This bill provides that the filing of a financial disclosure form by a judge pursuant to the Code of Judicial Conduct satisfies the requirements of filing a statement of financial interest under RSA 15-A. The bill is intended to eliminate confusion in situations where a judge is appointed to serve on some executive or legislative board or committee that requires that members file a statement of financial interest under RSA 15-A. At the present time, it is unclear whether the judicial financial disclosure form the judge has already filed is enough to satisfy RSA 15-A or whether the judge must file a separate 15-A form. The bill makes it clear that the judicial form, which in many respects is more comprehensive than the RSA 15-A form, satisfies the 15-A requirements. **Vote 19-0.**

SB 59, relative to the director of charitable trusts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Judiciary. This bill is a request of the Attorney General and would remove the requirement that an in-person investigation of a nonprofit in New Hampshire by the Director of the Charitable Trusts Unit be held at the State House. The amendment adds language that allows the nonprofit entity being investigated to demand that the investigation be held in person (rather than remotely) at a physical location determined by the Attorney General. **Vote 20-0.**

SB 65, (New Title) relative to screening panels for medical injury claims. **OUGHT TO PASS.**

Rep. Katelyn Kuttub for Judiciary. This bill repeals RSA 519-B, the law regarding screening panels for medical injury claims. These panels are composed of three members: a retired judge who presides as chair, a medical expert, and an attorney. It takes time and effort by Judicial Branch staff to find medical experts and attorneys who can and want to serve on a panel and are without conflicts of interest, which is a particular problem in a small state like New Hampshire. It is difficult to find members willing and able to serve and

ultimately the panels are mostly being waived by mutual agreement of the attorneys for the claimants and the attorneys for the doctors or other health care providers. From 2018 until now, only 2 panels have taken place. The evidence presented at the hearing showed that the panel system has not accomplished its intended purposes: it takes too long, has not been shown to reduce costs or change litigation outcomes, and has not been shown to impact malpractice insurance costs. **Vote 20-0.**

SB 89, relative to accommodation for medical reasons in issuing marriage licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for Judiciary. This bill was requested by municipal clerks. It provides that, in cases where an applicant for a marriage license presents documented medical reasons for his or her inability to come to the town clerk's office, the clerks may accommodate the person by meeting with the person in another convenient location in the city or town. The amendment changed the word "shall" in the senate version to "may," thus giving the clerks discretion to grant or deny the request for an accommodation based on the particular circumstances. The amendment also removed a provision that would have allowed the clerk to meet with the person electronically because the committee was concerned that allowing a non-personal meeting could make it easier for someone to perpetrate fraud or be coerced into obtaining a marriage license. **Vote 20-0.**

SB 92-FN, relative to the authority of registers of probate. **INEXPEDIENT TO LEGISLATE.**

Rep. Cam Kenney for Judiciary. Pursuant to statutes enacted more than a decade ago, the duties of the elected registers of probate were taken over by the clerks of the circuit court, leaving the registers with no duties. But because the position of register of probate is created by the constitution, the position itself could not be eliminated. This bill proposes to add some duties to the register position. However, the current system of having clerks perform the duties formerly performed by the registers is working well, and the committee was very concerned that, however well-intended, assigning duties to the registers would invariably lead to conflicts between elected registers and appointed clerks and would undermine the proper functioning of the probate courts. **Vote 20-0.**

SB 129-FN, relative to the payment of costs for indigent persons involved in mediation services. **OUGHT TO PASS.**

Rep. Scott Wallace for Judiciary. This bill changes the way costs for mediation are funded in marital dissolution cases where children are involved. Currently the costs of mediation are paid out of the mediation and arbitration fund established by RSA 490-E:4, but the court can order repayment from the parties through the office of cost containment. The judicial branch has found that the prospect of incurring the obligation for repayment has caused many indigent parties not to fully take advantage of mediation services, which means that fewer cases are resolved amicably and more cases result in contested trials. The fiscal impact of this change is minimal according to the Judicial Branch and the Judicial Council, as currently the average expenditure annually is \$68,600 for these cases and is entirely funded by the mediation and arbitration fund which sources its monies from fees, grants, and other contributions, gifts, bequests, and donations, so there is no tax impact. **Vote 20-0.**

SB 183, exempting certain phone calls from the right to know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Judiciary. This bill allows a person who places a 911 call access to their phone call for use in connection with an investigation in anticipation of litigation or for use in a civil proceeding. Information released by the 911 system can only be used for these purposes and cannot be further disclosed. In addition, if the call is connected to a criminal investigation, no release is permitted until the criminal investigation is over. The committee believed if you place a call, you should have access to it. The amendment also gives the subject of a 911 call access to the call for the same purposes as the caller may obtain access. **Vote 20-0.**

SB 250, relative to remote participation in government meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Judiciary. This bill is an example of a solution is search of a problem. The Judiciary Committee was unanimously of the view that the current law concerning the circumstances under which a public body may allow one or more members to participate in a meeting remotely subject to the requirement (except in emergencies) that a quorum be physically present at the meeting location is working well and that there is no need for the additional restrictions this bill would impose. Passage of this bill would impact municipalities that have already dealt with a remote attendance problem in their own fashion. **Vote 20-0.**

SB 264-FN, relative to parentage. **OUGHT TO PASS.**

Rep. Zoe Manos for Judiciary. This is both a housekeeping and a substantive bill. The title change to the existing statute, RSA 168-B, from Surrogacy to Parentage, acknowledges that the statute is comprehensive and addresses parentage as well as surrogacy. RSA 168-B, which was originally enacted in 2014 and then amended in 2015 and 2020, needs the substantive updates contained in this bill to reflect and incorporate current medical and legal practices. **Vote 20-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 56-FN, (New Title) relative to payments for restoration of certain jurisdictional resource losses. **OUGHT TO PASS.**

Rep. Jessica LaMontagne for Resources, Recreation and Development. Pursuant to RSA 482-A, (Dredge and Fill in Wetlands) the Department of Environmental Services is authorized to accept payments into the Aquatic Resource Compensatory Mitigation Fund, in lieu of other forms of mitigation to offset impacts in the areas under the jurisdiction of RSA 482-A. Presently, the opportunity to use an in lieu fee payment to offset losses of areas under the jurisdiction of RSA 482-A is limited to freshwater and tidal wetlands and stream/shoreline losses, as statutory mechanisms exist for calculating the in lieu fee payment for impacts in these jurisdictional areas. Other areas under RSA 482-A jurisdiction (undeveloped tidal buffer zones, prime wetland buffers and sand dunes) are limited to permittee-responsible mitigation projects to offset impacts - a very difficult, time consuming and expensive process. This bill authorizes the inclusion in the mitigation statute the mechanism for calculating in lieu fee payment of mitigation costs for undeveloped tidal buffer zones, prime wetland buffers, and sand dunes. This statutory mechanism for calculating in lieu payment of mitigation costs for undeveloped tidal buffer zones, prime wetland buffers, and sand dunes will immediately benefit the state as the Department of Transportation replaces the Hampton Harbor Bridge, which will impact the intertidal zone between the towns of Seabrook and Hampton Beach. **Vote 19-0.**

SB 60, relative to water quality. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill was filed at the request of the New Hampshire Department of Environmental Services (NHDES), in order to clarify statutes surrounding certifications for surface water withdrawals. As amended by the committee, the bill makes changes to existing statutes that clarify the responsibilities of NHDES in ensuring compliance with federal water quality standards. The bill establishes processing times for requests for certification, defines the time period for acting on federally required certifications, and sets public notice and hearing requirements for certification requests. Additionally, the bill clarifies the requirement for water conservation for both large surface water and groundwater withdrawals and removes language that prohibits the use of flow statistic 7Q10 in the calculation of nutrient effluent limits from wastewater treatment plants. The bill was amended to clarify wording and better explain processes. Section 1 of the bill proposes an amendment to RSA 485-A:12, III to describe the ability of the state to waive 401 certifications for minor activities. Section 2 establishes processing times for requests for certification and clarifies how NHDES would act on a request for certification. Section 3 clarifies the trigger for requiring a water quality certification for a surface water withdrawal that does not otherwise require certification. Section 4 establishes the processing time period to act on an application for a surface water withdrawal under RSA 485-A:12, IV and sets in law the requirement of public notice and hearing for requests for certification. Section 5 amends RSA 485-A:6 to clarify that rules for reviewing requests for certification include public notice and public hearing requirements. Section 6 clarifies that the requirement for water conservation applies to both large surface water and groundwater withdrawals. Finally, section 7 proposes the removal of language that prohibits the use of flow statistic 7Q10 in calculating nutrient effluent limits from wastewater treatment plants to provide flexibility for municipalities to comply with federal permits. **Vote 20-0.**

SB 160-FN, relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise to after sunset. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill, as amended, closes the "Montana plate loophole." The so-called Montana plates (also plates from other western states like South Dakota which are making money from the registrations) are being used to circumvent New Hampshire Off Highway Recreational Vehicle (OHRV) laws. The Montana-type license plate allows riding on roads which are otherwise not open to OHRVs. Presently the plates also allow access to New Hampshire trails. This bill, as amended, makes changes to reduce the attractiveness of Montana plates by making it illegal to use them on New Hampshire trails. Enforcement will be on trails only. In this bill, as introduced, there was a section concerning "event permits" which added additional authority to Fish and Game Department (F&G) relative to permit issuance. What was new is the extended time of day and increased machine decibels. This section would not alter the current event permit process - but will give F&G authority to approve OHRVs being louder, at the event, than the current 96 decibel limit, and allow events to occur outside the existing limits of half hour before sunrise and half hour after sunset. The section would also increase F&G authority on event operation on public ways and at night. The committee felt that this section of the bill should be removed and the issue left to be considered and researched by the HB 1188 Commission to Study OHRVs in NH, established last session. The committee amended the bill by removing the section on "events" and recommends passage, proposing the closing of the Montana plate loophole. **Vote 20-0.**

SB 229-FN, relative to administration of certain wetlands permits by the department of environmental services. **OUGHT TO PASS.**

Rep. Tanya Donnelly for Resources, Recreation and Development. The New Hampshire Department of Environmental Services (NHDES) states, “this bill fixes several small issues in the statutes for land resources permitting programs that create ambiguity or difficulty for applicants during permitting.” Parts 1 and 2 regulate stormwater management for large development projects and saves money for the applicants, giving the applicants the option to have time extensions to add information. Part 3 simplifies the wetlands statute for the applicant to obtain a signature from the municipality where the actual wetland impacts occur. Part 4 pertains to permitting of septic systems by the Subsurface Systems Bureau. It will allow for the use of the original approved design if the system fails. Property owners do not need to pay for a new design or for it to be reviewed by NHDES, saving time and money. **Vote 20-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 54-FN, relative to purchased power agreements for electric distribution utilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. This enabling bill permits NH utilities to issue requests for proposals (RFPs) to enter into multi-year agreements to purchase energy from new or incremental generation sources proposed after September 1, 2023. These purchase power agreements (PPAs) can be up to 20 years in duration and could mitigate the volatility in electricity prices that has plagued state residents and businesses in the past year. The bill allows for up to 20% of the state’s electric load to be procured by PPAs at terms judged by the Public Utilities Commission (PUC) to be just and reasonable and in the public interest. The PUC must evaluate whether these electricity providers are expected to deliver power during long-duration weather events, and address other reliability concerns. The committee amendment added requirements that utilities must solicit public comment on RFPs and engage independent third parties to perform cost benefit analyses of such proposals, and added ratepayer protections, such as consideration of performance incentives and penalties for non-performance. **Vote 18-0.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 103, (New Title) including the raid on Fort William and Mary in Portsmouth in the planning of the American revolution sesatercentennial commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. This measure recognizes the raid on Portsmouth’s Fort William and Mary by NH forces on December 14, 1774 as the first armed resistance to British rule in the prelude to the American Revolution. **Vote 12-0.**

WAYS AND MEANS

SB 19-FN, relative to bingo dates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fred Plett for Ways and Means. This bill, as amended, changes the allowable dates for bingo and lucky 7 for a charity from 10 to 16 days. This also allows charities to pay its volunteers \$50 for expenses, up from \$25. **Vote 19-0.**

SB 20-FN, relative to keno license applications and fees. **OUGHT TO PASS.**

Rep. Cyril Aures for Ways and Means. This bill was requested by the Lottery Commission to eliminate the application fee because Keno operators are small business owners and the \$500 fee was prohibitive. **Vote 18-1.**

SB 189-FN, relative to the definition of gross business profits in determining taxable business profits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Janigian for Ways and Means. This bill, as amended, decouples the NH business tax interest deduction from Internal Revenue Code (IRC) section 163(j). Prior to the 2020 tax year, NH allowed the full interest deduction in one year. For tax years 2020, 2021, and 2022, NH disallowed the full deduction and was in line with IRC section 163(j). This bill brings us back to handling the deduction as NH did prior to the 2020 tax year. The amendment ensures that previously disallowed deductions that have been carried forward will be deducted in equal amounts over three years. This helps ensure a smooth transition in Department of Revenue Administration revenue collections. The committee believes this bill will encourage investment by NH companies and thus help the NH economy grow. **Vote 19-0.**

THURSDAY, MAY 18 REGULAR CALENDAR

JUDICIARY

SB 128-FN, relative to payment for legal services for persons involuntarily admitted for mental health services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Bob Lynn for the **Majority** of Judiciary. The primary purpose of this bill as it came to the House from the Senate was to change the source of funding for legal counsel provided to indigent persons who are sought to be involuntarily admitted to the New Hampshire mental health system. At the present time, the Department of Health and Human Services pays for legal counsel for such persons. This bill changes the payment responsibility to the Judicial Council, which pays for counsel and ancillary services expenses for indigent persons charged with crimes and in other circumstances. However, the bill also was worded so that it would have provided counsel at state expense even for persons who are not indigent. The amendment changes this so that counsel is provided at state expense only if the person is indigent or if the court is unable to determine the question of indigency in a timely fashion. In the latter situation, the court can refer the issue of indigency to the Office of Cost Containment for an investigation of the matter and recommendation of whether the person is indigent and has the ability to repay. **Vote 17-3.** Rep. Timothy Horrigan for the **Minority** of Judiciary. The minority of the committee favored the original bill sent to us by the Senate over the majority amendment. We were troubled by the notion that the state would both charge people with mental illness for the cost of defending themselves against petitions for involuntary emergency admission (IEA), and also subject them to debt-recovery processes. Unlike defendants in criminal matters, the people against whom IEA petitions are filed are not suspected of committing any crime. Rather, they are experiencing a severe mental health crisis that is causing them to pose a danger to themselves (most frequently) or someone else. The attorney fees in question are relatively small, and the cost of recovering the fees would usually exceed the amount recovered.

PUBLIC WORKS AND HIGHWAYS

SB 258, relative to the disposal of highway or turnpike funded real estate. **INEXPEDIENT TO LEGISLATE.** Rep. David Milz for Public Works and Highways. The bill as written appeared to be specific to one piece of Department of Transportation (DOT) property that was to be disposed of. It was originally offered to the town of Newington and the town declined to accept the property. The Newington Historical Society expressed an interest in the property, but only at less than fair market value. This bill attempted to change the current process for DOT excess property disposal and raised many concerns regarding the myriad of other regulations and statutes that would be affected by this bill. **Vote 13-5.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 164-FN-LOCAL, (New Title) relative to consideration of biodiversity in the land and community heritage investment program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew Renzullo for the **Majority** of Resources, Recreation and Development. This bill is an act relative to the consideration of biodiversity in the Land and Community Heritage Investment Program (LCHIP). LCHIP is an independent state authority charged by statute with preserving and conserving New Hampshire's most important natural, cultural and historic resources. It does this by providing matching grants to New Hampshire municipalities and non-profits to preserve and conserve the state's heritage. The bill looks to insert the concept of biodiversity into the enacting LCHIP statute. During the hearings, the complexity of the biodiversity concept became apparent. Biodiversity meant different things to different people. A single definition of biodiversity, as presented in the bill, might not be appropriate for all situations. That is to say that biodiversity needed to be viewed in the context of the specific project. Since 2000, LCHIP has been an outstandingly successful organization focused on preserving and enhancing New Hampshire's culture, environment, beauty, and history. What it has accomplished with the resources available is a model for other states. Thus proposing changes or additions to LCHIP statutes and procedures should be viewed in the light of LCHIP's success. To paraphrase the Hippocratic Oath, "First, do no harm." While supporting the concept of biodiversity's inclusion in the LCHIP process, the LCHIP Director related instances where the language of this bill could cause confusion or misinterpretation of the intent. The director stated, "Defining biodiversity within the LCHIP statute is appropriate, but only if the term is used elsewhere within the statute. However, establishing a statutory definition for a concept as complex as biodiversity requires careful consideration, and LCHIP has not had sufficient time to fully consider the wording proposed." Thus further consultation between the sponsor and LCHIP might result in language for future legislation, amenable to all parties. That being said, the overwhelming bipartisan majority of the committee recommends

this, in its present form, is Inexpedient to Legislate. **Vote 16-4.** Rep. Jessica LaMontagne for the **Minority** of Resources, Recreation and Development. Given the escalating loss of global populations of mammals, fish, birds, reptiles, amphibians, and plants, biodiversity across the planet is under threat. This bill seeks to include biodiversity, and biodiverse areas, among the resources to be valued and protected by the Land and Community Heritage Investment Program. Biodiversity must be considered along with natural, cultural, and historic resources, and in tandem with protections for unique resources such as water and individual endangered species. While the development of policies and easement interests may be complicated and need updating in subsequent legislation, the minority of the committee felt strongly that biodiversity should be recognized in statute as a resource worth protecting.

WAYS AND MEANS

SB 120-FN, relative to charitable gaming license applications, wages, stakes, and bonds. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spilsbury for the **Majority** of Ways and Means. This bill makes numerous changes to definitions relating to games of chance, the license application process for operators and charities, the regulation of games of chance, wager amounts, reporting requirements, and what constitutes theft by deception. This bill is similar to HB 607, which passed the House by voice vote on March 23rd and now lies in Senate Ways and Means. Beyond the many housekeeping changes that both bills have in common, the major differences are that this bill allows a higher maximum single wager of \$50 rather than \$25 and does not include the historic horse racing moratorium extension (which is included also in SB 51). Like HB 607, this bill increases a license from one year to three years, without increasing fees for the three-year license, thereby alleviating unnecessary burden on the Lottery Commission, gaming operators, and employees. It also increases maximum wagers from \$10 to \$50, increases buy-in caps from \$150 to \$250, and increases tournament top end to \$2,500. These increases reflect the passage of time since they were set in 2006 as well as enable gaming operators to raise wages for their employees and may further increase the net raised for charities and the state education trust fund. Bonding requirements on gaming operators are raised correspondingly. The majority believes that the increased cap on wagers will allow gaming operators to extend their appeal to a narrow niche of higher stakes participants, especially along border towns, but that it will not tend to increase the amount that the typical participant wagers, most of which are expected to remain in the \$1-5 range. The majority does not see any harm in accepting the higher \$50 figure set in this bill. As this difference merely relates to a ceiling, and is not mandatory, the bipartisan majority concluded that the higher cap would not tend to prompt any dramatic change in the typical game stakes for charitable gaming activities conducted across the state, but would help keep more revenue in our state. The committee amendment, adopted by vote of 19-0, merely strikes from the bill all of section 14, which would have unnecessarily amended the penalties section of current law by removing specifically enumerated instances of violations classified as “minor,” “moderate,” or “major.” The committee’s view is that current law provides clear guidance to the Lottery Commission as to the relative severity of various violations and their appropriate fine levels, while giving the commission ample rule-making authority to further delineate or find other instances that are commensurate and that removing these provisions would have raised problematic questions of legislative intent. **Vote 11-8.** Rep. Richard Ames for the **Minority** of Ways and Means. Current law provides that single wagers by a player on any game of chance may not exceed the amount of \$10. This bill would allow single wagers up to \$50, increasing the risk of loss to players that would be five-fold greater than is enabled by current law. The minority notes that the House has passed earlier in this session HB 607 that enables an increase of the betting limit from \$10 to \$25. The minority supports that increase but believes that going to the higher limit enabled by this bill goes too far.

EDUCATION

SB 272-FN, establishing a parents’ bill of rights in education. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill, which acknowledges that “parents have a fundamental right and responsibility to direct the upbringing, education, and care of their minor children,” upholds the fundamental values of truth and parental authority that have always characterized free societies. Ensuring that parents are adequately informed about their children and that secrets are not kept from them, this bill encourages open communication with those legally responsible for their children’s welfare. Upholding a century of Supreme Court precedent, it provides a comprehensive list of parental rights pertaining to education, many of which are already codified in New Hampshire law. It also includes additional rights to address current concerns related to gender identity that have only recently emerged as relevant issues for legislation. This bill simply requires school personnel to give truthful answers to parents’ questions regarding their children’s gender identity. Parents who ask such questions

likely already suspect that their children are having problematic issues in this area, so this bill is not an effort to “out” such students. It is, rather, an effort to empower a partnership between parents and teachers to most effectively help vulnerable children navigate complicated situations that may involve life-altering decisions. Parents must be involved in making any critical health and treatment decisions for their children and this bill ensures that this right is upheld. Potential parental abuse should not be of concern because this bill does provide school personnel with the ability to withhold information if there is convincing evidence to believe that a child might be harmed by a parent who receives such information. Passage of this bill would assure parents that their rights are well respected and would prevent a likely mass exodus of students whose parents would seek alternative educational options that would respect their rights. A failure to value truth and parental authority, as this bill does, will inevitably lead to dysfunctional governments. Passage of this bill would bolster public education and society itself by strengthening the metaphorical “three-legged stool,” an image often used by educators to highlight the fundamental parent-teacher-child relationship. It would facilitate a partnership between parents and teachers to most effectively help children—a partnership that must be based, not on secrets and lies, but on truth and respect.

Rep. Arlene Quaratiello

Statement in support of Inexpedient to Legislate: At first glance, this “parental bill of rights” is benign. Some sections detail the existing rights of parents to direct the rearing of their children. Other sections detail the existing rights of parents to be informed of disciplinary and medical events involving their children at school. No problem. In fact, a technical advisory document from NH Department of Education outlines the roughly 20-30 rights parents currently have concerning privacy and school transparency. Further, parents are protected by federal and state laws and have many educational options available to them. However, reiterating existing parental rights is not the intent of the bill. This bill targets transgender and gender nonconforming students under the guise of “parental rights.” It singles out those students for special surveillance and reporting upon parental inquiry. The right of inquiry forces schools to monitor and keep records about student identity, but exclusively gender identity. If a child expresses their gender in a nonconforming way at school, this bill requires teachers and other school personnel to provide details to parents when asked. In most cases, there would be no harm. The child is either expressing themselves similarly at home already, or the parents will be supportive of their exploration of identity. Sadly, not every child comes from a supportive family. More than one in three adults report that they would be uncomfortable if their child came out as transgender or nonbinary. Many teens who are exploring their gender identity experience stress over the prospect of informing unsupportive parents. In fact, some parents deny that an individual can be transgender. Schools have historically been a safe haven for all students. It’s a place to explore who you are, to feel comfortable, and gain confidence expressing yourself your own way. Changes in how students express themselves may be observed by teachers and other school staff before parents, simply because the student is not yet comfortable coming out at home. Trust between students and their teachers has been celebrated. This bill forces schools that could be that “safe place” for vulnerable kids into a potentially perilous place, by requiring schools to notify parents of their child’s participation in any clubs, activities, or organizations. This rush to inform will deny adolescents the time needed for thoughtfulness and care that is sometimes needed for a teen and their family to approach this sensitive issue. Earlier this year, the NH Department of Education invested in the “One Trusted Adult” program, citing research that shows youth who can name a trusted adult outside their home are less likely to bully or be bullied, suffer from depression, abuse substances, be suspended or expelled, or drop out of school. Requiring teachers to notify parents of gender nonconformity would disrupt and undermine that all-important trust that schools have worked so hard to build. Schools and teachers accept their responsibility to educate students, to help them grow and learn, to keep them as safe as possible, to nourish self-esteem, to challenge all students to be better than they think they can be, and to assist them in developing into good citizens. There is no valid reason to subject gender nonconforming youth to a singling out not experienced by their peers. Singling out some students is a deeply concerning and unconstitutional requirement that violates the principle that all students come before the law as equals. Nearly every student will explore their identity in some shape or form that may not meet the approval of their parents. Teens do have rights of privacy. The Education Committee heard from the frontlines of child protection and from LGBTQ advocates that this bill does more harm than good. The New Hampshire Office of the Child Advocate opposes this bill, noting they receive reports of abuse linked to a child’s gender and sexual identity every day. Many Granite Staters have shared personal stories about the fear and lack of acceptance they’ve experienced at home after being outed. Schools work best when teachers, parents, and students are all engaged working towards what is best for the children of New Hampshire. The government inserting itself into family relationships is not in the best interest of children and is bad for everyone. We should not become part of this attempt to marginalize students who are already struggling. Finally, this bill is the same bill as HB 10 which was rejected by this House in February. We need to, again, find the concepts present in this bill Inexpedient to Legislate.

Rep. Mel Myler

ENVIRONMENT AND AGRICULTURE

SB 267-FN, (New Title) requiring the commissioner of the department of environmental services to consider “cumulative impacts analysis” in rules and statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. Under current rules, environmental contaminants are regulated as individual substances. The regulations apply to individual entities generating the emissions or effluents. This approach does not take into account the health or environmental effects of multiple contaminants emitted into the same area, or the effects of multiple entities emitting contaminants into a small geographic area. The term “cumulative impacts” refers to these combined health and environmental effects of multiple contaminants and multiple emitters. The Department of Environmental Services (DES) currently does not have expertise in this area and is not able to provide necessary guidance on developing rules and legislation regarding cumulative impacts. This bill will create a position in DES to study cumulative impacts and report back to the legislature on necessary rules and legislation related to cumulative impacts. The amendment adds the House Environment and Agriculture Committee to the reporting list, moves the report date up two months to Sept 1, 2025, and strengthens the reporting requirement. **Vote 19-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 195-FN, relative to the purchase of steel products with the Buy America certification. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill clarifies the steel Buy America certification passed by the legislature under HB 1503 (2022) and signed by the governor. This bill confirms that the miscellaneous steel subcomponents and hardware are not subject to the United States manufacturing requirements under this definition. **Vote 16-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 32-FN, relative to the opioid abatement trust fund. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David Nagel for the **Majority** of Health, Human Services and Elderly Affairs. The Opioid Abatement Advisory Commission (Abatement Commission) was created in 2020 (RSA 126-A:85, 86) to manage the settlement funds received by the State of New Hampshire from opioid litigation maintained in the Opioid Abatement Trust Fund (RSA 126-A:83). These funds may only be used for the purpose of opioid abatement. It is recognized by the majority that the amendments to these statutes outlined by SB 32 are necessary to: 1) improve the efficiency in distributing to these funds to qualifying organizations; 2) ensure coordination of the abatement commission’s activities with the Governor’s Commission on Alcohol and Other Drugs to improve the statewide plan on drug treatment; 3) correct the statute to reflect the best practices within the field; 4) add new positions to more efficiently manage the fund; and 5) prevent opioid abuse by including harm reduction as a qualifying criterion for distribution of funds (see Sections 1 and 2 “Strengthening Our Response Together: Action Plan Update, Governor’s Commission on Alcohol and Other Drugs, July 1, 2022 – June 30, 2025). **Vote 16-3.** Rep. Erica Layon for the **Minority** of Health, Human Services and Elderly Affairs. The minority believes that the term “harm reduction” is insufficiently defined in statute and therefore enables excessively broad authority in this bill. Harm reduction is generally accepted as efforts to reduce adverse consequences of drug use, and can be broad reaching, as testimony in committee stated that sun screen is harm reduction for skin cancer. Unamended, this bill opens the opioid settlement funds to use for essentially any purpose not specifically excluded in the settlement agreement despite a real need for discrete steps to battle the risk of contaminated street drugs. The minority amendment would specifically authorize support for drug checking services which have been requested by supporters of this bill, and would have the benefit of detecting unwanted contaminants in street drugs early to inform public health and safety measures and to allow users of street drugs to avoid product laced with fentanyl or “Tranq” (xylazine) before getting hooked on those extra deadly highs.

SB 85-FN-A, relative to emergency behavioral health services and behavioral health crisis programs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Erica Layon for the **Majority** of Health, Human Services and Elderly Affairs. The majority of the committee believes that this bill creates more problems than it would solve, as it mandates coverage for a broad and undefined set of services. Without a more clear set of requirements, there is a significant likelihood that this will increase the cost of health insurance in both the public and private markets. During testimony, the definitions provided were broad and wide-reaching. The majority would like to see a more tightly defined program to address this problem, and therefore does not support this bill. **Vote 10-9.** Rep. Joe Schapiro for the **Minority** of Health, Human Services and Elderly Affairs. The NH 10 Year Mental Plan and the passage

of SB 14 in 2019 resulted in the implementation of state-wide mobile crisis teams, considered to be a major step forward in combating the ER boarding room crisis. This bill as written is an attempt to strengthen and secure these services now and into the future. First, it creates a commission which is tasked with studying and recommending models for future sustainable funding. Second, it limits pre-authorization requirements for mental health and substance use disorder under RSA 417-F, allowing mobile crisis teams to treat patients in crisis without time-consuming calls and paperwork to secure prior permission from insurance companies.

SB 127-FN, relative to certain programs administered by the department of health and human services. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for the **Majority** of Health, Human Services and Elderly Affairs. This bill updates certain state statutes to come into compliance with federal statutes, such as the disqualification period for food stamp violations. It also addresses and slightly modifies numerous other matters handled by the Department of Health and Human Services (DHHS), such as where fees paid for by methadone providers go and what the definition of a personal care provider is. It also alters the reporting requirements of the State Office of Rural Health. All of these are appropriate changes. DHHS did an excellent job presenting information and explaining the purpose of each segment of the bill during its testimony, with several department officials appearing before the committee. **Vote 15-5.**

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. The minority of the committee believes that bills should not contain unrelated topics, and therefore opposes SB 127. Had six stand-alone bills come before the committee, the minority would not have opposed any one of them. This legislation should have been six different bills: one with sections 1, 2 and 16 on narcotics; one with sections 3 and 4 on personal care services; one with sections 5 through 7 on residential care; one very different bill on beverages with sections 8 and 9; one to clean up Medicaid and SNAP details in sections 10 through 12; and one dealing with department reports with sections 13-15.

SB 200, relative to optometrists. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for the **Majority** of Health, Human Services and Elderly Affairs. The committee finds that optometrists who are appropriately trained may safely administer three vaccines to adults: influenza (flu), Covid 19, and shingles vaccines. The bill requires an optometrist to complete an immunization training program that includes hands-on injection techniques used to identify contraindications of vaccines and to recognize and to treat emergency reactions. The optometrist shall maintain the training and demonstrate to the Board of Optometry ongoing evidence of compliance to training and certification in basic cardiopulmonary resuscitation (BLS). A serious complication of shingles in patients, especially those over age 60, is when the disease involves the eye. Adults over age 60 routinely seek routine eyecare, mainly from optometrists, who are in an ideal position to administer the shingles vaccine during an office visit. Allowing optometrists to administer a shingles vaccine provides patients with greater choice and convenience. The committee finds it appropriate for optometrists to use orally administered analgesic agents to alleviate pain caused by disease or abnormal conditions of the human eye or eyelid, structures posterior to the iris, and lacrimal gland so support the removal of a restriction related to the lacrimal gland. **Vote 14-6.** Rep. Yury Polozov for the **Minority** of Health, Human Services and Elderly Affairs. This bill considers allowing optometrists to administer influenza, COVID-19, and shingles vaccines. Optometrists will be under enormous pressure as they typically do not listen to the patient's heart, do not take the patient's blood pressure, and do not have a handle on the patient's full medical history. The minority cannot support this bill unless their additional amendment, is adopted. The minority feels strongly that side-effects associated with the COVID-19 vaccine are under-reported. The minority believes it will be appropriate to limit or delay optometrists from the introduction of these newer vaccine technologies with a high rate of side effects that, on rare occasions include blindness and even death.

SB 239-FN, (New Title) relative to the use of harm reduction services to treat alcohol and other substance misuse. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill includes harm reduction services in all aspects of the existing drug and alcohol abuse prevention programs under RSA 12-J. In addition, the bill codifies into statute the existing Doorways program which provides integrated drug and alcohol misuse information, referral, and treatment services. It also amends the syringe service programs under RSA 318-B:43 with a specific list of eligible activities with respect to the syringe service program, and defines the terms "drug checking" and "drug checking equipment" so that drug content can be verified to reduce the harm of ingestion of unintended substances such as fentanyl. There are three parts to the amendment. First, the amendment defines the terms "harm reduction" and "misuse" to align state law with the federal Substance Abuse and Mental Health Services Administration (SAMSA) definition for ease of obtaining federal grants and funding. Second, the amendment changes the continuing medical education requirements for physician and surgeon licensees required to register

with the Controlled Drug Prescription Health and Safety Program to include three credit hours of approved online continuing education or to pass an online exam in the area of pain management or addiction disorders. Finally, the amendment focuses the bill on addiction-related disorders and makes it clear that the bill is not intended to impact or limit care for patients with chronic pain or patients in hospice or palliative care.

Rep. Lucy Weber

Statement in support of Inexpedient to Legislate: This bill has the noble intent of adding “harm reduction” to the scope of the Governor’s Taskforce on Alcohol and Other Drug Abuse Prevention, Treatment, and Recovery. The bill opens the door for funding from federal and state grants, as well as moneys from the Opioid Abatement Trust Fund, about \$310 million, to be used for “harm reduction.” However, the question of what harm reduction is, and what it is not, remains. The definition in the bill, even as amended, is too broad as it includes anything that can help a person’s “mental and social wellbeing.” There was interest among committee members to retain the bill in order to craft a more clear definition of harm reduction, but when the motion to retain failed, the members could not support the bill going forward in its present form and thus recommend it be voted Inexpedient to Legislate.

Rep. Leah Cushman

SB 263-FN, extending the New Hampshire granite advantage health care program and reestablishing the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Medicaid Expansion is a product of the Affordable Care Act, which expands Medicaid to childless adults making up to 138% of the Federal Poverty Level (FPL) and to those who otherwise qualify for Medicaid and make between 101% and 138% of the FPL. People with disabilities, pregnant women, children and the needy elderly receive coverage through traditional Medicaid or other programs and are not directly impacted by Medicaid Expansion. As amended, this bill restates the same language passed in HB2 on a strong bipartisan vote to extend the sunset on Medicaid Expansion from December 31, 2023 to December 31, 2025. In both the underlying bill and the amended version, the bill also reestablishes the Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program and makes a number of changes to how certain taxes and fees are allocated. As amended, this bill represents the entire Medicaid Expansion package passed in the budget. By extending the program for a short period, there will be time to address needed updates to the underlying statute (RSA 126-AA) in the near future rather than addressing these challenges now.

Rep. Erica Layon

Statement in support of Ought to Pass: Medicaid Expansion has provided ready access to medical care for low-income Granite Staters for the past eight years. SB 263 seeks to permanently reauthorize Granite Advantage, New Hampshire’s current expansion program, when it expires at the end of the year. This was the clear and emphatic recommendation of the commission created to evaluate the effectiveness of the program when Granite Advantage was enacted five years ago. Granite Advantage provides coverage for adults aged 19 to 64 with incomes up to 138% of the federal poverty guidelines. This means that tens of thousands of New Hampshire residents have primary care, preventive services, and specialty care when necessary. It has resulted in significant reductions in uninsured residents and in uncompensated care costs, while reducing insurance rates in the individual market. Additionally, Granite Advantage has contributed to a healthier and more resilient workforce, individuals who have been able to maintain their health while pursuing employment and/or advancement in their work life. In fact, 70% of New Hampshire Medicaid recipients work full or part time, with many recipients accessing the program in times of transition. The availability of coverage through Granite Advantage has also proven to be an essential lifeline for those suffering with substance use disorders and mental illness. Currently, the federal government funds 90% of Medicaid expansion. Understandably, there is a concern that should federal funding decrease New Hampshire would have great difficulty sustaining Granite Advantage. In order to protect taxpayers and ensure the viability of the state budget, there is a provision in place which would trigger a discontinuation of the program should the federal match decline. Originating in the Senate, SB 263 arrived in the House with a unanimous bipartisan Ought To Pass vote from that body. It has broad and enthusiastic support from the business community, medical providers large and small, advocates for public health and those who provide treatment for those with substance use disorders and mental illness, as well as advocates for low-income residents. Permanent reauthorization of Granite Advantage will provide security for low-income residents and for health care providers generally. It will enhance public health while ensuring the viability of a health care system under considerable stress.

Rep. Joe Schapiro

COMMITTEE MEETINGS

FRIDAY, MAY 12

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a),

1:00 p.m. Regular meeting.

<https://attendee.gotowebinar.com/register/6874519861424453720>

After registering, you will receive a confirmation email containing information about joining the webinar. You also may join the meeting by phone: Call in Number: 1 (562) 247-8321 Access Code: 206-906-599 Webinar ID: 860-653-691. The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@des.nh.gov. You may also call Amy Rousseau at 603-848-1372.

COMMISSION TO INVESTIGATE THE IMPLEMENTATION OF NEXT GENERATION NUCLEAR REACTOR TECHNOLOGY IN NEW HAMPSHIRE (RSA 125-O:30), NH Department of Environmental Services, Room 208C, 29 Hazen Drive, Concord, NH

9:00 a.m. Regular meeting. Zoom link for guests and members of the public:

<https://us02web.zoom.us/j/82763227873>

COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS (RSA 281-A:17-e), NH Fire Academy, 98 Smokey Bear Blvd., Classroom 2, Concord, NH

10:00 a.m. Regular meeting.

FISH AND GAME AND MARINE RESOURCES, 387 Perch Pond Rd, Holderness, NH 03245

10:00 a.m. Tour of The Owl Brook Hunter Education Center.

STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE (SIEC) (RSA 21-P:48, IV), Derry Municipal Center, 3rd Floor Meeting Room, 14 Manning Street, Derry, NH 03038

9:00 a.m. Regular meeting.

MONDAY, MAY 15

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), NHDES Rooms 110-114, 29 Hazen Drive, Concord

10:00 a.m. Regular meeting.

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Town Hall, 139 Winter Street, Tilton 03276

9:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON HOUSING, Room 302-304, LOB

10:00 a.m. Presentation by Anagnost Realty Development.

11:00 a.m. Presentation by NH Community Loan Fund.

1:00 p.m. Presentation by NH Commission for Human Rights.

2:00 p.m. Presentation by NH Office of Housing and Urban Development.

STATE COMMISSION ON AGING (RSA 19-P:1), NH Hospital Association, 125 Airport Road, Concord

10:00 a.m. Regular meeting. Join Zoom:

<https://us02web.zoom.us/j/87430173115?pwd=bUFR3I5emt3NGVucDBYYW9SZThLUT09>

TUESDAY, MAY 16

ELECTION LAW, Room 306-308, LOB

10:00 a.m. Subcommittee Work Session on Campaign Finance.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205-207, LOB

10:30 a.m. Subcommittee Work Session on **SB 240**, relative to conditions for genetic testing.

JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-C), Room 104, LOB

3:00 p.m. Regular meeting.

SPECIAL COMMITTEE ON THE FAMILY DIVISION OF THE CIRCUIT COURT, Room 206-208, LOB

9:30 a.m. Presentations from NH Bar Association, NH Legal Assistance, and testimony from public.

TRANSPORTATION, Room 201-203, LOB

10:00 a.m. Executive Session on **SB 13-FN**, relative to recovery of search and rescue expenses; **SB 118-FN**, requiring children under the age of 2 years to be restrained in a motor vehicle; **SB 187-FN**, relative to driver's licenses for certain visa holders; **SB 188-FN**, relative to catalytic converters; **SB 256-FN**, establishing a safety program for off-highway recreational vehicles.

WAYS AND MEANS, Room 202-204, LOB

- 9:30 a.m. **SB 49-FN**, relative to creating a dedicated, non-lapsing fund, and a biennial report of such fund, for OPLC.
- 10:30 a.m. Revenue update from DRA Commissioner Stepp and Chris Shea.

WEDNESDAY, MAY 17**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 202-204, LOB**

- 10:00 a.m. **SB 14-FN**, relative to the use of game cameras.
- 10:30 a.m. **SB 15-FN**, relative to the use of tree stands and observation blinds.
- 11:30 a.m. Executive Session on **SB 14-FN**, relative to the use of game cameras; **SB 15-FN**, relative to the use of tree stands and observation blinds.

LEGISLATIVE ADMINISTRATION, Room 301-303, LOB

- 10:00 a.m. Executive Session on **CACR 10**, the general court. Providing that the general court convene on the same day as the governor's inauguration; **SB 28**, relative to a portrait in the likeness of Rogers Johnson at the state house; **SB 84**, relative to legislative study committees and commissions.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305-307, LOB

- 9:00 a.m. Executive Session on **SB 11**, relative to African American burial grounds.

SPECIAL COMMITTEE ON CHILDCARE, Room 104, LOB

- 10:00 a.m. Full Committee Work Session on **SB 94**, relative to residential child care licensing of child care institutions and agencies; **SB 170-FN**, relative to small group child day care centers; **SB 221**, establishing a study committee to examine day care access and affordability.
- 10:15 a.m. Executive Session on **SB 94**, relative to residential child care licensing of child care institutions and agencies; **SB 170-FN**, relative to small group child day care centers; **SB 221**, establishing a study committee to examine day care access and affordability.

FRIDAY, MAY 19**ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB**

- 9:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Room 210-211, LOB

- 10:00 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 205-207, LOB

- 1:00 p.m. Regular meeting.

MOUNT WASHINGTON COMMISSION (RSA 227-B:3), Franconia Notch State Park Administrative Office, 260 Tramway Drive, Franconia/Lincoln NH 03580

- 10:00 a.m. Regular meeting.

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), NH DOT, 7 Hazen Drive, Rooms 112-113, Concord, NH

- 9:00 a.m. Regular meeting.
Join Zoom: <https://us06web.zoom.us/j/83004416882?pwd=MjI5L2NFZStNTHc2ZFc1TmhRMlIYdz09>
Webinar ID: 830 0441 6882 Passcode: 225346
By Phone: +1.646.558.8656

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 21-V:10), Room 100, SH

- 9:00 a.m. Regular meeting.

STATE HEALTH ASSESSMENT AND STATE HEALTH IMPROVEMENT PLAN ADVISORY COUNCIL (RSA 126-A:88), Affiliated Practices Building for Speare Memorial Hospital, 103 Boulder Point Drive, Plymouth, NH 03264

- 9:30 a.m. Regular meeting.

MONDAY, MAY 22**NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22), Upham Walker House**

- 11:00 a.m. Regular meeting.

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), University System of NH, 5 Chenell Drive, Suite 301, Concord, NH

10:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON COMMISSIONS, Room 104, LOB

1:00 p.m. Regular Committee Meeting.

TUESDAY, MAY 23

ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB

10:00 a.m. Continued Executive Session on **SB 61**, relative to surface water setbacks for landfills.

10:30 a.m. Presentation by the NH Department of Environmental Services (DES) about PFAs.

WEDNESDAY, MAY 24

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB

9:00 a.m. Subcommittee Work Session on **SB 106-FN**, establishing an emerging professional certificate for child care programs; **SB 207**, establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management.

10:30 a.m. Executive Session on **SB 53-FN**, permitting the use of certain refrigerants that are in compliance with the Clean Air Act; **SB 105-FN**, relative to information collected by the division of vital records administration as part of the live birth worksheet; **SB 106-FN**, establishing an emerging professional certificate for child care programs; **SB 107**, relative to the general administration of regulatory boards and commissions; **SB 150-FN**, relative to the family mediator certification board; **SB 207**, establishing a committee to study licensure of mental health professionals and relative to mental health critical incident intervention and management.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301-303, LOB

10:00 a.m. Executive Session on **SB 47**, establishing a commission to study barriers to increased density of residential development in New Hampshire; **SB 132-FN**, prohibiting cities and towns from adopting sanctuary policies.

THURSDAY, MAY 25

COMMISSION ON THE INTERDISCIPLINARY PRIMARY CARE WORKFORCE (RSA 126-T), NH Hospital Association, 125 Airport Road, Concord – Conference Room 1

2:00 p.m. Regular meeting.

Join Zoom:

[https://nhdhhs.](https://nhdhhs.zoom.us/j/82057389715?pwd=MkNXUjQzUVZEaDhGU2JXUnpVL3Z2dz09)

[zoom.us/j/82057389715?pwd=MkNXUjQzUVZEaDhGU2JXUnpVL3Z2dz09](https://nhdhhs.zoom.us/j/82057389715?pwd=MkNXUjQzUVZEaDhGU2JXUnpVL3Z2dz09)

Meeting ID: 820 5738 9715 Passcode: 650289 The following email address will be monitored throughout the meeting, should participants have technical difficulties: Danielle.Hernandez@dhhs.nh.gov

COMMITTEE TO STUDY NON-PHARMACOLOGICAL TREATMENT OPTIONS FOR PATIENTS WITH CHRONIC PAIN (HB 66, Chapter 3, Laws of 2023), Room 201-203, LOB

10:00 a.m. Organizational meeting.

FRIDAY, MAY 26

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201-203, LOB

9:00 a.m. Regular meeting.

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a), Hilton Garden Room at Portsmouth Public Library, 175 Parrott Ave, Portsmouth, NH 03801

3:15 p.m. Regular meeting. Join Zoom:

<https://us06web.zoom.us/j/86117818803?pwd=cWRXdGwQnQvc2ZRbkNOBhGc3M0dz09>

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

1:30 p.m. Regular meeting.

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1), Room 201-203, LOB

9:30 a.m. Regular meeting.

TUESDAY, MAY 30

EDUCATION, Room 205-207, LOB

- 10:00 a.m. Public hearing on proposed non-germane Amendment #2023-1396h to **SB 136**, prohibiting the employment or volunteering of a revoked or suspended educator. The amendment repeals the addition of the requirement for filing a Free Application for Federal Student Aid (FAFSA) form for high school graduation. Copies of the amendment are available on the General Court website.
- 10:15 a.m. Public hearing on proposed non-germane Amendment #2023-1744h to **SB 136**, prohibiting the employment or volunteering of a revoked or suspended educator. Public hearing on proposed Amendment #2023-1744h to **SB 136-FN**, prohibiting the employment or volunteering of a revoked or suspended educator. The amendment revises the addition of the requirement for filing a Free Application for Federal Student Aid (FAFSA) form for high school graduation. Copies of the amendment are available on the General Court website.
- 10:30 a.m. Continued Executive Session on **SB 136**, prohibiting the employment or volunteering of a revoked or suspended educator; **SB 213**, relative to educational institution policies on social media.
- 1:00 p.m. Full Committee Work Session on **HB 147**, relative to membership of the advisory committee on the education of students with disabilities; **HB 155**, relative to the division of educator support and higher education and relative to surety indemnification for private postsecondary career schools; **HB 267**, relative to criminal records checks in school employment; **HB 352**, relative to excused absences due to a student's mental or behavioral health; **HB 354**, relative to chartered public school eligibility for state school building aid; **HB 437-FN**, relative to a reading assessment and intervention program; **HB 439-FN**, relative to the duty to provide an education and contracts with private schools; **HB 505-FN**, relative to comprehensive mental health education in schools; **HB 553**, relative to school district information on personnel salaries; **HB 577-FN-L**, relative to state aid for special education pupils; **HB 623-FN**, establishing a teacher candidate loan forgiveness program; **HB 625-FN-L**, relative to the calculation of average daily membership in attendance and average daily membership in residence for school districts; **HB 627-FN**, relative to local education improvement plans and disparities in education; **HB 628-FN**, requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers; **HB 637-FN**, relative to the calculation of average daily membership in attendance for certain home educated pupils; **HB 651**, authorizing the department of education and local school districts to contract with transportation network companies to provide school transportation services; **SB 25**, repealing a requirement for a report on chartered public school payments; **SB 151-FN**, relative to mental health education; **SB 218-FN-A**, establishing an early educator professional development grant; **SB 266**, relative to the statewide education improvement and assessment program.

FRIDAY, JUNE 2

COMMISSION TO STUDY THE USE OF OHRVS IN NEW HAMPSHIRE (RSA 215-A:44-a), DNCR Regional Office Conference Room, 629B Main St., Lancaster, NH

- 10:00 a.m. Regular meeting. Join on your computer, mobile app or room device
Meeting ID: 299 875 136 31 Passcode: MBfHpW By Phone: +1 603-931-4944,,256858399#

MONDAY, JUNE 5

EDUCATION FREEDOM SAVINGS ACCOUNT OVERSIGHT COMMITTEE (RSA 194-F:12), Room 100, SH

- 2:00 p.m. Regular meeting.

NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD (RSA 126-BB:2), Brown Building Auditorium, 129 Pleasant St., Concord, NH

- 10:00 a.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), Room 205-207, LOB

- 10:00 a.m. Regular meeting.

TUESDAY, JUNE 6

COMMISSION ON HOLOCAUST AND GENOCIDE EDUCATION (RSA 193-E:2-f), 21 S. Fruit St., Room 100, Concord, NH

- 4:00 p.m. Regular meeting.

SPECIAL COMMITTEE ON THE FAMILY DIVISION OF THE CIRCUIT COURT, Room 206-208, LOB
9:30 a.m. Presentation by Bureau of Child support services and public testimony.

**STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), Edward Cross Training Center Facility,
722 Riverwood Drive, Pembroke, NH**
5:00 p.m. Regular meeting.

MONDAY, JUNE 12

**NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85), Executive
Council Chamber, SH Rm 207, 107 N Main St., Concord**
1:00 p.m. Regular meeting. Zoom Meeting ID: 810 1080 5851 Passcode: 110930

FRIDAY, JUNE 16

ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB
9:00 a.m. Regular meeting.

OFFICIAL NOTICES

The **Hillsborough** County Legislative Delegation will meet in CONVENTION on **Thursday May 18, 2023**, during the lunch break in the Legislative Session at the NH State House, Legislative Chambers, located at 107 N. Main Street in Concord, NH for the following purpose: Pursuant to RSA 273-A, to consider approval of the cost items in addenda to temporary addendums to the collective bargaining agreements between Hillsborough County and a) AFSCME Local 2715 (Nursing Home Personnel); b) International Chemical Workers Union Council/UFCW, Local 1046C (Nursing Home Supervisory Personnel); c) AFSCME Council 93, Local #3657 (DOC Line Personnel); d) NCEU, Local #128, (DOC Supervisory Employees); e) AFSCME Council 93, Local #3657 (Sheriff's Employees); f) NEPBA, Local #50 (County Attorney Employees) for expenses associated with ending the premium pay recruitment and retention program. And any other business to come before the Delegation.

Rep. Amanda Bouldin, Clerk

Rockingham County Executive Committee Meeting, **Friday, May 26, 2023, at 9:30 a.m.**, Hilton Auditorium, Rockingham County Rehabilitation and Nursing Center, Brentwood, NH. The purpose of the meeting is for Subcommittee Chairs to report budget recommendations and vote on budget to be presented at the Executive Committee Public Hearing on June 7, 2023, (RSA24:13-c). A quorum is required. Executive Committee Members must attend in person.

Join Zoom: <https://zoom.us/j/5713255541?pwd= TkV4NnM5OHp5SnZzVEcxaFlrL0VYZz09>

By Phone: 1-929-205-6099 Enter the Meeting ID: 571-325-5541 Enter the Meeting Password: 312900

Note: Participant IDs will not be provided for this meeting. Simply press # to continue.

The following email address will be monitored throughout the meeting to alert committee members of any issues: rbernier@co.rockingham.nh.us

Rep. John Potucek, Clerk

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 46, HB 50, HB 91, HB 233, HB 246, HB 250, HB 268, HB 269, HB 272, HB 276, HB 282, HB 300, HB 324, HB 327, HB 337, HB 345, HB 379, HB 392, HB 397, HB 429, HB 436, HB 439, HB 447, HB 449, HB 460, HB 462, HB 463, HB 482, HB 492, HB 511, HB 519, HB 525, HB 527, HB 533, HB 535, HB 537, HB 543, HB 547, HB 548, HB 550, HB 556, HB 559, HB 560, HB 565, HB 566, HB 571, HB 576, HB 579, HB 582, HB 583, HB 593, HB 598, HB 599, HB 600, HB 605, HB 606, HB 608, HB 612, HB 613, HB 614, HB 615, HB 616, HB 617, HB 618, HB 620, HB 622, HB 624, HB 627, HB 628, HB 630, HB 631, HB 639, HB 642, HB 643, HB 645, HB 648, HB 652, HB 655. SB 32, SB 38, SB 49, SB 51, SB 61, SB 72, SB 74, SB 78, SB 85, SB 87, SB92, SB 104, SB 105, SB 106, SB 123, SB 126, SB 130, SB 149, SB 151, SB 164, SB 166, SB 170, SB 180, SB 188, SB 192, SB 195, SB 203, SB 204, SB 211, SB 215, SB 228, SB 229, SB 235, SB 238, SB 267, SB 272.

MEMBERS' NOTICES

The following notices are published in the House Record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

All Representatives are invited to Bible study and prayer with Pastor Peter Chamberland **8:00 a.m. every Thursday morning**. We will meet in the Upham Walker House with coffee and pastries available. All are invited to attend for this wonderful time together.

Rep. Deb Hobson

All legislators are invited to attend the next virtual Housing Caucus meeting on **Monday, May 15 at 4 p.m.** for a special presentation on the New Hampshire Zoning Atlas, a joint project from the Center for Ethics in Society, New Hampshire Housing, and the New Hampshire Department of Business and Economic Affairs to research, catalog, digitize, and graphically display all of New Hampshire's zoning regulations, community-by-community, district-by-district. Meeting ID: 876 6365 3564 Passcode: 897832

Zoom meeting: <https://us02web.zoom.us/j/87663653564?pwd=L1ZlNjNJVmRpb1lOM2h2dUFkRk9MZZ09>

Rep. Joe Alexander

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Association cordially invites you to attend the 31st Annual New Hampshire Fallen Law Enforcement Officers Memorial Ceremony, to honor the Law Enforcement Officers throughout the State of New Hampshire who have made the ultimate sacrifice and died in the line of duty while protecting the citizens of the State. The Ceremony will be held on **Friday, May 19, 2023, beginning promptly at 10:00 a.m.**, at the Memorial Site in front of the Legislative Office Building. The Ceremony will proceed rain or shine. Please do not hesitate to contact Colonel Kevin Jordan at the New Hampshire Fish and Game Department, 603-271-3128, should you have any questions.

Speaker Packard

The Associated Builders and Contractors NH/VT are pleased to invite all legislators and staff to join us for lunch on **Thursday, June 1st from 11:30 a.m. - 1:30 p.m.** in the State House Cafeteria. The lunch will be an opportunity to learn how ABC NH/VT is working to address our industry's workforce shortage through the work and outreach of I Build NH and I Build VT. The goal is to connect the construction industry with educators and community partners to help develop the current and future workforce pipeline. Our members will be available to share their experiences.

Reps. Jason Osborne and Matt Wilhelm

The NH Oral Health Coalition's 2023 Legislative Breakfast is live at St. Paul's Church, Ordway Hall. We invite all legislators to join us for, "Many Hands for NH Smiles," on **Thursday, June 8th from 7:30 to 9:00 a.m.** A HOT breakfast will be served. Your local community oral health providers will be there with displays and information. RSVP to: jnicholson@nhoralhealth.org or call the Breakfast Hotline 603-415-5550.

Rep. Tom Buco

The New Hampshire Association of REALTORS cordially invites all legislators and staff to a luncheon to be held on the State House lawn on **Thursday, June 8th from 11:30 a.m. to 1:30 p.m.** Enjoy lunch and meet REALTORS from across the state as we support homeownership for all and the protection of private property rights.

Reps. Jason Osborne and Matt Wilhelm

The Legislative Golf Classic will be held on **Monday, June 26th** with a shotgun start at **8:30am** to be held at the Loudon Country Club, 653 NH-106, Loudon. All proceeds will benefit Liberty House. For four-somes of sponsorship information please see Representative Jim Maggiore (jim.maggiore@leg.state.nh.us) or Representative Michael Moffett (Michael.moffett@leg.state.nh.us).

Reps. Jim Maggiore and Michael Moffett

AMENDMENTS (LISTED IN NUMERICAL ORDER)

Amendment to SB 19-FN (2023-1739h)

Proposed by the Committee on Ways and Means – c

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

AN ACT relative to the operation of bingo games and the sale of lucky 7 tickets.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 Operation of Bingo Games. Amend RSA 287-E:7, II(a) to read as follows:

II.(a) No compensation shall be paid to bona fide members of a charitable organization or others, except as provided in subparagraph (b), who operate or assist in the operation of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value. Bona fide members of a charitable organization who operate or assist in the operation of bingo games may be reimbursed for their ~~[out-of-pocket]~~ expenses in an amount not to exceed ~~[\$25]~~ **\$50** per game date, provided that such expenses are ~~[itemized and]~~ submitted in writing to the charitable organization.

3 New Subparagraph; Sale of Lucky 7 Tickets. Amend RSA 287-E:21, II by inserting after subparagraph (c) the following new subparagraph:

(d) Lucky 7 tickets may be sold in conjunction with bingo games for no more than 16 game dates in one calendar month, and no more than 192 game dates in one calendar year.

4 Sale of Lucky 7 Tickets. Amend RSA 287-E:21, III-a to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities, including facilities licensed under RSA 287-D, provided that such device dispenses a paper or cardboard ticket and specifications for such dispenser device are contained in the rules of the commission. Any permitted lucky 7 device shall not be in the nature of a slot machine and the outcome of any wager involving a permitted lucky 7 device shall be determined by the cardboard or paper ticket, or the video monitor when so equipped. Devices capable of displaying the outcome on a video monitor shall provide the player with the option of printing a paper ticket. No charitable organization shall be licensed to sell lucky 7 tickets for more than ~~[10]~~ **16** days per month when selling tickets at a facility licensed under RSA 287-D. Lucky 7 tickets sold at said facilities may be sold during all hours for which the facility is licensed to operate.

2023-1739h

AMENDED ANALYSIS

This bill increases the permitted number of game dates of bingo and lucky 7 ticket sales allowed for licensees each month and within each calendar year, changes the reimbursement amounts that may be paid to bona fide members of charitable organizations, and allows Lucky 7 tickets to be sold in conjunction with bingo games.

Amendment to SB 32-FN (2023-1492h)

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs – r

Amend RSA 126-A:86, I(b)(17) as inserted by section 2 of the bill by replacing it with the following:

(17) Support drug checking services to identify trends in illicit drug adulteration and prevent associated harm from unwanted contamination with fentanyl, xylazine (street name Tranq), or other substances.

Amendment to SB 44-FN (2023-1453h)

Proposed by the Committee on Executive Departments and Administration – c

Amend the bill by replacing section 3 with the following:

3 Alcohol and Other Drug Use Professionals. Amend RSA 330-C:2, XII to read as follows:

XII. "Facility" means an alcohol and other drug use prevention, intervention, **recovery**, or treatment agency which is publicly or privately owned, for-profit or not-for-profit, and which is licensed, ~~[or]~~ certified, or ~~[required to be licensed or certified]~~ **otherwise overseen or approved** by the state, or is under contract to a state agency.

Amend the bill by replacing section 7 with the following:

7 Alcohol and Other Drug Use Professionals. Amend RSA 330-C:10, I to read as follows:

I. The scope of practice of the MLADC is the screening, assessment, diagnosis, treatment planning, and treatment of substance use disorders, **mental health disorders**, and co-occurring disorders ~~[only within the~~

~~context of addressing substance use disorders~~]. The practice of alcohol and drug counseling and co-occurring disorder counseling includes the following performance areas which encompass the 12 core functions and practice dimensions of addiction counseling:

(a) The performance of clinical evaluations including the screening, assessment, and diagnosis of substance use disorders, ~~[and] mental health disorders [when they are]~~ **and** co-occurring ~~[with a substance abuse disorder]~~ **disorders**, and the performance of **diagnosis and** differential ~~[diagnoses]~~ **diagnosis**. ***This includes severity assessment and assessment of dangerousness to self or others;***

(b) The performance of treatment planning, case management, consultation, education, documentation, and client advocacy;

(c) The performance of counseling including:

(1) Individual, group, family, and significant other counseling;

(2) Crisis prevention and intervention ***to include enlisting the support of trained personnel to manage risk of harm to self or others;***

(3) Co-occurring disorder counseling with the use of integrated models of assessment, intervention, and counseling techniques ~~[within]~~ ***with and without the context or treatment of a substance use disorder;***

(d) Adherence to professional and ethical standards as determined by the board.

Amend the bill by deleting section 9 and renumbering the original sections 10 and 11 to read as 9 and 10, respectively.

Amendment to SB 54-FN

(2023-1586h)

Proposed by the Committee on Science, Technology and Energy– c

Amend the bill by replacing section 2 with the following:

2 New Section; Purchase Power Agreements. Amend RSA 374-F by inserting after section 10 the following new section:

374-F:11 Purchased Power Agreements.

I. Investor-owned electric distribution utilities may elect to develop and, no later than June 30, 2025, issue a request for proposals for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources.

(a) The electric distribution utilities may issue requests for proposals alone or in conjunction with another New Hampshire utility or utilities, or with out of state utilities subject to consultation with the department of energy and the office of the consumer advocate with resulting contracts approved by the public utilities commission.

(b) Any costs associated with transmission system upgrades required for interconnecting new or incremental electric energy sources shall be included in responses to the request for proposals and power purchase agreements.

(c) Electric distribution utilities shall consult with the department of energy and the office of the consumer advocate on all issues related to such requests for proposals, prior to issuance, including the criteria and scoring to be used in the review of responses to the request for proposals. The department and the office of the consumer advocate shall provide any such consultation within 60 days from the date each draft request for proposals is provided for its review. Within this period the utilities shall solicit public comment.

(d) The department of energy may hire consultants to aid in the development of requests for proposals and assess the costs of such consultants to the relevant distribution electric utility or utilities as appropriate and equitable on a case-by-case basis. The department shall not enter into any contract under this section in an amount greater than \$10,000, including any contract extension, without the approval of the governor and council.

(e) Electric distribution utilities shall engage an independent third party to create appropriate request for proposals and to perform cost benefit analysis of any agreements received in response to the request for proposals. Such analysis shall be provided to the commission as part of the utilities' petition for approval of any purchase power agreements resulting from the RFP process.

(f) Each investor-owned electric distribution utility may propose more than one agreement, with varying lengths and terms, alone or in conjunction with another utility or utilities, resulting from these requests for proposals, provided that:

(1) Agreements shall not exceed 20 years in length.

(2) Collectively among all investor-owned electric distribution utilities, agreements will be eligible for approval for up to a total not to exceed 2 million megawatt hours, annually, apportioned to each investor-owned electric distribution utility based upon kWh sales to ultimate customers as reported on the utilities' FERC Form 1. No electric distribution utility may contract in excess of its apportionment.

(g) All megawatt hours procured through agreements made pursuant to this section shall come from new or incremental electric energy sources.

(h) For the purposes of this section:

(1) "New electric energy sources" are those that are able to provide additional energy into the ISO-NE regional market that first began commercial operation on or after September 1, 2023, at a site where no facility previously existed.

(2) "Incremental electric energy sources" are those that as a result of new construction on or after September 1, 2023, are capable of providing additional energy into the ISO-NE regional market.

(i) Electric distribution utilities shall recover any prudently incurred costs related to complying with this section through distribution rates.

II. Any investor-owned electric distribution utility electing to enter into an agreement pursuant to this section shall petition the public utilities commission for authorization to enter the agreement no later than June 30, 2026.

(a) Upon the petition of one or more electric distribution utilities, and after notice and hearing, the public utilities commission may authorize such utility or utilities to enter into multi-year agreements with new or incremental electric energy sources up to a total of 2 million megawatt hours statewide, on an annual basis, if it finds such agreements to be just and reasonable and in the public interest.

(b) The public utilities commission shall review and render a decision on any proposed agreement no later than 9 months after submission of the agreement with the commission.

III. In reviewing agreements under this section, the public utilities commission shall consider whether each agreement is, on balance, substantially consistent with the following factors:

(a) Cost-effective to electric ratepayers in New Hampshire over the term of the agreement.

(b) Creates or supports electric energy sources that are expected to be available during long duration weather events.

(c) Fosters price stability and helps reduces exposure to market volatility.

(d) Supports the diversification of New Hampshire's electric energy sources.

(e) Contains ratepayer protections, which may include such mechanisms as performance incentives, penalties for non-performance, or others as proposed by the utility and determined by the commission to be in the best interest of ratepayers.

(f) Any other factors necessary to determine whether the agreement is just and reasonable and in the public interest.

IV. Upon receiving public utilities commission approval of an agreement to purchase electric energy, in conjunction with or independent of any attendant environmental attributes, an investor-owned electric distribution utility shall sell such purchased energy into the wholesale market in the manner to minimize costs and maximize benefits to ratepayers. When the electric distribution utility sells into the wholesale market, it shall:

(a) Calculate the net cost of payments made under the agreements against the proceeds obtained from the sale of the energy and any environmental attributes.

(b) Credit or charge all their distribution ratepayers the difference between the agreement payments and proceeds through a uniform, fully-reconciling annual factor in rates.

V. To the extent any proposed agreement to purchase electric energy includes environmental attributes, such as renewable energy credits, the public utilities commission shall approve how such environmental attributes are used or disposed of in a manner expected to minimize costs and maximize benefits to ratepayers.

VI. Any rural electric cooperative for which a certificate of deregulation is on file with the department of energy may participate in competitive solicitations for energy or environmental attributes on its own or in conjunction with an investor-owned utility or utilities, but shall not be required to develop or issue requests for proposals or seek authorization for multi-year purchased power agreements under this section. Investor-owned electric distribution utilities, shall, however, be required to consult with the department of energy on any jointly-issued request for proposals and to obtain approval of any contract entered into jointly with a rural electric cooperative.

Floor Amendment to SB 54

(2023-1652h)

Proposed by Rep. McGhee

Amend RSA 374-F:11, I(h)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) "New electric energy sources" are those that are able to provide additional energy into the ISO-NE regional market that first began commercial operation on or after September 1, 2023.

Amendment to SB 58

(2023-1490h)

Proposed by the Committee on Criminal Justice and Public Safety- c

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

1 Arrests in Criminal Cases; Arrest Without a Warrant. Amend RSA 594:10, I to read as follows:

I. An arrest by a peace officer without a warrant on a charge of a misdemeanor or a violation is lawful whenever:

(a) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has committed a misdemeanor or violation in [his] ***the peace officer's*** presence; or

(b) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has within the past 12 hours committed abuse as defined in RSA 173-B:1, I against a person eligible for protection from domestic violence as defined in RSA 173-B:1, has within the past 12 hours violated a temporary or permanent protective order issued under RSA 173-B or RSA 458:16 by committing assault, criminal trespass, criminal mischief or another criminal act, or has within the last 12 hours violated stalking provisions under RSA 633:3-a.

(c) [He] ***The peace officer*** has probable cause to believe that the person to be arrested has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be apprehended, will destroy or conceal evidence of the offense, [or] will cause further personal injury or damage to property, ***or, while in the care of a medical professional on the premises of a residential care or health care facility as defined in RSA 151:2, through actual or threatened violence, interfere in the provision of health care services that a licensed medical professional has determined to be medically necessary.***

2 Effective Date. This act shall take effect upon its passage.

2023-1490h

AMENDED ANALYSIS

This bill authorizes a law enforcement officer to arrest a person without a warrant for interfering with the provision of medically-necessary health care services.

Amendment to SB 59

(2023-1404h)

Proposed by the Committee on Judiciary – c

Amend the bill by replacing section 1 with the following:

1 Director of Charitable Trusts; Investigations. Amend RSA 7:24 to read as follows:

7:24 Investigation. The attorney general may investigate at any time charitable trusts, charitable solicitations, and charitable sales promotions for the purpose of determining and ascertaining whether they are administered in accordance with law and with the terms and purposes thereof. For the purposes of such investigation the attorney general may require any person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or political agency administering a trust, charitable solicitation, or charitable sales promotion or having an interest therein[;] or knowledge thereof, to appear [~~at the state house~~] at such time and place as the attorney general may designate then and there under oath to produce for the use of the attorney general any and all books, memoranda, papers of whatever kind, documents of title or other evidence of assets or liabilities which may be in the ownership or possession or control of such person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or political agency and to furnish such other available information relating to said trust, charitable solicitation, or charitable sales promotion as the attorney general may require. ***Any person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or political agency administering a trust, charitable solicitation, or charitable sales promotion or having an interest therein or knowledge thereof, that is subject to an appearance by the attorney general has the right to have such appearance be in a physical location as determined by the office of the attorney general.***

Amendment to SB 60

(2023-1635h)

Proposed by the Committee on Resources, Recreation and Development – c

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Enforcement of Classification; Request for Certification. Amend RSA 485-A:12 by inserting after paragraph III the following new paragraph:

III-a. In processing a request for certification under paragraph III:

(a) Within 50 days of receipt of the request for certification, the department shall either notify the person who submitted the request that the request is complete or request any additional information required to complete its evaluation of the request. Any request for additional information shall specify that the person requesting certification submit such information as soon as practicable and shall notify the person that if all of the requested information is not received within 120 days of the request, the department shall deny the request. Upon written request of the applicant prior to the end of such 120-day period, the department shall grant a 30-day extension. Upon written request of the applicant prior to the end of such 30-day period, the department shall grant a subsequent 30-day extension.

(b) Within a reasonable time after receipt of the request, or of the response to a timely request for additional information made by the department pursuant to subparagraph (a), the department shall, in accordance with rules adopted under RSA 485-A:6, VI-a, provide a reasonable opportunity for public comment, not to exceed 30 days, on proposals to grant, waive, or deny a request for certification and may hold a public hearing on such proposals.

(c) Notwithstanding subparagraphs (a) and (b), within the period of time specified under section 401 of the Clean Water Act, the department shall:

- (1) Provide its response to grant the request for certification;
- (2) Provide its response to waive the request for certification; or
- (3) Provide its response to deny the request for certification and issue written findings in support of the denial.

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law.

(e) If the department fails to act on a request for certification within the applicable time frame established in subparagraphs (a), (b) or (c), the certification shall be considered waived and the person who made the request may ask the department to provide written notice acknowledging that certification was waived by default.

3 Enforcement of Classification. Amend RSA 485-A:12, IV to read as follows:

IV. No activity that involves surface water withdrawal ~~[or diversion of surface water]~~ that ***exceeds 20,000 gallons per day averaged over a 7-day period or more than 600,000 gallons over a 30-day period*** and requires registration under RSA 488:3, that does not otherwise require the certification required under paragraph III, and ***which did not exceed such withdrawal rates before*** ~~[was not in active operation as of]~~ the effective date of this paragraph, may commence unless the department certifies that the surface water withdrawal ~~[or diversion of surface water]~~ complies with state surface water quality standards applicable to the classification for the surface water body. The certification shall include any conditions on, modifications to, or monitoring of the proposed activity necessary to provide reasonable assurance that the proposed activity complies with applicable surface water quality standards. The department may enforce compliance with any such conditions, modifications, or monitoring requirements as provided in RSA 485-A:22.

4 New Paragraph; Enforcement of Classification. Amend RSA 485-A:12 by inserting after paragraph IV the following new paragraph:

IV-a. In processing an application for permits under RSA 485-A:12, IV:

(a) Within 50 days of receipt of the request for certification, the department shall either notify the person who submitted the request for certification that the request is complete or request any additional information required to complete its evaluation of the request. Any request for additional information shall specify that the person requesting certification submit such information as soon as practicable and shall notify the person that if all of the requested information is not received within 120 days of the request, the department shall deny the request. Upon written request of the applicant prior to the end of such 120-day period, the department shall grant a 30-day extension. Upon written request of the applicant prior to the end of such 30-day period, the department shall grant a subsequent 30-day extension.

(b) Within a reasonable time after receipt of the request, or of the response to a timely request for additional information made by the department pursuant to subparagraph (a), the department shall, in accordance with rules adopted under RSA 485-A:6, VI-a, provide a reasonable opportunity for public comment, not to exceed 30 days, on proposals to grant, waive, or deny a request for certification and may hold a public hearing on such proposals.

(c) Within 90 days after receipt of a request for certification, or of the response to a timely request for additional information made by the department pursuant to subparagraph (a), the department shall:

- (1) Approve the request in whole or in part and issue a certification; or
- (2) Deny the request and issue written findings in support of the denial; or
- (3) Extend the time for rendering a decision on the request for good cause and with the written agreement of the person who made the request for certification.

(d) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law.

(e) If the department fails to act on a request for certification within the applicable time frame established in subparagraphs (a), (b) or (c), the certification shall be considered waived and the person who made the request may ask the department to provide written notice acknowledging that certification was waived by default.

5 Rulemaking; Water Withdrawals. Amend RSA 485-A:6, VI-a to read as follows:

VI-a. Procedures and criteria for requesting, reviewing, and ~~[granting]~~ ***acting on requests for certification*** ~~[certifications]~~ under RSA 485-A:12, III and IV, ***including public notice and public hearing requirements of the department's proposed action on certification requests.***

6 Rules for Water Conservation. Amend RSA 485:61, II to read as follows:

II. The water conservation rules in paragraph I of this section shall apply to all new permit applicants and applications for water withdrawals subject to the provisions of RSA 485:3, RSA 485:48, RSA 485-C:21, ***RSA 485-A:12, IV***, and section 401 of the Clean Water Act.

7 Standards for Classification of Surface Waters of the State. Amend RSA 485-A:8, II to read as follows:

II. Class B waters shall be of the second highest quality and shall have no objectionable physical characteristics and shall contain not more than either a geometric mean based on at least 3 samples obtained over a 60-day

period of 126 *Escherichia coli* per 100 milliliters, or greater than 406 *Escherichia coli* per 100 milliliters in any one sample; and for designated beach areas shall contain not more than a geometric mean based on at least 3 samples obtained over a 60-day period of 47 *Escherichia coli* per 100 milliliters, or 88 *Escherichia coli* per 100 milliliters in any one sample; unless naturally occurring. There shall be no disposal of sewage or waste into said waters except those which have received adequate treatment to prevent the lowering of the biological, physical, chemical or bacteriological characteristics below those given above, nor shall such disposal of sewage or waste be inimical to aquatic life or to the maintenance of aquatic life in said receiving waters. The pH range for said waters shall be 6.5 to 8.0 except when due to natural causes. The commissioner shall adopt rules, under RSA 541-A, relative to dissolved oxygen water quality standards in a manner consistent with Environmental Protection Agency guidance on dissolved oxygen water criteria published pursuant to section 304(a) of the Clean Water Act, and other relevant scientific information. Any stream temperature increase associated with the discharge of treated sewage, waste or cooling water, water diversions, or releases shall not be such as to appreciably interfere with the uses assigned to this class. The waters of this classification shall be considered as being acceptable for fishing, swimming and other recreational purposes and, after adequate treatment, for use as water supplies. Where it is demonstrated to the satisfaction of the department that the class B criteria cannot reasonably be met in certain surface waters at all times as a result of combined sewer overflow events, temporary partial use areas shall be established by rules adopted under RSA 485-A:6, XI-c, which meet, as a minimum, the standards specified in paragraph III. ~~[The commissioner shall not calculate nutrient discharge limits for aquatic life and human health criteria based on 7Q10 flow or such other flow criteria more restrictive than 7Q10.]~~

8 Effective Date. This act shall take effect upon its passage.

**Floor Amendment to SB 85
(2023-1698h)**

Proposed by Reps. M. Pearson and W. MacDonald

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as 3-6, respectively.

Amend paragraph I of section 6 of the bill by replacing it with the following:

I. Section 5 of this act shall take effect November 1, 2024.

2023-1698h

AMENDED ANALYSIS

This bill:

I. Defines behavioral health crisis programs within the mental health treatment laws.

II. Limits pre-authorization requirements for emergency behavioral health services.

**Amendment to SB 87-FN
(2023-1458h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs – c

Amend RSA 326-B:47, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The individual has direct on-site supervision while providing health care services.

**Amendment to SB 89
(2023-1605h)**

Proposed by the Committee on Judiciary– c

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

1 Marriage Registration Forms and Procedures; Marriage License Registration. Amend RSA 5-C:42, V-a to read as follows:

V-a. If either party is unable to appear in person for *documented* medical reasons, the city or town clerk ~~[shall]~~ **may** accommodate the parties by meeting in person with the parties at such other location within the city or town as may be convenient.

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

2023-1605h

AMENDED ANALYSIS

This bill allows a city or town clerk to accommodate parties unable to appear in person for a marriage license due to documented medical reasons.

**Amendment to SB 103
(2023-1569h)**

Proposed by the Committee on State-Federal Relations and Veterans Affairs– c

Amend RSA 17-S:3, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Plan a publicly noticed and publicized event for December 14, 2024, relating to the raid on Fort William and Mary, now named Fort Constitution.

**Amendment to SB 120-FN
(2023-1577h)**

Proposed by the Majority of the Committee on Ways and Means – r

Amend the bill by deleting section 14 and renumbering the original sections 15-17 to read as 13-16, respectively.

**Amendment to SB 128-FN
(2023-1676h)**

Proposed by the Majority of the Committee on Judiciary– r

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

1 New Hampshire Mental Health Services; Involuntary Admissions; General; Legal Services; Payment; Appointment RSA 135-C:23 is repealed and reenacted to read as follows:

135-C:23 Legal Services; Payment; Appointment. The client or person sought to be admitted shall pay the costs of the legal services and investigative, expert, or other services in connection with hearings held under this chapter. If the client or person sought to be admitted is unable to pay for counsel, the court shall appoint an attorney who shall be compensated at a rate as determined by the supreme court. If the court is unable to determine whether a person is indigent within the time period within which the person should be involuntarily admitted, the court shall appoint counsel for the person and refer the matter of the person's indigency to the office of cost containment for a report and recommendation as to whether the person is indigent and whether the court should require the person to repay the state for the costs of counsel and ancillary services. Upon receiving such report and recommendation, the court shall promptly determine, with or without further hearing as the court deems necessary, whether the person shall be required to repay said costs. The cost of such court-appointed attorneys, including counsel and investigative, expert, or other services and expenses approved by the circuit court that are necessary to provide adequate representation, shall be paid from funds appropriated for indigent defense pursuant to RSA 604-A. Repayment to the state by the client or person sought to be admitted for the cost of court-appointed attorneys and other expenses approved by the court under this chapter shall be made through the office of cost containment. The department of administrative services and the circuit court shall adopt rules for the assessment, waiver, and collection of such costs that are consistent, insofar as practicable, with the provisions of RSA 604-A:9 and RSA 604-A:10, IV.

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

2023-1676h

AMENDED ANALYSIS

This bill establishes the payment of legal services for indigent and non-indigent individuals involuntarily committed for mental health services, as well as the process to determine such indigency and repayment of such services.

**Amendment to SB 160-FN
(2023-1519h)**

Proposed by the Committee on Resources, Recreation and Development – c

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

AN ACT relative to the use of OHRVs on designated trails.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

2023-1519h

AMENDED ANALYSIS

This bill prohibits the operation of OHRVs for recreational purposes on designated trails.

**Amendment to SB 171
(2023-1455h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs – c

Amend the bill by replacing section 1 with the following:

1 Child Day Care Licensing; Definitions. Amend the introductory paragraph of RSA 170-E:2, XI-a to read as follows:

XI-a. "Recreational program" means any before and/or after school, vacation, or summer ~~[youth program for children 6 years of age or older]~~ **program for children 4 years and 8 months of age or older** offered by a school or religious group, the Boys and Girls Clubs of America, Girls, Incorporated, the YMCA, or the YWCA, provided that the program:

**Amendment to SB 183
(2023-1402h)**

Proposed by the Committee on Judiciary – c

Amend RSA 106-H:14, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) To the caller or their legal representative, or to the subject of the call or their legal representative, with written authorization of the recipient on a form satisfactory to the department, that such information or records are being made available solely for the purposes of investigation in anticipation of litigation or for use in connection with any civil court proceeding. Records released under this section shall be marked “limited purpose release” and shall not be redisclosed by the recipient beyond the investigation or civil proceeding. Any records which are the subject of a criminal investigation will be released only after the criminal matter is concluded. Neither the state nor its agencies or employees shall be civilly liable for any improper use or release of 911 records to any person obtaining such records as provided in this section.

2023-1402h

AMENDED ANALYSIS

This bill provides that although records compiled under RSA 106-H, relative the enhanced 911 system, are not public records under RSA 91-A, the division may release records to the caller or the subject of the call for the purpose of a legal investigation or civil proceeding.

**Amendment to SB 189-FN
(2023-1628h)**

Proposed by the Committee on Ways and Means– c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4 by inserting after paragraph XIX the following new paragraph:

XX. For tax years commencing on or after January 1, 2024, a deduction equal to the amount disallowed as a deduction under section 163(j) of the Internal Revenue Code. For tax years commencing on or after January 1, 2024, an addition equal to the amount deducted by reason of a carry forward of disallowed business interest under section 163(j) of the Internal Revenue Code generated in tax years commencing after January 1, 2024. The amount of the carry forward of disallowed business interest under section 163(j) of the Internal Revenue Code as of the tax year ending before January 1, 2024 shall be allowed as a deduction in 3 equal parts over 3 consecutive years, beginning with the first tax year commencing on or after January 1, 2024.

**Floor Amendment to SB 195-FN
(2023-1727h)**

Proposed by Rep. Grote – r

Amend RSA 21-I:11, III(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Departments and agencies of this state affected by subparagraph (a) may request a waiver from the department of administrative services, which shall provide an opportunity for public hearing and comment at least 30 days before finalizing a waiver, in the same manner as described in RSA 541-A:11. The department of administrative services may grant a waiver upon finding that:

- (1) Application of the project would be inconsistent with the public interest;
- (2) The product is not produced or fabricated in the United States and that it would be in the public interest to provide a waiver; or
- (3) The item for which a waiver is being requested is not produced and fabricated in the United States in sufficient and reasonably available quantities and of satisfactory quality.

**Amendment to SB 200
(2023-1568h)**

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r

Amend the bill by replacing section 4 with the following:

4 Authorization for Pharmaceutical Agents RSA 327:6-a, V is repealed and reenacted to read as follows:

V. Notwithstanding any other provision of law, an optometrist who is certified to use pharmaceutical agents in the practice of optometry shall be permitted to administer:

- (a) Diphenhydramine, epinephrine, or an equivalent medication administered by injection to counter anaphylaxis or anaphylactic reaction.
- (b) Vaccines by injection to individuals 18 years of age or older. In order to administer vaccines an optometrist shall:

(1) Hold a current license to practice optometry in the state of New Hampshire.

(2) Complete and remain current with an immunization training program endorsed by the CDC, a course approved by the National Board of Examiners in Optometry, or an equivalent course approved by the board of optometry, that at a minimum includes hands-on injection techniques, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines.

(3) Have at least \$1,000,000 of professional liability insurance coverage.

(4) Hold active certification in basic cardiopulmonary resuscitation.

(5) Provide to the board of optometry evidence of compliance under RSA 327:6-a, paragraph I through IV.

(6) Review the vaccine registry or other vaccination records before administering the vaccination.

(7) Record the vaccination in the state vaccine registry in accordance with RSA 141-C:20-f and when required by state or federal law and maintain a record of the vaccination as required by state and federal law.

(8) When designated by the patient, provide notice to the primary care provider of the administration of any vaccine.

(9) Submit reports of any adverse reactions following vaccination to the Centers for Disease Control (CDC) Vaccine Adverse Event Reporting System (VAERS).

Amendment to SB 200

(2023-1583h)

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs – r

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Definitions; Pharmaceutical Agent. Amend RSA 327:1, III by inserting after subparagraph (n) the following new subparagraph:

(o) Influenza vaccines and shingles vaccines that have been approved by the Food and Drug Administration to adults; provided that, prior to July 1, 2025, the following vaccines shall be excluded: vaccines with at least one component being a COVID-19 vaccine, and any vaccine that is either based on mRNA technology, lipid nanoparticle (LNP) technology, or delivers or causes the production of SARS-CoV-2 spike protein.

Amendment to SB 238-FN

(2023-1454h)

Proposed by the Committee on Health, Human Services and Elderly Affairs– c

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

AN ACT relative to prescribing opioids via telehealth medicine.

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

1 Telemedicine; Out of State Physicians. Amend RSA 329:1-d, III to read as follows:

III. ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, except substance use disorder (SUD) treatment. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the exemption.]~~ ***A physician licensed under this chapter may prescribe non-opioid and opioid controlled drugs classified in schedule II through IV by means of telemedicine after establishing a physician-patient relationship with the patient. When prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by means of telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually. The prescription authority under this paragraph shall be limited to a physician licensed under this chapter, or a physician assistant in accordance with RSA 328-D:3-b, and all prescribing shall be in compliance with all federal and state laws and regulations.***

2 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, I-a to read as follows:

I-a. “Advanced practice registered nurse-patient relationship” means a medical connection between a licensed APRN and a patient that includes an in-person or ***telemedicine*** ~~[face-to-face 2-way real-time interactive communication]~~ exam, a history, a diagnosis, a treatment plan appropriate for the licensee’s medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have an APRN-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by another licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient’s first appointment.

3 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, XII(a)-(c) to read as follows:

XII(a). “Telemedicine” means ~~[the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment]~~ ***the use of audio, video, or other electronic media and technologies by a licensee in one location to a patient in a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions as defined in RSA 310-A:1.***

(b) An out-of-state APRN providing services by means of telemedicine shall be deemed to be in the practice of medicine and shall be required to be licensed under this chapter.

(c) ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV except for use in substance use disorder treatment.]~~ ***An APRN licensed under this chapter may prescribe non-opioid and opioid controlled drugs classified in schedule II through IV by means of telemedicine after establishing an advanced practice registered nurse-patient relationship with the patient. When prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by means of telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually. The prescription authority under this paragraph shall be limited to an APRN licensed under this chapter, and all prescribing shall be in compliance with all federal and state laws and regulations.***

4 Repeal. RSA 329:1-d, IV, relative to the prescribing of non-opioid controlled drugs, is repealed.

5 Repeal. RSA 326-B:2, XII(d), relative to the prescribing of non-opioid controlled drugs, is repealed.

6 Effective Date. This act shall take effect upon its passage.

2023-1454h

AMENDED ANALYSIS

This bill modifies the procedure for physicians, physician assistants and APRN's to prescribe certain non-opioid and opioid controlled drugs by means of telemedicine.

Floor Amendment to SB 238

(2023-1579h)

Proposed by Reps. Cushman and Layon

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

AN ACT relative to prescribing opioids via telehealth medicine.

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

1 Telemedicine; Out of State Physicians. Amend RSA 329:1-d, III to read as follows:

III. ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, except substance use disorder (SUD) treatment. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the exemption.]~~ ***A physician licensed under this chapter may prescribe non-opioid and opioid controlled drugs classified in schedule II through IV by means of telemedicine after establishing a physician-patient relationship with the patient. When prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by means of telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually. The prescription authority under this paragraph shall be limited to a physician licensed under this chapter, or a physician assistant in accordance with RSA 328-D:3-b, and all prescribing shall be in compliance with all federal and state laws and regulations.***

2 Physicians and Surgeons; Telemedicine. Amend RSA 329:1-d, V to read as follows:

V. A physician providing services by means of telemedicine directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record; ~~and~~

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate; **and**

(d) Obtain oral or written consent from the patient or, if the patient is a minor, from the patient's parent or guardian unless state or federal law allows a minor to consent to treatment without the consent of a parent or guardian, for the provision of services through telemedicine.

3 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, I-a to read as follows:

I-a. "Advanced practice registered nurse-patient relationship" means a medical connection between a licensed APRN and a patient that includes an in-person or ~~[face-to-face 2-way real-time interactive communication]~~ ***telemedicine*** exam, a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have an APRN-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by another licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment.

4 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, XII(a)-(c) to read as follows:

XII(a). "Telemedicine" means ~~[the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment]~~ ***the use of audio, video, or other electronic media and technologies by a licensee in one location to a patient in a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions as defined in RSA 310-A:1.***

(b) An out-of-state APRN providing services by means of telemedicine shall be deemed to be in the practice of medicine and shall be required to be licensed under this chapter.

(c) ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV except for use in substance use disorder treatment.]~~ ***An APRN licensed under this chapter may prescribe non-opioid and opioid controlled drugs classified in schedule II through IV by means of telemedicine after establishing an advanced practice registered nurse-patient relationship with the patient. When prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by means of telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually. The prescription authority under this paragraph shall be limited to an APRN licensed under this chapter, and all prescribing shall be in compliance with all federal and state laws and regulations.***

(d)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a). Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition and drug, but not less than annually.

(2) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a). Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

(e) An APRN providing services by means of telemedicine directly to a patient shall:

(1) Use the same standard of care as used in an in-person encounter;

(2) Maintain a medical record; ~~and~~

(3) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate; ***and***

(4) Obtain oral or written consent from the patient or, if the patient is a minor, from the patient's parent or guardian unless state or federal law allows a minor to consent to treatment without the consent of a parent or guardian, for the provision of services through telemedicine.

(f) Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

5 Repeal. The following are repealed:

I. RSA 329:1-d, IV, relative to the prescribing of non-opioid controlled drugs by doctors through telemedicine.

II. RSA 326-B:2, XII(d), relative to the prescribing of non-opioid controlled drugs by nurses through telemedicine.

6 Effective Date. This act shall take effect upon its passage.

2023-1579h

AMENDED ANALYSIS

This bill modifies the procedure for physicians, physician assistants and APRNs to prescribe certain non-opioid and opioid controlled drugs by means of telemedicine. The bill also clarifies the parental consent required to prescribe such drugs to minors.

Amendment to SB 239-FN

(2023-1754h)

Proposed by the Committee on Health, Human Services and Elderly Affairs- r

Amend the introductory paragraph of RSA 12-J:2, I as inserted by section 5 of the bill by replacing it with the following:

I. Develop and revise, as necessary, a statewide plan for the effective prevention of alcohol and ***other*** drug ~~[abuse]~~ ***misuse, including harm reduction***, particularly among youth, and a comprehensive system of treatment and recovery services for individuals and families affected by alcohol and ***other*** drug ~~[abuse]~~ ***misuse. Nothing in RSA 12-J should be construed to limit care of chronic pain and hospice and palliative care patients, including use of the term "misuse" which shall be utilized, as intended, to broaden the scope of work across the substance use continuum of care.*** The statewide plan shall:

Amend the bill by replacing all after section 15 with the following:

16 Physicians and Surgeons; Continuing Medical Education Requirement. Amend RSA 329:16-g to read as follows:

329:16-g Continuing Medical Education Requirement. As a condition of renewal of license, the board shall require each licensee to show proof at least at every biennial license renewal that the licensee has completed 100 hours of approved continuing medical education program within the preceding 2 years. For the purposes of this section, an approved continuing medical education program is a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national, state, or county medical society or college or university. ***All licensees***

required to register with the controlled drug prescription health and safety program shall complete 3 credit hours of approved online continuing education or pass an online examination in the area of pain management or addiction disorders. There shall be a complete audit of all continuing education credits annually by the New Hampshire Medical Society. Each licensee shall submit a continuing medical education report with copies of continuing medical education course certificates earned by the licensee and other documents which establish that continuing medical education course requirements have been met, using a form approved by the board. The complete audit shall include the collection, review, verification, and preservation of the continuing medical education documentation of each licensed physician and a report which records the credits awarded to each licensee during the 2-year period applicable to each licensee. The fee charged to licensees for continuing medical education verification shall not exceed 125 percent of the actual cost of providing the service. The New Hampshire Medical Society is prohibited from using any information from this program for promotional purposes or any other purpose not necessary for continuing education verification.

17 New Paragraph; Definition of Drug Misuse Added. Amend RSA 318-B:1 by inserting after paragraph XV the following new paragraph:

XV-a. "Drug misuse" refers to the use of a substance for a purpose that is not consistent with legal or medical guidelines.

18 New Paragraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Treatment, and Recovery; Definition of Harm Reduction. Amend RSA 12-J:2 by inserting after paragraph IV the following new paragraph:

V. For the purposes of this chapter, RSA 126:A, RSA 318-B:93, RSA 328-D:3, and RSA 329:16-g, "harm reduction" is an approach that emphasizes engaging directly with people who use alcohol and other drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social wellbeing of those served, and offer low-threshold options for accessing substance use disorder treatment and other health care services.

19 Effective Date. This act shall take effect July 1, 2023.

Amendment to SB 263-FN (2023-1742h)

Proposed by the Committee on Health, Human Services and Elderly Affairs – r

Amend the bill by replacing section 6 with the following:

6 Extension of the Prospective Repeal of the Granite Health Care Advantage Program. Amend 2018, 342:25, II to read as follows:

II. Paragraphs III and VII of section 24 of this act shall take effect December 31, [2023] **2025**.

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

8 Department of Health and Human Services; New Hampshire Granite Advantage Health Care Program; The New Hampshire Granite Advantage Health Care Trust Fund. Amend the introductory paragraph of RSA 126-AA:3, I to read as follows:

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. ***The department shall include the cost of the program in its biennial budget request under RSA 9:4.*** The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, to pay for the administrative costs for the program, and reimburse the federal government for any over payments of federal funds. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to MCOs. No state general funds shall be deposited into the fund. Deposits into the fund shall be limited exclusively to the following:

9 Liquor Commission Fund; Transfers. For the fiscal year ending June 30, 2024, transfers to the alcohol abuse prevention and treatment fund pursuant to RSA 176:16, III shall be reduced by the actual amount of the final agreed contribution from the Foundation for Healthy Communities, anticipated to take place by December 31, 2023.

10 Effective Date.

I. Sections 2, 3, 4, 6 and 7 of this act shall take effect December 31, 2023.

II. Section 5 of this act shall take effect November 1, 2027.

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

2023-1742h

AMENDED ANALYSIS

This bill:

I. Reestablishes and revises the membership and duties of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. The commission is repealed November 1, 2027.

II. Extends the prospective repeal of the New Hampshire granite advantage health care program to December 31, 2025.

III. Removes the transfer of funds from the alcohol abuse prevention and treatment fund to the granite advantage health care trust fund and requires the department of health and human services to include the cost of the program in the department's biennial budget request.

Floor Amendment to SB 263

(2023-1747h)

Proposed by Rep. Hoell

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

AN ACT relative to the New Hampshire granite advantage health care program and the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

Amend the bill by inserting after section 7 the following and renumbering the effective date to be the last numbered section:

8 Granite Advantage Health Care Program; Registration with the Department of Employment Security. Amend the introductory paragraph of RSA 126-AA:2, III(a) to read as follows:

III.(a) Newly eligible adults who are unemployed shall be eligible to receive benefits under this paragraph if the commissioner finds that the individual *has registered with the department of employment security and is actively participating in the unemployment program* or is engaging in at least 100 hours per month based on an average of 25 hours per week in one or more work or other community engagement activities, including self-employment, as follows:

9 New Subparagraph; Registration with Department of Employment Security. Amend RSA 126-AA:2, III by inserting after subparagraph (a) the following new subparagraph:

(a-1) An individual required to register with the department of employment security under subparagraph (a) shall engage in weekly meetings with the department and complete all required training until they have obtained the 25 hour per week employment minimum.

2023-1747h

AMENDED ANALYSIS

This bill:

I. Reestablishes and revises the membership and duties of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. The commission is repealed November 1, 2028.

II. Permanently extends the New Hampshire granite advantage health care program by removing the prospective repeal of the program that was to take effect on December 31, 2023.

III. Removes the transfer of funds from the alcohol abuse prevention and treatment fund to the granite advantage health care trust fund.

IV. Requires unemployed individuals to register with the department of employment security as part of the granite advantage work requirement.

Floor Amendment to SB 263

(2023-1748h)

Proposed by Rep. Hoell

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

AN ACT relative to the New Hampshire granite advantage health care program and the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

Amend the bill by inserting after section 7 the following and renumbering the effective date to be the last numbered section:

8 New Paragraph; New Hampshire Granite Advantage Health Care Program; Drug Testing Requirement. Amend RSA 126-AA:2 by inserting after paragraph VII the following new paragraph:

VII. Any person eligible for the program shall agree to participate in semi-annual drug testing. To the extent permitted by federal law and the state Medicaid plan, the commissioner of the department of health and human services shall institute a drug testing program for all granite advantage health care participants.

(a) The commissioner shall deny, or otherwise deem ineligible, any individual who twice fails a drug test for illegal consumption of any illegal drugs/controlled substances or prescription drugs not prescribed by his or her doctor. This subparagraph shall not apply to any person who is actively participating in a substance abuse program approved by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, established under RSA 12-J.

(b) The commissioner shall be responsible for ensuring the confidentiality of any and all drug test results administered as part of the program. Drug test results shall only be used for the purpose of determining continued program participation. At no time shall drug test results be released to any public or private person or entity.

(c) The commissioner shall adopt rules, under RSA 541-A, relative to the implementation and administration of the drug testing program.

2023-1748h
AMENDED ANALYSIS

This bill:

I. Reestablishes and revises the membership and duties of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. The commission is repealed November 1, 2028.

II. Permanently extends the New Hampshire granite advantage health care program by removing the prospective repeal of the program that was to take effect on December 31, 2023.

III. Removes the transfer of funds from the alcohol abuse prevention and treatment fund to the granite advantage health care trust fund.

IV. Requires program participants to submit to semi-annual drug testing as part of the granite advantage health care program.

Floor Amendment to SB 263
(2023-1749h)

Proposed by Rep. Hoell

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

AN ACT relative to the New Hampshire granite advantage health care program and the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

Amend the bill by inserting after section 7 the following and renumbering the effective date to be the last numbered section:

8 New Hampshire Granite Advantage Health Care Program; Work Requirement. On or before November 1, 2023, the commissioner of the department of health and human services shall submit a revised waiver application to the Center for Medicare and Medicaid Services (CMS) in order to implement the work requirement described in RSA 126-AA:2, III. The commissioner shall provide quarterly reports to the governor, the speaker of the house of representatives, the senate president, and the chairpersons of the house and senate policy committees with jurisdiction over the granite advantage program regarding the status of the waiver application and the response from CMS. If the waiver is approved by CMS, the department of health and human services shall immediately notify all program participants of the decision and implementation date.

2023-1749h
AMENDED ANALYSIS

This bill:

I. Reestablishes and revises the membership and duties of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. The commission is repealed November 1, 2028.

II. Permanently extends the New Hampshire granite advantage health care program by removing the prospective repeal of the program that was to take effect on December 31, 2023.

III. Removes the transfer of funds from the alcohol abuse prevention and treatment fund to the granite advantage health care trust fund.

IV. Requires the department of health and human services to resubmit a waiver to CMS regarding implementation of the work requirement under the granite advantage program.

Floor Amendment to SB 263
(2023-1750h)

Proposed by Rep. Hoell

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

AN ACT relative to the New Hampshire granite advantage health care program and the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program, relative to requirements for licensure near critical access hospitals, and relative to direct payment and membership-based health care facilities.

Amend the bill by inserting after section 7 the following and renumbering the effective date to be the last numbered section:

8 Requirements for Licensure Near Critical Access Hospital. Amend RSA 151:4-a, II(a) and the introductory paragraph of II(b) to read as follows:

II.(a) ***Except as otherwise provided in paragraph III***, any person or entity proposing to establish an ambulatory surgical center, emergency medical care center, hospital, birthing center, drop-in or walk-in care

center, dialysis center, or special health care service within a radius of 15 miles of the primary physical location of a New Hampshire hospital certified as a critical access hospital pursuant to 42 C.F.R 485.610(b) and (c), shall give written notice of the intent to establish a health care facility within a 15 mile radius with a description of the facility or special health care service to the chief executive officer of the hospital by certified mail.

(b) ***Except as otherwise provided in paragraph III***, if, within 30 days of receipt of the notification under subparagraph (a), the critical access hospital notifies the department of health and human services that it objects to the establishment of the proposed health care facility and articulates a detailed basis for its objection, an expert report shall be completed by an independent contractor retained by the department and approved by the critical access hospital and proposed health care facility to determine whether or not the new facility will have a material adverse impact. If, after proposing 3 independent contractors in a period not to exceed 30 days, the critical access hospital and proposed health care facility cannot agree on an independent contractor selected by the commissioner of the department of health and human services, the commissioner shall independently designate the independent contractor to perform the assessment and create the expert report. The expert report shall be prepared as follows:

9 New Paragraph; Requirements for Licensure Near Critical Access Hospital; Exception for Critical Access Hospitals Participating in the Granite Advantage Health Care Program.

III. The notice to a critical access hospital required under subparagraph II(a) and the opportunity for the critical access hospital to object to the proposed health care facility under subparagraph II(b) shall not apply to a critical access hospital that is participating in the New Hampshire granite advantage health care program under RSA 126-AA.

10 Residential Care And Health Facility Licensing; Policies Required for Health Facilities and Special Health Care Service Licenses; Direct Payment and Membership-Based Facilities Excluded. Amend RSA 151:2-f, I to read as follows:

I. Adopt and enforce a written policy to assure that the facility provides its services to all persons who require the services the facility provides regardless of the source of payment for the services provided to any person, ***unless the facility operates on a membership-based business model or exclusively provides services to persons who make direct payment for services. For purposes of this paragraph, a direct payment is one that is paid directly by the patient and is not reimbursed or otherwise paid by a third party;***

2023-1750h

AMENDED ANALYSIS

This bill:

I. Reestablishes and revises the membership and duties of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. The commission is repealed November 1, 2028.

II. Permanently extends the New Hampshire granite advantage health care program by removing the prospective repeal of the program that was to take effect on December 31, 2023.

III. Removes the transfer of funds from the alcohol abuse prevention and treatment fund to the granite advantage health care trust fund.

IV. Removes the restriction on locating a health care facility within a 15 mile radius of a critical access hospital if the hospital is participating in the granite advantage health care program.

V. Exempts facilities operating with membership-based or direct payment business models from the special health care licensing requirement that the facility adopt a policy to assure that it provides services to all persons who require the services of the facility regardless of the source of payment.

Amendment to SB 267-FN

(2023-1685h)

Proposed by the Committee on Environment and Agriculture – r

Amend the bill by replacing section 1 with the following:

1 Department of Environmental Services; Cumulative Impacts. The commissioner of the department of environmental services shall review existing air, water, and waste statutes and rules to determine what rules or legislation, including a schedule and cost estimates, relative to “cumulative impacts analysis” should be proposed. “Cumulative impacts analysis” means the combined impacts on public health and the environment caused by a proposed facility in combination with pollution from other, existing sources within a geographic area. The commissioner shall report the findings and any potential legislation or rulemaking to the senate energy and natural resources committee, the house resources, recreation, and development committee, the house environment and agriculture committee, and the house science, technology and energy committee by September 1, 2025.